

TRAFFICKING IN PERSONS REPORT

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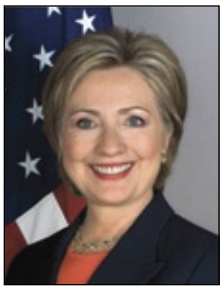
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Dear Reader:

Since President Clinton issued the first U.S. Government policy against human trafficking in 1998, we have seen unprecedented forward movement around the world in the fight to end human trafficking, a form of modern-day slavery. A majority of the world's countries now have criminal legislation prohibiting all forms of trafficking in persons, and global awareness has been immeasurably raised.

Yet much remains to be done, particularly in identifying and addressing the root causes of trafficking, including policies and practices that contribute to the trafficking of vulnerable populations. From girls denied schooling or coerced into under-aged marriages, to ethnic minorities without citizenship or birth registration, to migrant workers forced to work against their will by employers who abuse legal processes – the effectiveness of long-term prevention efforts will require us to look carefully at causal factors and commit to relevant reforms.

The ninth annual Trafficking in Persons Report sheds light on the faces of modern-day slavery and on new facets of this global problem. The human trafficking phenomenon affects virtually every country, including the United States. In acknowledging America's own struggle with modern-day slavery and slavery-related practices, we offer partnership. We call on every government to join us in working to build consensus and leverage resources to eliminate all forms of human trafficking. This year, there is new urgency in this call. As the ongoing financial crisis takes an increasing toll on many of the world's migrants – who often risk everything for the slim hope of a better future for their families – too often they are ensnared by traffickers who exploit their desperation. We recognize their immense suffering, and we commit to aiding their rescue and recovery.

As we move forward to meet the challenges of today, I am committed to sharing the lessons learned from our past efforts, and I offer our collective expertise to collaborate with you in bringing relief to victims, justice to perpetrators, and hope to future generations currently in peril.

Bringing an end to the global trade in people is a priority for the United States in keeping with American values that place a premium on human rights, democracy, and the rule of law. I am confident that together we can make a difference, all over the world, in the lives of people deprived of their freedom.

Sincerely,

Hillary Rodham Clinton



Dear Reader:

The 2009 Trafficking in Persons Report reflects the commitment of Secretary Clinton and President Obama to address this crime at home and abroad. As President Obama has said:

> Sadly, there are thousands who are trapped in various forms of enslavement, here in our country … oftentimes young women who are caught up in prostitution. So, we've got to give prosecutors the tools to crack down on these human trafficking networks. Internationally, we've got to speak out. It is a debasement of our common humanity, whenever we see something like that taking place.

As a federal prosecutor, I have seen first-hand the impact of human trafficking. I saw the violence and greed of the traffickers, and the suffering and trauma of the victims. I came to understand that the survivors are not statistics – they are people who share not only the painful memories but also the joyful experience of healing. And I learned that when law enforcement authorities work with survivors and the NGOs who assist them, trafficking networks are dismantled and victims are empowered.

The international anti-trafficking movement has come a long way in the last decade. Around the world, new partnerships between police and NGOs have resulted in the prosecution of thousands of trafficking cases, and a new focus on victims' rights has resulted in assistance for many thousands of victims.

But there is still much to do. As documented by this report and a recent United Nations survey, many countries have not brought any cases under their trafficking statutes, and few labor trafficking cases are being prosecuted. NGOs that provide critical protections – including sustainable shelters and reintegration programs – are adversely affected as donor nations and philanthropists feel the strain of the financial crisis.

Not all progress will come through programs or prosecutions, however. Culturally, we need to see through to each individual's humanity and recognize how traffickers exploit their victims' vulnerabilities to hold them in servitude, whether in fields, factories, homes, or brothels. Likewise, we must see past the movement and migration that characterize so many human trafficking situations and focus on the compelled service that the Palermo Protocol and other international instruments place at the core of this phenomenon.

Globally, there are countless persons who labor in bondage and suffer in silence, feeling that they are trapped and alone. For too many, when they think of police, it is with fear, not with the promise of rescue. If they think of escape, it is a jump into the unknown that they dare not take, since so many do not know that NGOs stand ready to help them if they leave. This report is their story. It is the story of governments, organizations, and individuals who give such survivors a chance for freedom. It is on their behalf, and in the spirit of a common humanity, that we seek a global partnership for the abolition of modern slavery.

Sincerely,

Luis CdeBaca

Ambassador Luis CdeBaca

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

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. These stories could take place anywhere in the world and 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 2009 TRAFFICKING IN PERSONS (TIP) REPORT

Purpose

The Department of State is required by law to submit each year to the U.S. Congress a report on foreign governments' efforts to eliminate severe forms of trafficking in persons. This is the ninth annual TIP Report; it seeks to increase global awareness of the human trafficking phenomenon by shedding new light on various facets of the problem and highlighting shared and individual efforts of the international community, and to encourage foreign governments to take effective action against all forms of trafficking in persons.

The United States' Trafficking Victims Protection Act of 2000 (TVPA), as amended, guides efforts to combat human trafficking. The most recent amendments to the TVPA were enacted in December 2008. The purpose of the law is to punish traffickers, protect victims, and prevent trafficking from occurring. Freeing victims from this form of modern-day slavery is the ultimate goal of this report—and of the U.S. Government's anti-human trafficking policy.

Human trafficking is a multi-dimensional issue. It is a crime that deprives people of their human rights and freedoms, increases global health risks, fuels growing networks of organized crime, and can sustain levels of poverty and impede development in certain areas.

The impacts of human trafficking are devastating. Victims may suffer physical and emotional abuse, rape, threats against self and family, and even death. But the devastation also extends beyond individual victims; human trafficking undermines the health, safety, and security of all nations it touches.

AZERBAIJAN

Azade, 22, left rural Azerbaijan to work at a massage parlor in Baku. But the massage parlor was a cover for a brothel. Soon after she arrived, a client who worked for the brothel owner forced himself on Azade and threatened to show a videotape of the assault to her father unless she engaged in prostitution at the brothel. Fearing the social stigma attached to rape and the consequences of bringing shame to her family, Azade submitted to several months of forced prostitution before she escaped with the help of an anti-trafficking NGO.

Women and girls on the street are highly vulnerable to commercial sexual exploitation.





Migrant workers from Nepal and Bangladesh take a break from laboring at a coal depot in northeast India. More than 90 percent of India's workforce is in the informal sector and are thus more vulnerable to conditions of debt bondage or forced labor.

MALI-COTE D'IVOIRE

Ibrahim, 11, dreamed of buying a bicycle. When a man he had known for some time told him that he could work on a cocoa farm and make enough money for a bicycle, radio, clothes and more, Ibrahim didn't suspect the man to be a trafficker. The man took Ibrahim to Cote d'Ivoire and sold him to a cocoa farmer. Ibrahim and other trafficked boys worked long hours doing back-breaking and dangerous work farming cocoa and bananas. The farmer gave them little to eat, beat them severely, and forbade them from leaving the farm. Ibrahim suffered in forced labor for two years before he escaped and returned to Mali. He now works in a market garden but still doesn't earn enough to buy a bicycle.

A growing community of nations is making significant efforts to eliminate this atrocious crime. The TVPA outlines minimum standards for the elimination of trafficking in persons. Countries that do not make significant efforts to comply with the minimum standards receive a Tier 3 ranking in this report. Such an assessment could prompt the United States to withhold nonhumanitarian, non-trade-related foreign assistance.

In assessing foreign governments' efforts, the TIP Report highlights the "three P's"—prosecution, protection, and prevention. But a victim-centered approach to trafficking also requires attention to the "three R's"—rescue, rehabilitation, and reintegration. Sharing the best practices in these areas will encourage governments to go beyond the initial rescue of victims and restore to them dignity and the hope of productive lives.

Human Trafficking Defined

The TVPA defines "severe forms of trafficking" 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,

THE ROLE OF PARENTS IN CHILD TRAFFICKING

When Maria was five, her father's common-law wife started selling her for prostitution in Nicaragua. After a few years, NGO workers found Maria living in the city dump and took her to a home for little girls. She behaved in a sexually inappropriate manner with the other girls, as that was the only life she had ever known. She was asked to leave that children's home. Maria was taken to another children's home for her protection while investigators documented her abuse and worked to terminate her father's parental rights.

Parents are often among the victims in child trafficking cases. Traffickers convince them to part with their children with false promises of schooling or prosperity. But in some cases parents may also play an active role in the trafficking of children.

In the last year, anti-trafficking police in Greece reported an increase in trafficking of children by their parents. Albanian Roma parents bring their children to Greece, where they force them to beg or sell goods on the street. According to some NGOs, Roma parents in Greece also rent or sell their children to third parties for forced labor.

A 2007 study by the International Organization for Migration (IOM) found that some Cambodian parents sell their children into prostitution or domestic servitude to repay debts. In Niger, boys trafficked for forced cattle herding sometimes escape their employers and return to their parents. The boys arrive home with visible signs of physical and psychological abuse. But many parents return their sons against their will to their employers, angry that the child has left an opportunity to learn a trade.

To combat these types of child trafficking, law enforcement must send a strong message that these practices will not be tolerated. Some countries have already started taking steps. In January 2008, Albania passed a law that specifically criminalizes forced begging of children by parents. Laws in Niger, Senegal, and Togo also prohibit trafficking by parents.

Despite the prevalence of the problem, police and judicial authorities often do not recognize it. In January 2008, a South African court dismissed a trafficking case after learning that the victims' parents had allowed the trafficker to take the children to Cape Town, where the exploitation occurred. Courts should not withdraw cases on the basis of parental consent.

Social workers and investigators must be educated about the role parents may play in trafficking scenarios. Researchers investigating child trafficking on West African cocoa farms mistakenly determined, for example, that where the employer is a close relative of the child laborer, the child is less likely to be trafficked.

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.

The Scope and Nature of Modern-Day Slavery

The common denominator of trafficking scenarios is the use of force, fraud, or coercion to exploit a person for profit. Traffickers can subject victims to labor exploitation, sexual exploitation, or both. Trafficking for labor exploitation, the form of trafficking claiming the greatest number of victims, includes traditional chattel slavery, forced labor, and debt bondage. Trafficking for sexual exploitation typically includes abuse within the commercial sex industry. In other cases, individuals exploit victims in private homes, often demanding both sex and work. The use of force or coercion can be direct and violent or psychological.

> *"The reality, sadly, comes not just closer to home but right into my home….Slavery globally touches not only my heart, but quite probably my table, my car, my clothing."*
>
> **Julia Ormond, UN goodwill ambassador on human trafficking.**

A wide range of estimates exists on the scope

INDIA

Jayati and her husband were bonded laborers at a rice mill in India for more than 30 years. From 2 a.m. to 6 p.m. every day, they separated and boiled rice, often suffering burns, injuries and illnesses. The owner of the mill threatened to hurt them if they tried to leave. Their children were forced to quit school and work alongside them in the mill. Their grandchildren were born into bonded servitude. In 2005, Jayati and her family were finally freed with the help of NGOs and local authorities. "I never dreamt of a day like this in my life," she said after being freed.

and magnitude of modern-day slavery. The International Labor Organization (ILO)—the United Nations agency charged with addressing labor standards, employment, and social protection issues—estimates that there are at least 12.3 million adults and children in forced labor, bonded labor, and commercial sexual servitude at any given time.

Of these victims, the ILO estimates that at least 1.39 million are victims of commercial sexual servitude, both transnational and within countries. According to the ILO, 56 percent of all forced labor victims are women and girls.

Human traffickers prey on the weak. Targeting vulnerable men, women, and children, they use creative and ruthless ploys designed to trick, coerce, and win the confidence of potential victims. Very often these ruses involve promises of a better life through employment, educational opportunities, or marriage.

The nationalities of trafficked people are as diverse as the world's cultures. Some leave developing countries, seeking to improve their lives through low-skilled jobs in more prosperous countries. Others fall victim to forced or bonded labor in their own countries. Women, eager for a better future, are susceptible to promises of jobs abroad as babysitters, housekeepers, waitresses, or models—jobs that traffickers turn into the nightmare of forced



Indian children shout slogans during a protest against child trafficking. Child trafficking is a crime under international law, but India does not have a comprehensive law against child trafficking or against human trafficking.

prostitution without exit. Some families give children to adults, often relatives, who promise education and opportunity but instead sell the children into exploitative situations for money. But poverty alone does not explain this tragedy, which is driven by fraudulent recruiters, employers, and corrupt officials who seek to reap profits from others' desperation.

Focus of the 2009 TIP Report

The TIP Report is the most comprehensive worldwide report on governments' efforts to combat severe forms of trafficking in persons. It includes countries of origin, transit, or destination for trafficking victims. It represents an updated, global look at the nature and scope of trafficking in persons and the broad range of government actions to confront and eliminate it.

The 2009 TIP Report covers the period of April 2008 through March 2009. During this time and since the passage of the TVPA, the fight against trafficking passed an important milestone, as more than half of the world's countries have enacted criminal legislation prohibiting all forms of trafficking in persons. Over the last year alone, 26 countries enacted new anti-trafficking legislation, some going beyond the minimum standards of the TVPA and the 2000 UN TIP Protocol by offering the victims of trafficking restitution through court proceedings and other protections.

The last year was marked also by the onset of a global financial crisis, which has raised the specter of increased human trafficking around the world. As a result of the crisis, two concurrent trends—a shrinking global demand for labor and a growing supply of workers willing to take ever greater risks for economic opportunities—seem a recipe for increased forced labor cases of migrant workers and women in prostitution.

Because trafficking likely extends to every country in the world, the omission of a country from the report may indicate only a lack of adequate information. The country narratives describe the scope and nature of the trafficking problem, and the government's efforts to combat trafficking. Each narrative also contains an assessment of the government's compliance with the minimum standards for the elimination of trafficking as laid out in the TVPA and includes suggestions for additional government actions. The remainder of the country narrative describes each government's efforts to enforce laws against trafficking, to protect victims, and to prevent trafficking. Each narrative explains the basis for ranking a country as Tier 1, Tier 2, Tier 2 Watch List, or Tier 3. In particular, if a country has been placed on Tier 2 Watch List, the narrative will contain a statement of explanation, using the special criteria found in the TVPA for the Watch List.

Methodology

The Department of State prepared this report using information from U.S. embassies, foreign government officials, nongovernmental and international organizations, published reports, research trips to every region, and information submitted to **tipreport@state.gov**. This e-mail address allows NGOs and individuals to share information on government progress in addressing trafficking. U.S. diplomatic posts reported on the trafficking situation and governmental action 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.

> *"If you give a maid a day off, she might use it in a negative way."*
>
> **Saudi housewife explaining that laws granting additional rights to foreign domestic servants could lead to more maids running away from employers.**

To compile this year's report, the Department reviewed credible information sources on every country and assessed each government's anti-trafficking efforts. In prior years a "significant number" (defined to be 100 or more) of trafficking victims had to be documented for a country to be ranked in the TIP Report.

PUBLIC-PRIVATE SECTOR PARTNERSHIPS: A POWERFUL TOOL

With limited resources in great demand, government, corporate, and NGO leaders are coming together to find new ways to combat human trafficking. These partnerships have varied in size, scale, and duration, though they have one key common element: the desire to harness various competencies to tackle human trafficking.

- In 2008, LexisNexis, an online database service, partnered with the U.S. National Human Trafficking Resource Center (NHTRC) to develop a national database of social service providers for the Center's hotline. In Southeast Asia, LexisNexis partnered with a leading anti-trafficking NGO and taught technical skills to the shelter's staff. The company also created an online resource center for attorneys who work with human trafficking victims; it collaborated with the American Bar Association (ABA) to support a training institute on civil remedies for TIP victims, which trained lawyers from six countries and across the United States.
- Wyndham Hotel Group partnered with the anti-trafficking NGO Polaris Project and made hundreds of free hotel rooms available for trafficking victims in emergency situations.
- U.S. information technology company Microsoft has supported local NGO partners in Asia. By providing basic information skills training, Microsoft has helped people in underserved communities find meaningful employment that lower their vulnerabilities to human trafficking. Microsoft has also partnered with the International Center for Missing and Exploited Children, child protection NGOs, the ABA, and U.S. law enforcement to conduct law enforcement training on computer-related crimes involving the commercial sexual exploitation of children.
- Travel corporation Carlson Companies partnered with NGOs to develop training materials for its hotel staff on how to recognize and report on child sex tourism. Carlson Companies also provided hotel conference facilities for training of local travel, tourism, and hospitality employees.
- Media and film companies have been vehicles for raising awareness on human trafficking. The U.S. Government partnered with Priority Films to make the film "Holly" about child sex trafficking and sponsor expert discussions; it partnered with Lifetime Television to provide the television movie "Human Trafficking" to every U.S. Embassy for local screenings; and it partnered with Worldwide Documentaries to disseminate a DVD on human trafficking in conjunction with the release of the 2008 Trafficking in Persons Report.

Through partnerships like these, private sector companies gain trust and legitimacy from consumers and earn the support of socially conscious buyers and investors. For the anti-trafficking community, these partnerships extend expertise, deepen resources, and stimulate creativity to fight human trafficking around the world.

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA of 2008) eliminated this requirement, thereby expanding the scope of countries included in this year's report.

Some countries have held conferences and established task forces or national action plans to create goals for anti-trafficking efforts. While such activities are useful and can serve as a catalyst toward concrete law enforcement, protection, and prevention activities in the future, these conferences, plans, and task forces alone are not weighed heavily in assessing country efforts. Rather, the report focuses on governments' concrete actions to fight trafficking, especially prosecutions, convictions, and prison sentences for traffickers as well as victim protection measures and prevention efforts.

Although critical to increasing anti-trafficking efforts, the Report does not give great weight to laws in draft form or laws that have not yet been enacted. In general, the Report does not focus on governmental efforts that have indirect implications for trafficking, such as general efforts to keep children in school or general economic development programs, though the Report is making a stronger effort to identify trafficking vulnerabilities and measures taken by governments to prevent trafficking that may

result from such vulnerabilities.

Similarly, this report attempts to identify systemic contributing factors to particular forms of human trafficking. These include particular policies or practices, such as labor recruiters' charging of excessive fees to prospective migrants and governmental policies allowing employers to confiscate passports of foreign workers—factors that have been shown to contribute to forced labor.

Tier Placement

The Department places each country in the 2009 TIP Report onto one of the three tier lists 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 that is also an important factor. The Department first evaluates whether the government fully complies with the TVPA's minimum standards for the elimination of trafficking (detailed on page 314). Governments that fully comply are placed on Tier 1. For other governments, the Department considers the extent of efforts to reach compliance.

Governments that are making significant efforts to meet the minimum standards are placed on Tier 2. Governments that do not fully comply with the minimum standards and are not making significant efforts to do so are placed on Tier 3. Finally, the Department considers the Special Watch List criteria and, when applicable, moves Tier 2 countries to Tier 2 Watch List.

The TVPA lists three factors by which to determine whether a country should be on Tier 2 (or Tier 2 Watch List) versus Tier 3: (1) the extent to which the country is a country of origin, transit, or destination for severe forms of trafficking; (2) the extent to which the country's government does not comply with the TVPA's minimum standards including, in particular, the extent to which officials or government employees have been complicit in severe forms of trafficking; and (3) the government's resources and capabilities to address and eliminate severe forms of trafficking in persons.

PAKISTAN

Waleed, 45, was a bonded brick kiln worker until he was freed in 1997 by a historic Supreme Court decision that deemed bonded labor illegal. But he found it difficult to adjust to a life of freedom, not knowing how to support his family of six. Work at the kiln was the only life his family knew. So they went back. Ten years later, Waleed is once again in bondage, having accumulated more than $700 in debt. He, his wife, two young daughters, son, and daughter-in-law all work as brick makers. Together they make 2,000 bricks a day, for which they are paid $3. To cover their daily expenses—including food, electricity for a single 60-watt light bulb, and medical care for frequent mosquito-borne illnesses—the family takes more loans from the kiln owners and continues working to repay their debts.

Burmese immigrants sort fish in southern Thailand. As they flee economic collapse in military-ruled Burma, migrants search for work in Thailand, where many end up abused and exploited and subjected to conditions of forced labor.





Shyima Hall, now 19, sits in the windowless garage where she was kept for two years. Shyima was 10 when a wealthy Egyptian couple brought her from a poor village in northern Egypt to work in their California home. She awoke before dawn and often worked past midnight to iron their clothes, mop the marble floors, and dust the family's crystal. She earned $45 a month, sometimes working up to 20 hours a day. The trafficking of children for domestic labor in the United States is an extension of an illegal but common practice among the upper classes in some societies.

AZERBAIJAN

Dilara's sister had been tricked into an unregistered marriage to a trafficker who later abandoned her when she got pregnant. When Dilara confronted her sister's traffickers, she herself became a victim. She ended up in Turkey, where she and other abducted girls were tortured and forced to engage in prostitution. Dilara escaped with the help of Turkish police, who promptly arrested the nine men who trafficked Dilara and her sister. She then approached a local NGO for legal aid and counseling. The NGO also helped Dilara learn computer programming and find employment with a company in Baku.

Tier 2 Watch List

The TVPA requires that certain countries be placed on a Special Watch List. This includes countries in which:

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, prosecutions, and convictions of trafficking crimes; increased assistance to victims; and decreasing evidence of complicity in severe forms of trafficking by government officials; or

c. The determination that a country is making significant efforts to bring itself into compliance with the minimum standards was based on commitments by the country to take additional steps over the next year.

Countries that meet one of these three criteria are placed onto what the Department of State

has termed the "Tier 2 Watch List." There were 40 countries on Tier 2 Watch List in the June 2008 report. Two additional countries were reassessed as Tier 2 Watch List countries in November 2008. The Department of State included these 42 countries in an "Interim Assessment" released on January 27, 2009.

Of these 42 countries on Tier 2 Watch List at the time of the Interim Assessment, 11 moved up to Tier 2 in this report, while four fell to Tier 3 and 27 remain on Tier 2 Watch List. Countries on Tier 2 Watch List in this report will be re-examined in the next Interim Assessment, which will be submitted to the U.S. Congress by February 1, 2010.

Amendments made by the TVPRA of 2008 provide that any country that has been ranked Tier 2 Watch List for two consecutive years (beginning with the 2009 Report) will be ranked Tier 3, unless the President waives application of this provision based on a determination that, among other things, the government has a written plan for meeting the TVPA's minimum standards.

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 nonhumanitarian, non-trade-related foreign assistance. Countries that receive no such assistance may not receive such assistance and, in addition, may not receive funding for government employees' participation in educational and cultural exchange programs. Consistent with the TVPA, governments subject to sanctions would also face U.S. opposition to assistance (except for humanitarian, trade-related, and certain development-related assistance) from international financial institutions such as the International Monetary Fund (IMF) and the World Bank.

Imposed sanctions will take effect October 1, 2009; 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 national interest of the United States. The TVPA also provides that sanctions can

DEBUNKING COMMON TRAFFICKING MYTHS

Initial Consent: A person may agree to migrate legally or illegally or take a job willingly. But once that work or service is no longer voluntary, that person becomes a victim of forced labor or forced prostitution and should accordingly receive the protections contemplated by the 2000 UN TIP Protocol. Once a person's work is recruited or compelled by the use or threat of physical violence or the abuse or threatened abuse of the legal process, the person's previous consent or effort to obtain employment with the trafficker becomes irrelevant.

A person may agree to work for an employer initially but later decide to stop working because the conditions are not what they agreed to. If an employer then uses force, fraud, or coercion to retain the person's labor or services, the employer becomes a trafficking offender and the employee becomes a victim.

In April 2008, this type of misplaced reliance on a worker's initial consent led to the deportation of three Thai victims from a European country because, according to the head of the anti-trafficking police unit in that country, the victims had consented to the employment and had arrived voluntarily in that country as guest workers. The victims in this case discovered their employment conditions were vastly different from what they expected when they initially accepted their jobs and traveled to Europe; further, their employers retained their passports, forced them to sometimes work without compensation, and threatened to turn them over to police if they did not work as they were told.

Prior Work History: Previous employment choices also do not exclude the possibility that a person may be a victim of trafficking. Some government officials fail to identify victims of sex trafficking because they may have willingly worked in the sex industry prior to being trafficked. Law enforcement may fail also to identify victims of labor trafficking because they are migrant workers and may have previously worked in difficult conditions, either legally or illegally. Whether a person is a victim of labor trafficking turns on whether that person's service or labor was induced by force, fraud, or coercion.

Wage Payment: Case law from U.S. criminal cases has established that payment of a wage or salary is not a definitive indicator that the labor or service is voluntary. If a person is compelled to labor through the use of force or coercion—including the use of nonphysical forms of coercion such as financial harm—then that work or service is forced, even if he is paid or compensated for the work.

THE BALKANS

When Julia was 8, a man took her and her sisters to a neighboring country and forced them to beg on the streets until their early teens, when he sold them into prostitution. Julia's traffickers expected her to bring in a certain amount of money each day or face beatings. At 14, Julia ran away, eventually coming under the supervision of local authorities. They placed her in an orphanage where she was not allowed to go to school due to her undocumented status. After a few months, Julia ran away from the orphanage and became involved with a pimp who prostituted her to local men and tourists. Recently, Julia was arrested on narcotics charges. She will likely spend the next two years in a juvenile prison, where she will finally learn to read and write.



be waived if necessary to avoid significant adverse effects on vulnerable populations, including women and children. Sanctions would not apply if the President finds that, after this report is issued but before sanctions determinations are made, a government has come into compliance with the minimum standards or is making significant efforts to bring itself into compliance.

No tier ranking is permanent. Every country can do more, including the United States, which has a significant human trafficking problem. All countries must maintain and increase efforts to combat trafficking.

How the Report Is Used

The TIP Report is a diplomatic tool for the U.S. Government to use to encourage continued dialogue and to help focus resources on prosecution, protection, and prevention programs and policies. In the narrative of each ranked country, the Report provides specific recommendations to facilitate future progress. The Department of State will continue to engage governments on the Report's contents in order to strengthen cooperative efforts to eradicate trafficking.

In the coming year, the Report will inform programs that will address all aspects of trafficking, administered not only by the Office to Monitor and Combat Trafficking in Persons, but also tapping the longstanding expertise of others in the U.S. Government, such as the Department of State's Bureau of Democracy, Human Rights, and Labor and the Departments of Labor, Justice, and Health and Human Services. The Department hopes this report will be a catalyst for increased government and nongovernment efforts to combat human trafficking around the world.

MAJOR FORMS OF TRAFFICKING IN PERSONS

Forced Labor

The majority of human trafficking in the world takes the form of forced labor, according to the ILO's estimate on forced labor. Also known as involuntary servitude, forced labor may result when unscrupulous employers

WHAT'S IN A NAME? HUMAN TRAFFICKING IN TRANSLATION

The British abolition movement in the late 18th century achieved a ban on the trade or transportation of slaves through the British Empire in 1807. That focus on the trade of slaves—as opposed to the servitude itself—continues to this day and is reflected in terminology used around the globe.

Finding the right words to describe the crime remains a persistent challenge in combating human trafficking. Most formulations used to describe trafficking focus on the trade or buying and selling of people, or they mean something closer to "smuggling," which relates specifically to movement over borders. These words, including the word *trafficking* in English, may not adequately capture the most important aspect of the practice: exploitation.

In the Arabic phrase for human trafficking, *al-ittijaar b'il-bashar,* the word *al-ittijaar* derives from the root meaning "commerce" or "trade." In the Russian phrase *torgovlyei lyudmi, torgovlyei* also translates to "trade." And Germanic languages use the word *handel* or "trade" in their characterizations. The Mandarin Chinese phrase *guăi mài,* which means "to trick someone and sell them," has an added element of trickery but is still focused on selling. Another less common Mandarin phrase, *fàn mài rén kŏu,* translates to "the buying and selling of humans."

The French *la traite des personnes* and the Spanish *la trata de personas* adopt the same terms used to discuss negotiations or trade agreements. Officials in some French-speaking countries hesitate to use *la traite* because of immediate association with *la traite des noirs*, describing the transatlantic slave trade from Africa. In many Spanish-speaking countries, *la trata* is quickly associated with *la trata de blancas,* an older legal term that refers specifically to the selling of white women into prostitution. Still, those phrases are preferred over *le trafic des migrants* and *el tráfico de personas*, which imply something closer to "smuggling." In Latin America, *el tráfico* also is easily associated with drug and arms trade.

> *"Trafficking is a complex, diverse, and controversial phenomenon, which has made the search for a definition a 'terminological minefield'."*
>
> **Cathy Zimmerman and Charlotte Watts, gender violence and public health experts, in their 2007 article "Documenting the Effects of Trafficking in Women."**

The issue is more complicated when considering local languages, many of which do not have any words to describe human trafficking, although the practice is widespread. In East Africa, the Swahili phrase *usafirishaji haramu wa binadamu* translates to "illegal transportation of human beings." But use of this phrase has caused further confusion with police and conflation with "smuggling." Some officials use *usafirishaji na biashara haramu ya watu,* which means "illegal transportation and trade in people." But these words, like those in English and other languages, still fail to invoke concepts such as *unyonyaji* ("exploitation") or *utumwa* ("slavery")—the key elements of the crime.

These limited characterizations may lead to confusion in creating effective legislation or policies to prosecute offenders and protect victims of human trafficking. A focus on movement would ignore those people who are trafficked within their own countries, regions, or towns. A focus on trade or buying and selling does not highlight the fraud or coercion often involved in human trafficking. It excludes the many victims who are never "bought" or "sold" but rather "self-present" to exploiters who then traffic them and victims who are otherwise deceived or defrauded into a form of servitude.

Human trafficking, in essence, is a modern-day form of slavery. It involves exploitation and forced servitude. To recognize and address all forms of human trafficking, the language used to discuss it should focus on the harsh reality of victims' suffering and the horrific crimes of perpetrators.

The language of human trafficking:

Language	Phrase	Literal Translation
Arabic	*Al-ittijaar b'il-bashar*	The commercial trade of people
Burmese	*Lu kon ku de*	Trade in people
French	*La traite des personnes*	The trade of people
Japanese	*Jinshin bai bai*	The buying and selling of people
Mandarin	*Guăi mài*	The cheating/tricking and selling of people
Mandarin	*Fan mai ren kou*	The buying and selling of people
Russian	*Torgovlyei lyudmi*	The trade of people
Spanish	*La trata de personas*	The trade of people
Swahili	*Usafirishaji haramu wa binadamu*	The illegal transportation of human beings
Thai	*Garn ka manut*	The act of trading persons

BRAZIL

Matheus was born and raised in one of the poorest backlands of Brazil. For the 39-year-old farmhand, the opportunity to work at a charcoal production site in the Amazon region was too good to miss. But the reality he faced at the work site was far from the opportunity he expected. The workers drank from the same river used by cattle. Smoke from the charcoal furnace stung their eyes all day and made it difficult to sleep at night. They knew the owners had weapons, and they feared the consequences of trying to escape. When anti-slavery activists arrived at the site, they found Matheus and 10 other workers disheveled, wearing torn trousers, filthy T-shirts, and rubber flip-flops.

take advantage of gaps in law enforcement to exploit vulnerable workers. These workers are made more vulnerable to forced labor practices because of high rates of unemployment, poverty, crime, discrimination, corruption, political conflict, and cultural acceptance of the practice. Immigrants are particularly vulnerable, but individuals are also 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.

Forced labor is a form of human trafficking that is often harder to identify and estimate than sex trafficking. It may not involve the same criminal networks profiting from transnational sex trafficking. Instead, it may involve individuals who subject workers to involuntary servitude, perhaps through forced or coerced household or factory work.

Bonded Labor

One form of force or coercion is the use of a bond, or debt, to keep a person under subjugation. This is referred to in law and policy as "bonded labor" or "debt bondage." U.S. law prohibits debt bondage, and the UN TIP Protocol includes it as a form of trafficking-related exploitation. Workers around the world fall victim to debt bondage when traffickers



Sugar cane cutters in northeast Brazil are transported in a cattle truck to a sugar-alcohol mill. Many of these workers are exploited through debt bondage.

HUMAN TRAFFICKING FOR ORGAN REMOVAL

Mohammad Salim Khan woke up in a strange house and felt an excruciating pain in his abdomen. Unsure where he was, Khan asked a man wearing a surgical mask what had happened. "We have taken your kidney," the stranger said, according to a January 2008 Associated Press report. "If you tell anyone, we'll shoot you."

Six days earlier, Khan, a 33-year-old Indian day laborer from New Delhi, had been approached by a bearded man offering a construction job. The man explained that the work would pay $4 a day – not unusual in India – and would last three months. Khan, a father of five, jumped at the chance for work.

He traveled with the man to a small town several hours away. Once there, Khan was locked in a room and forced at gunpoint to give a blood sample and take drugs that made him unconscious. He didn't wake up until after surgery. Police raided the illegal clinic afterward, rescuing Khan and two other men. Khan never received money for his kidney, and it took months to recover physically. Indian authorities pursued charges against the doctor involved.

Khan was trafficked for the purpose of organ removal.

The UN TIP Protocol prohibits the use of human trafficking for the purpose of organ removal. This may include situations in which a trafficker causes the involuntary removal of another living person's organ, either for profit or for another benefit, such as to practice traditional medicine or witchcraft.

A far greater number of organs are obtained from people in the developing world, sometimes through exploitative means, and sold in a highly lucrative international market. The UN TIP Protocol does not cover this voluntary sale of organs for money, which is considered lawful in most countries.

But the demand for organs is rising as the world's rich are growing older. At the same time, the world's poor are growing poorer, and the potential for more human trafficking cases like Khan's is increasing. The World Health Organization (WHO) estimates that 10 percent of the 70,000 kidneys transplanted each year may originate on the black market.

or recruiters unlawfully exploit an initial debt the worker assumed as part of the terms of employment.

Workers may also inherit debt in more traditional systems of bonded labor. Traditional bonded labor in South Asia, for example, enslaves huge numbers of people from generation to generation. A January 2009 report by Anti-Slavery International, a London-based NGO, concluded that this form of forced labor, traditionally more prevalent in villages, is expanding into urban areas of the region, rather than diminishing on an aggregate level, as the result of development and modernization.

Debt Bondage Among Migrant Laborers

The vulnerability of migrant laborers to trafficking schemes is especially disturbing because the population is sizeable in some regions. There are three potential contributing factors: (1) abuse of contracts; (2) inadequate local laws governing the recruitment and employment of migrant laborers; and (3) intentional imposition of exploitative and often illegal costs and debts on these laborers in the source country, often with the support of labor agencies and employers in the destination country.

Abuses of contracts and hazardous conditions of employment do not in themselves constitute involuntary servitude. But the use or threat of physical force or restraint to keep a person working may convert a situation into one of forced labor. Costs imposed on laborers for the "privilege" of working abroad can make laborers

> *"We are blind to trafficking all around us, and we should be more alert to the fact that trafficking is not a 'remote' issue but rather something that is local to us and impacts on our communities."*
>
> **Nick Kinsella, Chief Executive Officer of the UK Human Trafficking Centre.**

VICTIM RESTITUTION: KEY TO JUSTICE, KEY TO REBUILDING A LIFE

In fiscal year 2008, U.S. courts ordered traffickers to pay restitution awards totaling more than $4.2 million.

Restitution: The process in which a court calculates the monetary loss of a trafficking victim or other person as a result of the crime and orders the traffickers to pay that sum to the victim, usually carrying a punitive cost in excess of simple compensation for a victim's lost wages. This can be the product of a successful criminal prosecution of a trafficking offender or an entirely separate civil complaint filed by the victim. The United States is the only country in which a compensation claim for the victim is automatically part of the criminal proceedings in trafficking cases.

Forfeiture: The process in which the government takes physical possession of the proceeds from, or material possessions involved in, the trafficking crime (cash, buildings, vehicles, etc.).

These processes can be used to provide compensation to trafficking victims in the United States. The TVPA includes provisions for mandatory restitution to trafficking victims and a provision allowing victims to sue trafficking offenders for compensatory and punitive damages. Many other countries have included victims' rights to seek compensation through legal procedures.

Victim compensation meets the practical needs of survivors of human trafficking. It alleviates the monetary burden of the state and helps the victim pay for basic necessities, such as housing, food, and transportation, which can prevent their re-trafficking. It also allows compensation to third parties, such as medical and social service providers, who paid for services required as a result of the crime. But beyond providing for these immediate and critical needs, restitution has a restorative power. The philosophy behind restitution goes hand-in-hand with a victim-centered approach to trafficking. Providing the victim with their traffickers' ill-gotten gains is critical to restoring a victim's dignity, helping them gain power back from their exploiters who took advantage of their hope for a better life. Restitution and compensation attack the greed of the trafficker and the idea of a human being as a commodity. It is a way to ensure that victims receive access to justice.

vulnerable to debt bondage. While the costs alone do not constitute debt bondage, when they become excessive and involve exploitation by unscrupulous employers in the destination country, they can lead to involuntary servitude.

Involuntary Domestic Servitude

A unique form of forced labor is that of involuntary domestic workers, whose workplace is informal, connected to their off-duty living quarters, and not often shared with other workers. Such an environment is conducive to exploitation since authorities cannot inspect private property as easily as they can inspect formal workplaces. In some countries, large numbers of local children, often from less developed rural areas of the country, labor in urban households as domestic servants. Some of them may be vulnerable to conditions of involuntary servitude.

Foreign migrants, usually women, are recruited from less developed countries in South Asia, Southeast Asia, Africa, and Latin America to work as domestic servants and caretakers in more developed locations like the Gulf States, the Levant, Malaysia, Singapore, Taiwan, Europe, and the United States. But many of these places do not provide domestic servants the same legal protections that they provide for foreign workers in other sectors.

Without protections, foreign domestic workers may have fewer options for seeking help when faced with their employer's threat of or use of force. If they are confined to a home, either through physical restraint or through the confiscation of identity and travel documents, they may find it very difficult to reach out to NGOs or public authorities for assistance due to lack of awareness and fear of their employers.

This high degree of vulnerability calls for a vigorous law enforcement and victim protection response when domestic servants are found in conditions of involuntary servitude in a home. Those domestic servants who choose to escape from abusive employers are sometimes termed "runaways" and seen as criminals, though they should be considered as possible victims of trafficking.



A young boy works 12-hour days packing mud bricks in Liberia.

Forced Child Labor

Most international organizations and national laws recognize that children may legally engage in light work. There is a growing concensus, however, that the worst forms of child labor should be eradicated. The sale and trafficking of children and their entrapment in bonded and forced labor are among the worst forms of child labor. Any child who is subject to involuntary servitude, debt bondage, peonage, or slavery through the use of force, fraud, or coercion, is a victim of human trafficking regardless of the location of that 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.

DEMOCRATIC REPUBLIC OF THE CONGO

Lucien was studying at school when members of a militia group abducted him and 11 other boys from his secondary school. The soldiers drove them to a training camp and put them in a pit in the ground. Those who resisted were beaten. Lucien was stabbed in the stomach and tied up until he submitted to the training. Lucien endured difficult training with some 60 other children, including a number of girls. They were fed one plate of maize meal a day to share among 12 people. Lucien watched people die from starvation and illness. When the soldiers killed those who tried to escape, they forced Lucien and other children to bury the bodies. Lucien later managed to escape and now lives with a host family.



More than 30,000 children have been kidnapped to serve as soldiers and slaves by the rebel Lord's Resistance Army in its 20-year war against the Ugandan government. Boys in captivity are forced to loot and burn villages and torture and kill neighbors. Abducted girls are routinely raped and become sex slaves or "wives" of rebel commanders. These drawings express the traumas of war experienced by Ugandan children who have returned home.

"If you see a young person wearing military clothes, carrying a gun, these are children who have lost their lives. Fighting is the last thing that a child should be doing."

Ali, former child soldier who fought with rebels in Chad.



Child Soldiers

Child soldiering is a unique and severe manifestation of trafficking in persons that involves the unlawful recruitment of children—often through force, fraud, or coercion—for labor or sexual exploitation in conflict areas. Perpetrators may be government forces, paramilitary organizations, or rebel groups. While the majority of child soldiers are between the ages of 15 and 18, some of whom may have been unlawfully recruited and used in hostilities, others are as young as 7 or 8, which is unlawful under international law.

Although it is impossible to accurately calculate the number of children involved in armed forces and groups, the Coalition to Stop the Use of Child Soldiers estimates that there are many tens of thousands of children exploited in conflict. Child soldiers exist in all regions of the world. According to the UN, 57 armed groups and forces were using children in 2007, up from 40 in 2006.

Many children are abducted to be used as combatants. Others are made unlawfully to work as porters, cooks, guards, servants, messengers, or spies. Young girls are 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.

Some children have been forced to commit atrocities against their families and communities. Child soldiers are often killed or wounded, and survivors suffer multiple traumas and psychological scarring. Their personal development is irreparably damaged, and their home communities often reject them when they return.

Child soldiering is a global phenomenon. The problem is most critical in Africa and Asia, but armed groups in conflict areas elsewhere also use children unlawfully. All nations must work together with international organizations and NGOs to take urgent action to disarm, demobilize, and reintegrate unlawful child soldiers.

Sex Trafficking

Sex trafficking comprises a significant portion of overall human trafficking. When a person 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,

MOROCCO-CYPRUS

Rania signed a contract she couldn't read and set off to earn money as a cleaner in Cyprus. But when she arrived, an agent told her she was going to work in a cabaret, have drinks with customers, and have sex with them if they wanted. She resisted and asked to be sent home but was told she had to repay her travel expenses first. Rania was raped. It was her first sexual experience. She knew if she returned to Morocco, her brother, a strict Muslim, would kill her for having sex before marriage and for damaging the family's reputation. When she finally ran away, social workers took Rania to a government shelter for victims of sexual exploitation. While police investigated the case, Rania stayed in Cyprus and worked as a cleaner.



Nikolai Rantchev's daughter Oxana left Russia for Cyprus duped into thinking she would work as a translator. Days later, she was found dead in the street. Rantchev believes she was killed by human traffickers who wanted to turn the honors student into a sex slave in a local cabaret.



A volunteer in Beijing, China created playing cards with details of missing children to hand out to residents and law enforcement in areas notorious for child trafficking.

CHINA

Xiao Ping, 20, had spent most of her life in her small village in Sichuan Province. She was thrilled when her new boyfriend offered to take her on a weekend trip to his hometown. But her boyfriend and his friends took her instead to a desert village in the Inner Mongolia Autonomous Region and sold her to a farmer to be his wife. The farmer imprisoned Xiao Ping, beat her, and raped her for 32 months. In that time Xiao Ping grew depressed and homesick, and she became pregnant and had a son. Xiao Ping's family borrowed a substantial sum to pay for her rescue, but the farmer's family forced her to leave behind her 6-month-old baby. To cancel the debts, Xiao Ping married the man who provided the loan. But her husband regarded her as "stained goods," and the marriage did not last.

harboring, receiving, or obtaining the person for that purpose have committed a trafficking crime. Sex trafficking can also occur alongside debt bondage, as women and girls are forced to continue in prostitution through the use of unlawful "debt" purportedly incurred through their transportation or recruitment—or their crude "sale"—which exploiters insist they must pay off before they can be free.

Child Sex Trafficking and Related Abuses

Analysis of child trafficking often leads to the consideration of other categories of child exploitation. The following guide attempts to clarify what is addressed in the TIP Report:

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 sex trade is prohibited under both U.S. law and the UN TIP Protocol. There can be no exceptions and no cultural or socio-economic rationalizations that prevent 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.

Commercial Sexual Exploitation of Children (CSEC) is the sexual exploitation of children for the commercial gain of some person(s). CSEC includes all child prostitution as well as child pornography. This is not human trafficking *per se,* as some forms of CSEC such as child pornography are not always a form of human trafficking. Most forms of CSEC, however, are forms of human trafficking, such as child sex trafficking.

Child Sex Tourism (CST) is one form of "demand" for victims of child sex trafficking. It involves people who travel from their own country—often a country where child sexual

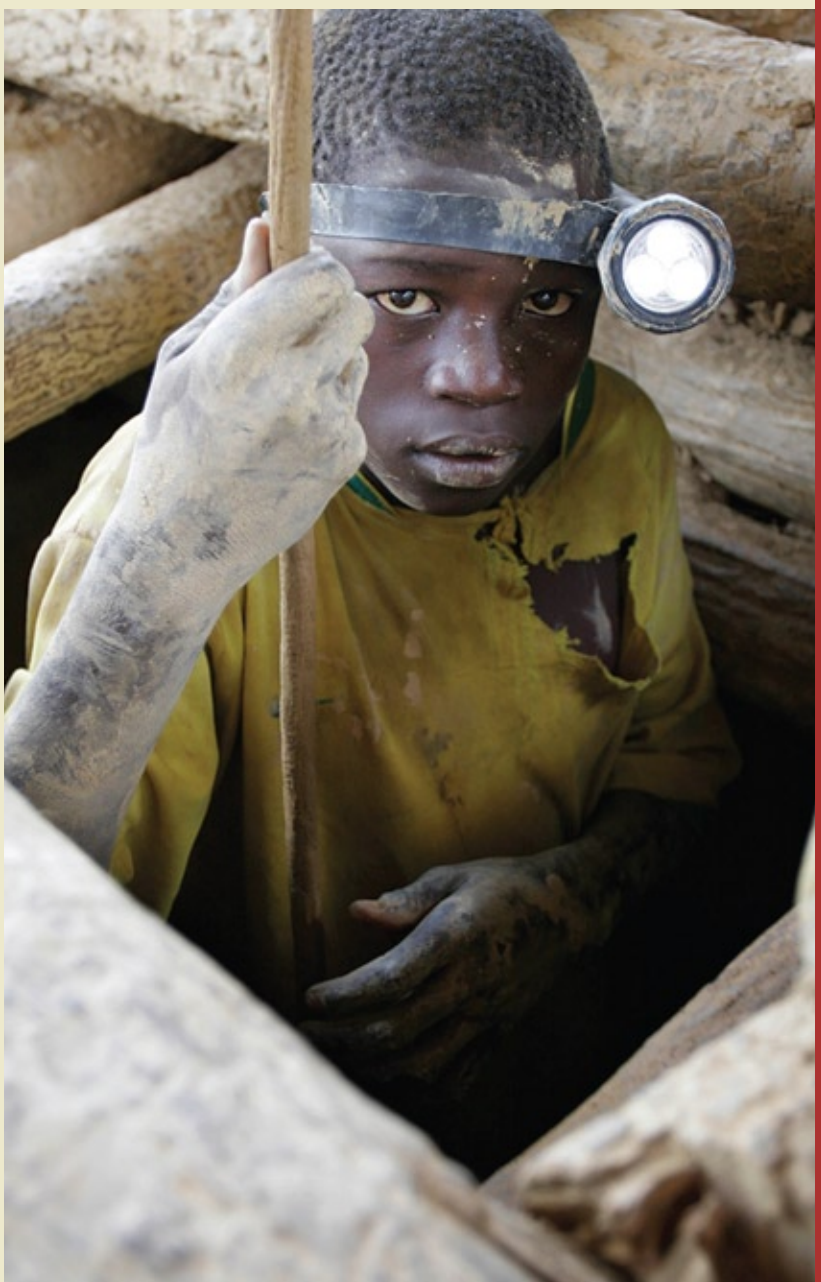
CHILD TRAFFICKING IN GOLD MINES

Some 20 to 30 percent of the world's gold comes from artisanal mines throughout Africa, South America, and Asia. Artisanal mines are small-scale mines typically found in rural areas of developing countries. They offer communities and families a way to make a living in areas where few alternatives exist. But these mines are also the sites of modern-day slavery; of the two million children who work in goldmines worldwide, many are forced, often through debt bondage, to do back-breaking work in hazardous conditions.

Child laborers in gold mines face a number of dangers:

- **Exposure to hazardous elements.** Mercury is magnetically attracted to gold, making it a good tool for locating gold and separating it from the soil. In West Africa, children rub mercury into their hands before sifting soil through their fingers. In South America, children reportedly wash gold while standing in waist-deep water contaminated by mercury. Prolonged mercury exposure causes retardation, blindness, kidney damage, and tremors. To a lesser extent, child mine laborers are also exposed to cyanide and sulfur. A 2006 Harvard Medical School study found that children in gold mining communities in Ecuador showed neurological abnormalities resulting from mercury and cyanide exposure.
- **Mine collapses, explosions.** Artisanal mines frequently collapse, killing or injuring workers. Children are often lowered into narrow mine shafts as deep as 90 meters, sometimes for up to 18 hours. In Bolivia, trafficked boys as young as eight help detonate dynamite in the interior of gold mines.
- **Long hours, back-breaking work.** Traffickers in the Democratic Republic of the Congo subject children to debt bondage in gold mines, forcing them to work nine to ten hours daily digging tunnels and open-pit mines. In gold mines in Ethiopia, children are forced to work an average of 14 hours a day, six days a week. Children trafficked from Burkina Faso, Guinea, and Mali to gold mines in Côte d'Ivoire are held in slavery-like conditions and forced to work 10 hours a day, seven days a week. They receive little food and meager pay. In 2008, a Guinean child told the Associated Press he was promised $2 a day for his work in a gold mine but received only $40 after six months of back-breaking, coerced, and hazardous labor.

Most of the gold mined by these children enters the mainstream market. It is up to consumers to encourage the private sector and governments to take action against this exploitation. While some jewelers and mining companies formed the Council for Responsible Jewellery Practices in 2005 and developed a Code of Practices banning child labor, this code has not been enforced. The eradication of forced child labor in gold mines requires increased global activity, through implementation of corporate codes, enforcement of anti-trafficking and child labor laws, and development of programs to rescue children.



A 16-year-old boy descends into a 90-foot-deep shaft at a gold mine near the village of Tenkoto, Senegal.



Children forced to work in Lake Volta's fishing industry are sometimes freed as the result of negotiations for financial incentives offered to their exploiters; no exploiters are prosecuted or punished.

BUYING OR NEGOTIATING A VICTIM'S FREEDOM

Among the repugnant aspects of human trafficking is the commodification of human lives: the assignment of a monetary value to the life of a woman, man, or child. Whether in an Indian brothel or in the Lake Volta fishing industry of Ghana, a price is placed on a victim's freedom.

Anti-slavery organizations and activists have sometimes opted to pay the price of victims' freedom from their exploiters. Negotiating a victim's freedom or paying the ransom brings instant results. In the past year, a well-known international organization in Ghana endorsed this approach by negotiating with and providing financial incentives to Lake Volta fisherman who had enslaved boys in the fishing industry. While this releases victims from the bonds of modern-day slavery, the implications of this practice are more complicated.

If trafficking victims are freed because of a payment or negotiation, the trafficker remains unpunished and unrepentant and is free to find new victims to perform the same service. By "purchasing" a victim's freedom, well-intentioned individuals or organizations may inadvertently provide traffickers with financial incentive to find new victims. While the numbers of victims rescued from compensated or negotiated releases can seem impressive, it is difficult to determine whether they lead to a net reduction in the number of victims. Still, the enslavement may continue without any cost or punishment to the trafficker or exploiter.

A more lasting and effective way to secure a victim's freedom is through the application of law: holding traffickers and those who exploit trafficking victims accountable under criminal justice systems. The minimum standards of the TVPA call for the criminalization of all acts of trafficking, as does the 2000 UN TIP Protocol. Criminal provisions assign a punitive cost to this trade in humans, a cost that the exploiters are likely to respect and fear. Applying criminal laws also provides society with a measure of justice and hope that the cycle of entrapping additional victims can be broken. Negotiating with traffickers provides none of this.

exploitation is illegal or culturally abhorrent—to another country where they engage in commercial sex acts with children. CST is a shameful assault on the dignity of children and a form of violent child abuse. It often involves trafficking, as a trafficking crime likely was committed in the provision of the child for the sex tourist's exploitation.

Addressing Child Sex Tourism in the TIP Report: Efforts by a government to prevent its nationals from traveling abroad to engage in child sex tourism—including by prosecuting alleged child sex tourists for conduct they committed overseas—is cited in that country's narrative under the Prevention section. Likewise, efforts by a "destination" government to punish foreign nationals for alleged child sex tourism offenses are cited in the Prevention section of that country's narrative as an effort to "reduce demand for commercial sex acts" in general. Efforts by the same destination government to punish the trafficking of children for commercial sexual exploitation by any persons – foreign sex tourist or local resident – are credited in the Prosecution section of that country's narrative.

THE THREE P'S: PROSECUTION, PROTECTION, PREVENTION

The 2009 TIP Report analyzes foreign governments' anti-trafficking efforts by looking at the punishment of trafficking offenders, the

SOUTHEAST EUROPE

A man trafficked for labor exploitation explains: "I once fainted and the owner took me to the hospital. There the doctor asked me why I didn't have any registration. I told him that my owner didn't let me leave the territory I worked. He seemed to have understood the situation I got into… I felt safe at that moment. I thought I would stay there for a long time and I would be able to go home… I was there for three days. On the third day the doctor told me that the treatment was over and the costs were covered by a charity organization. When I went out of the hospital, I saw my owner waiting for me."

Migrant workers in Dubai, UAE, live and work without adequate rights in difficult conditions in labor camps. Up to 20 men often share small rooms. Employers often withhold wages of these workers with the intent of preventing them from leaving. This amounts to forced labor.



STRENGTHENING PROHIBITIONS AGAINST FORCED LABOR AND FRAUDULENT RECRUITMENT OF FOREIGN WORKERS

The enactment of the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA of 2008) strengthened the U.S. Government's criminal statute on forced labor. It clarified nonphysical forms of coercion, which are recognized as potent tools used by traffickers. The act now explicitly provides a detailed explanation of "abuse or threatened abuse of law or legal process," a prohibited means of coercion under both the forced labor and sex trafficking statutes. This is often seen practically in acts such as an employer threatening to have a migrant arrested and deported as an undocumented alien if he or she refused to enter into or continue a form of labor or services. The statute also explains that "serious harm," another form of coercion, includes harming or threatening to harm someone financially in such a significant way that it would compel that person to enter into or continue a form of labor or services.

The TVPRA of 2008 also created a new criminal statute prohibiting fraud in foreign labor contracting, which imposes criminal liability on those who, knowingly and with intent to defraud, recruit workers from outside the United States for employment within the United States by means of materially false or fraudulent representations. While not a trafficking-in-persons offense *per se*, this crime may be closely linked to forced labor. The new statute prescribes a punishment of up to five years' imprisonment.

Title 18 U.S. Code Section 1589 – Forced Labor.

(a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means:

> (1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;
>
> (2) by means of serious harm or threats of serious harm to that person or another person;
>
> (3) by means of the abuse or threatened abuse of law or legal process; or
>
> (4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint, shall be punished as provided under subsection (d).

(b) Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the providing or obtaining of labor or services by any of the means described in subsection (a), knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by any of such means, shall be punished as provided in subsection (d).

(c) In this section:

> (1) the term "abuse or threatened abuse of law or legal process" means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.
>
> (2) the term "serious harm" means any harm, whether physical or non-physical, including psychological, financial, or reputational harm that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.

(d) Whoever violates this section shall be fined under this title, imprisoned not more than 20 years, or both. If death results from a violation of this section, or if the violation includes kidnapping, an attempt to kidnap, aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title, imprisoned for any term of years or life, or both."

Title 18 U.S. Code, Section 1351 (new statute) – Fraud in Foreign Labor Contracting

"Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States for purposes of employment in the United States by means of materially false or fraudulent pretenses, representations, or promises regarding that employment, shall be fined under this title or imprisoned for not more than 5 years, or both."



A Pakistani boy works in a brick kiln on the outskirts of Lahore in Pakistan. His parents owe the brick kiln owner 5,000 Pakistani rupees (less than US $100). Because of this debt, they work as bonded laborers.

protection of victims, and prevention efforts. The analysis is based on the TVPA standards.

Punishing Trafficking Offenders

The minimum standards in the TVPA call on foreign governments to prohibit all forms of trafficking, to prescribe penalties that are sufficiently stringent to deter the crime and that adequately reflect the heinous nature of the crime, and to vigorously punish offenders convicted of these crimes.

Legally Prescribed Penalties: In assessing foreign governments' anti-trafficking efforts for the TIP Report, the Department of State holds that, consistent with the 2000 UN Convention Against Transnational Organized Crime (which is supplemented by the UN TIP Protocol), criminal penalties to meet this standard should include a maximum of at least four years' deprivation of liberty, or a more severe penalty.

Imposed Penalties: The Department of State holds that imposed sentences should involve significant jail time, with a majority of cases resulting in sentences on the order of one year of imprisonment or more. Sentences should take into account the severity of an individual's involvement in trafficking, imposed sentences for other grave crimes, and the judiciary's right to hand down punishments consistent with that country's laws. This principle of seeking adequate imposed prison sentences and discouraging suspended sentences for convicted trafficking offenders was explicitly added to the TVPA's minimum standards through the TVPRA of 2008. Convictions obtained under other criminal laws and statutes can be counted as anti-trafficking if the government verifies that the offenses involve human trafficking.

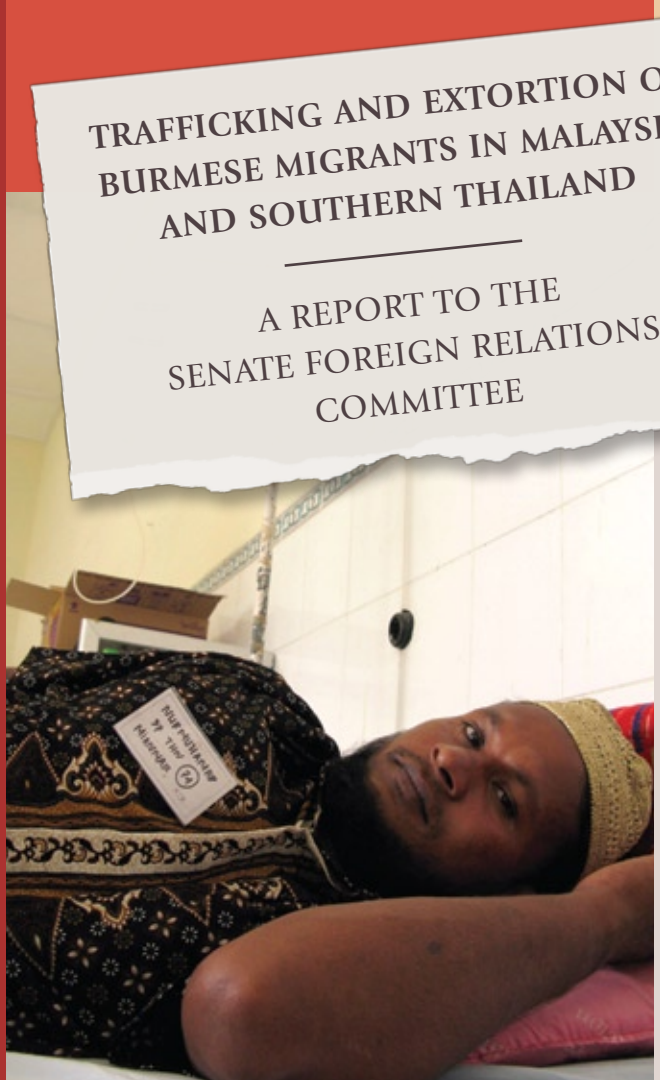
> *"My advice to parents is that they should beware of people who come promising to do one thing or the other for their children. They will only subject the children to hard labor, child labor and sometimes push them into brothels to prostitute. This is what we see everyday."*
>
> **Carol Ndaguba, former executive secretary of the National Agency for the Prohibition of Traffic in Persons and other Related Matters (NAPTIP), Nigeria.**

Protecting Victims Adequately

The TVPA minimum standards' criterion on victim protection reads:

BURMA-MALAYSIA

When Mya, 59, and her husband feared for their lives in Burma, they fled and took refuge in Malaysia. One night, when her husband was at work, Malaysian officials raided Mya's home and took her to a local police station. For five days, groups of Chinese and Malay officers beat her violently, deprived her of food, and demanded to know where her husband was. A judge sentenced Mya to five months in prison for entering Malaysia illegally. Mya endured abusive conditions in both prison and immigration detention camps before she and other refugees were deported and sold to a Burmese man along the way. Those who could not repay the trafficker were sold to fish trawlers, into prostitution, or to be maids.



"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."

Every country narrative of the TIP Report specifically addresses these elements. In addition, the Department of State has decided to implement this criterion with the following guidelines:

In evaluating whether a country fully satisfies this part of the minimum standards on victim protection, the Department of State considers the following to be critical factors:

1) Proactive identification: Victims should not be expected to identify themselves. They typically are afraid of coming forward and fear authorities will consider them criminals, irregular migrants, or disposable people. Formal screening procedures should go beyond checking a person's papers. Some form of systematic procedure should be in place to guide law enforcement and other

Nur Mohammed, a member of the Rohingya Muslim minority group from Burma, said he was forced to work for the Burmese army, after being detained and tortured without charge. When he fled the country, he said he was exploited by Bangladeshi human traffickers, beaten by Thai officials, and then forced out to sea in an overcrowded boat that nearly sank off Indonesia's coast. In January 2009, Thai authorities detained a boat filled with Rohingya migrants, many of whom had lacerations and burns they said were inflicted by Burmese soldiers.

TRAFFICKING OF BURMESE REFUGEES IN SOUTHEAST ASIA

Arun participated in the pro-democracy demonstrations 20 years ago in Burma as a university student. Identified and hunted by Burmese authorities, he fled to a neighboring country. There, the UN High Commissioner for Refugees issued refugee identity cards to Arun and his wife. A group of government-organized anti-migrant volunteers found the couple during a search for illegal immigrants; they destroyed their identity cards and sent them to a detention center. Several days later, in the early morning hours, immigration officials transported them by boat to the country's international border. Without the money to buy their freedom, immigration officials sold them each for $200 to trafficking rings, which sent Arun to work on a fishing vessel and his wife to a brothel.

Persecution by the Burmese regime and bleak economic opportunities have led thousands of Burmese political dissidents and ethnic minorities to flee the country during the past 20 years with hopes of a better life elsewhere in Asia. In Burma, they face abuses including forced labor, forced relocations, restricted movement, denial of education and economic opportunities, and religious persecution. Persecuted groups are often desperate enough to escape by any means possible, making them highly vulnerable to human trafficking. The risk of being trafficked is heightened by their marginalized political status, lack of economic or educational opportunities, and severe poverty.

Even those who are able to reach another country remain vulnerable to exploitation. Many Burmese attempt to settle in Malaysia, where there are widespread reports that immigration authorities have been involved in the trafficking of Burmese refugees from immigration detention centers to the Thai-Malaysian border. Immigration officials have sold refugees to Thai traffickers, who demand a ransom in exchange for freedom. The traffickers sell those who are unable to pay to brothels, fishing vessels, and plantations. The situation for these Burmese refugees has become so desperate that many have begun pooling their money in informal "insurance" programs to pay for their freedom if deported by Malaysian authorities and sold to traffickers. Many Burmese refugees flee the country by boat or overland to Thailand, often compelled to hire smugglers, who also engage in trafficking.

The Rohingya are a stateless people (see page 31) who are denied citizenship and land ownership rights in Burma, where they face religious and ethnic persecution from the Burmese military regime. Lacking documents or citizenship status, the Rohingya may be vulnerable to trafficking, including situations of forced labor.

governmental or government-supported front-line responders in the process of victim identification.

2) Shelter and temporary care: A government should ensure that victims have access to primary health care, counseling, and shelter. Such provisions should allow victims to recount their trafficking experiences to trained social counselors and law enforcement at a pace with minimal pressure. Shelter and assistance can be provided in cooperation with NGOs. Part of the host government's responsibility includes funding and referral to any NGOs that provide shelter and assistance. To the best extent possible, trafficking victims should not be held in immigration detention centers or other detention facilities.

The Department of State gives positive consideration to two additional victim protection factors:

a. Victim/witness protection, rights and confidentiality: Governments should ensure



UZBEKISTAN-INDIA

Nila and Miram, ages 20 and 22, traveled from rural Uzbekistan to India to work for a fashion design company after hearing a friend's stories of lavish parties and unending wealth. But once they arrived, their passports were taken and they were told they would not be designing clothing but instead servicing clients at various luxury hotels. Indian authorities eventually discovered the sex trafficking ring. The women returned to Uzbekistan and received necessary victim care and rehabilitative assistance from a shelter.

that victims are provided with legal and other assistance and that, consistent with its domestic law, proceedings are not prejudicial to victims' rights, dignity, or psychological well-being. Confidentiality and privacy should be respected and protected to the extent possible under domestic law. Victims should be provided with information in a language they understand.

b. Repatriation: Source and destination countries share responsibility in ensuring the safe, humane, and, to the extent possible, voluntary repatriation/reintegration of victims. At a minimum, destination countries should contact a competent governmental body, NGO, or international organization in the relevant source country to ensure that trafficked persons who return to their country of origin are provided with assistance and support necessary to their well-being. Trafficking victims should not be subjected to deportations or forced returns without

STATELESSNESS: A KEY VULNERABILITY TO HUMAN TRAFFICKING

Statelessness affects groups of people in all regions of the world. The most vulnerable groups include individuals from the former Soviet bloc, the Rohingya in Burma and throughout Asia, the Bidun in the Middle East, many of Europe's Roma, the Bhutanese in Nepal, children of Haitian migrants in the Caribbean, denationalized Kurds, some Palestinians, some ethnic groups in Thailand and the Horn of Africa, and many others around the world, according to the NGO Refugees International.

A stateless person is someone who, under national laws, does not have nationality – the legal bond between a government and an individual – in any country. Citizenship gives a person a legal identity, a nationality, and the ability to participate in society with dignity. A stateless person often can't go to school; get health care; register a birth, marriage, or death; work or travel legally; own property; or open a bank account wherever they live. Although the Universal Declaration of Human Rights recognizes that everyone has the right to a nationality, an estimated 12 million people around the world are legally or *de facto* stateless today.

Stateless populations are easy targets for forced labor, land confiscation, displacement, and other forms of persecution and exploitation. Without a nationality or legal citizenship, they may lack protection from police or access to systems of justice. In their desperate struggle for survival, stateless people often turn to human smugglers and traffickers to help them escape discrimination or government persecution. They become victims again and again as the problems of statelessness, refugee issues, and trafficking intersect.

Stateless people who are trafficked face particular vulnerabilities. They often lack identity or travel documents, putting them at risk of arrest when they travel—voluntarily or by force—outside of their communities. Without documents or citizenship status, stateless trafficking victims have little protection from their country of habitual residence. They may find it impossible to return, while at the same time having no legal status in their new country. Repatriation is problematic for stateless people regardless of whether they were trafficked or not.

Sometimes human trafficking results in statelessness, as in the case of Vietnamese women trafficked as "mail-order brides" to Korea, Taiwan, People's Republic of China, and other places. Thousands of Vietnamese women marry foreigners each year, with 86 percent of such marriages contracted for economic reasons, according to the Viet Nam Women's Union of Ho Chi Minh City. The process of naturalizing in their husband's country often requires the women to renounce their Vietnamese citizenship. For those who are trafficked under the false pretense of marriage, the naturalization process is never completed and they become stateless, often passing their predicament on to their children. The Government of Vietnam is considering new nationality laws that would help prevent this problem by allowing dual citizenship.

Other measures to prevent and resolve situations of statelessness include birth registration campaigns and more efficient, transparent, and accessible avenues for acquiring legal residency or citizenship. Organizations working with trafficking victims can help by creating awareness, identifying stateless individuals, and assisting with procedures to acquire nationality. For countries or regions that share cross-border populations, harmonized approaches to documentation and civil registration can be key efforts to preventing statelessness and human trafficking.

safeguards or other measures to reduce the risk of hardship, retribution, or re-trafficking.

Prevention: Spotlight on Addressing Demand

Human trafficking is a dehumanizing crime that reduces people to commodities. On the supply side, criminal networks, corruption, lack of education, poverty, and misinformation about employment opportunities and the degrading nature of the promised work make people vulnerable to the lures of trafficking. This is true of both sex trafficking and forced labor. The movement to end human trafficking includes significant efforts to address these factors that "push" victims into being trafficked, but it also recognizes a "pull" factor as part of the cause. A voracious demand fuels the dark trade in human beings.

Unscrupulous employers create demand for forced labor when they seek to increase profits at the expense of vulnerable workers through force, fraud, or coercion. One key to addressing



such demand is raising awareness about the existence of forced labor in the production of goods. Many consumers and businesses would be troubled to know that their purchases—clothes, jewelry, and even food—are produced by individuals, including children, who are forced into slave-like conditions.

In the global marketplace for goods, ensuring that complex supply chains are untainted by forced labor is a challenge for both businesses and consumers. But denying access to foreign markets for products made with forced labor will reduce the incentive to exploit forced labor and encourage ethical business behavior.

"The severe downturn in the world economy will push more migrants into the hands of people traffickers as they seek better lives abroad. There has been a significant shift since 2003 in the circumstances driving people smuggling and trafficking within our region."

Australian Foreign Minister Stephen Smith at a gathering of ministers and high-level officials from more than 60 countries, mostly from the Asia-Pacific region.

Increased information on export products and production chains—drawn from a variety of sources, including other governments—makes such efforts more effective.

Any successful effort to combat human trafficking must confront not only the supply of trafficked humans, but also the demand for forced labor and commercial sex that fuels it. Partnerships between governments and private businesses that purchase products made with low-skilled labor are one commendable way to address potential demand for forced labor. Efforts by some governments to arrest, prosecute, and punish adults who seek to exploit children in the commercial sexual trade is one form of addressing demand for commercial sex acts.

FINANCIAL CRISIS AND HUMAN TRAFFICKING

Rising Unemployment Leads to Greater Trafficking Vulnerabilities

Numerous international organizations have warned of the trafficking consequences of the ongoing global financial crisis. In its January 2009 global employment report, the ILO said the economic crisis is causing dramatic increases

in the numbers of unemployed, working poor, and those in vulnerable employment. If the crisis continues, more than 200 million workers, mostly in developing economies, could be pushed into extreme poverty, according to the report.

In Asia alone, the ILO predicted a worst-case scenario of 113 million unemployed in 2009. And money sent home from abroad will also drop. Remittances from the region's migrant workers slowed in late 2008, and the World Bank expects the decline to continue throughout 2009. In a March 2009 report, the World Bank revised its previous forecast on declining migrant worker remittance flows to a more negative 5 to 8 percent decline for 2009; this follows an 8.8 percent growth in remittances (to $305 billion) in 2008.

The forced labor implications of the financial crisis are particularly stark for Asia, a region identified with an existing high level of job insecurity. Seventy percent of unemployment in South and Southeast Asia is in the informal sector, according to the Organization for Economic Cooperation and Development (OECD). The region also has a high prevalence of existing forced labor; it is home to 77 percent of the world's forced labor victims, according to the ILO.

The ILO's May 2009 global report on forced labor found that migrant workers around the world lose more than $20 billion through the "cost of coercion" (the Report's title)—and this cost of coercion could likely be exacerbated as the crisis continues and traffickers and exploitative employers prey on an expanding pool of more vulnerable and unprotected workers in this region. Among the causes is the recession in the United States, which accounts for significant sums of workers' money sent to East Asia, the Pacific, and South Asia.

Other regions are also feeling the hit. According to a Gallup report, remittances represented more than 27 percent of Kyrgyz Republic's gross domestic product in 2006. But a sharp drop in those funds resulting from the economic slowdown, combined with a surge in food prices and a stressed agricultural sector,

Migrant workers flood Shanghai Train Station in China. The world's third-largest economy is feeling the pressure of the global financial crisis. Unemployment is soaring as are concerns of greater labor exploitation and forced labor of those still employed.





Telephone poles covered in advertisements for overseas work are common in Chisinau, Moldova.

CAMBODIA-THAILAND

In Cambodia, Phirun worked in the fields growing rice and vegetables. Promised higher wages for factory work in Thailand, Phirun and other men paid a recruiter to smuggle them across the border. But once in Thailand, the recruiter took their passports and locked them in a room. He then sold them to the owner of a fishing boat, on which the men worked all day and night slicing and gutting fish and repairing torn nets. They were given little food or fresh water, and they rarely saw land. Phirun was beaten nearly unconscious and watched the crew beat and shoot other workers and throw their bodies into the sea. Phirun endured this life at sea for two years before he persuaded his traffickers to release him.

"We need to find ways to attack the problem at its core—by eradicating demand. Yes, it's crucial to help rescue victims of trafficking. However, unless we deal with the market, trafficking will continue to grow. It's more likely that we can curb the demand for commercial sex and labor before we solve the social inequities that contribute to the supply."

Swanee Hunt, president of Hunt Alternatives Fund, which is focusing on fighting the demand for sex trafficking.

led the UN World Food Program to provide emergency food aid in November for the first time in recent years.

More Supply for Human Trafficking

This growing poverty is making more people vulnerable to both labor and sex trafficking, boosting the supply side of human trafficking all over the world. For example, the current economic crisis has led to revenue losses in countries like Mongolia due to crashing copper prices and high inflation and has reduced real incomes significantly, slowing investment, and most probably costing jobs. The resulting pressure on the public is likely to cause more young women to seek work away from home or abroad and a corresponding increase in the risk of trafficking.

In Eastern Europe, international organizations and local authorities have already reported a rise in victims of labor exploitation. The global economic downturn is exacerbating this trend. In Belarus, more than 800,000 citizens are believed to be "missing," presumed to be working—voluntarily or otherwise—in Russia. Workers earning low wages or losing their jobs are succumbing to offers for illegal work abroad. In Moldova, Europe's poorest country, one-quarter of the population has migrated. In Ukraine, officials reported 53 criminal cases of labor exploitation in 2008, up from 23 cases in 2007 and just three in 2006—while the ILO's May 2009 report on global forced labor trends

notes that the number of identified victims of forced labor in Ukraine now surpasses that of sex trafficking victims.

Warning of the dangers of the ongoing economic crisis, the head of the ILO's program against forced labor in May 2009 noted that "vulnerable workers—particularly migrants, including young women and even children—are more exposed to forced labour, because under conditions of hardship they will be taking more risks than before."

While most of the world's labor pool is already feeling the ill effects of the crisis, there are a few notable exceptions in which suppliers of transnational labor are benefiting temporarily from the crisis. Bangladesh and Nepal, both low on the wage and protection scale, appear to have benefited somewhat – at least initially – from the readjustments to the global labor flows brought about by the crisis. In the first two months of 2009, both Nepal and Bangladesh reported significant increases

School children pick cotton in rural Uzbekistan. In Central Asia, evidence suggests that many school children are compelled by local authorities to pick cotton every fall in order to meet production quotas set by national governments.



DETAINING ADULT VICTIMS IN SHELTERS: A BAD PRACTICE

Governments often first encounter a victim or confirm the victim status of a person through the initial detention or even formal arrest of that person. Whether through raids on a brothel suspected of exploiting trafficking victims or through the detention of undocumented aliens, law enforcement actions are often the precursor to identifying trafficking victims.

Once positively identified, however, law enforcement authorities should remove victims as quickly as possible from detention centers or jails and refer them to appropriate care facilities where they can receive counseling, shelter, medical care, and legal aid. This should apply to all victims, regardless of nationality and regardless of immigration status.

For adult victims, the government should obtain their informed consent before committing them to more than a temporary stay in a shelter facility. Victims should be provided with available options. For child victims of trafficking, the government should designate an appropriate authority with responsibility for the care, custody, and best interests of the child. The state may take temporary or longer-term custody while the child is in a temporary shelter or with an appropriate care provider.

According to an August 2008 paper published by the Australian Agency for International Development, governments often neglect to obtain the full and informed consent of adult trafficking victims when placing them in a government-run or government-funded shelter. This detention can impede a victim's rehabilitation as the victim feels confined and denied basic freedoms—the hallmark of trafficking experiences. Lengthy detention without the ability to work and earn income can hurt a victim and a victim's family economically. As noted in a path-breaking recent report by the NEXUS Institute on victims of trafficking who reject assistance, adult victims must be given the option of receiving assistance on their own terms—without physical restraint or confinement—or of rejecting all assistance from the state or others. At the core of human trafficking is the loss of basic freedoms; any effective remedy for victims must include a restoration of all such freedoms.

GENDER IMBALANCE IN HUMAN TRAFFICKING

"The root causes of migration and trafficking greatly overlap. The lack of rights afforded to women serves as the primary causative factor at the root of both women's migrations and trafficking in women...By failure to protect and promote women's civil, political, economic and social rights, governments create situations in which trafficking flourishes."

Radhika Coomaraswamy, former UN Special Rapporteur on Violence Against Women

According to the ILO, the majority of people trafficked for sexual exploitation or subjected to forced labor are female. According to researchers, both the supply and demand sides of the trade in human beings are fed by "gendered" vulnerabilities to trafficking. These vulnerabilities are the result of political, economic, and development processes that may leave some women socially and economically dependent on men. If that support from men becomes limited or withdrawn, women become dangerously susceptible to abuse. They often have no individual protection or recognition under the law, inadequate access to healthcare and education, poor employment prospects, little opportunity to own property, or high levels of social isolation. All this makes some women easy targets for harassment, violence, and human trafficking.

Research links the disproportionate demand for female trafficking victims to the growth of certain "feminized" economic sectors (commercial sex, the "bride trade," domestic service) and other sectors characterized by low wages, hazardous conditions, and an absence of collective bargaining mechanisms. Exploitative employers prefer to use trafficked women—traditionally seen as submissive, cheap, and pliable—for simple and repetitive tasks in agriculture, food processing, labor-intensive manufacturing, and domestic servitude.

In countries where women's economic status has improved, significantly fewer local women participate in commercial sex. Traffickers bring in more female victims to address the demand and also take advantage of women who migrate voluntarily to work in any industry. As commercial sex is illegal in most countries, traffickers use the resulting illegal status of migrant women that have been trafficked into commercial sex to threaten or coerce them against leaving.

Gendered vulnerabilities fostered by social and institutional weaknesses in some societies—discriminatory laws and practices that tie a woman's legal recognition, property rights, and economic opportunities to someone else—make women more likely than men to become trafficking victims. A woman who exists only through a male guardian who controls her income, identification, citizenship, and physical well-being is more susceptible to becoming a trafficking victim.

In many cultures, new widows must adhere to strict mourning practices, such as a month of isolation, or become outcasts. Despite official inheritance laws, during her isolation the relatives of a deceased man may confiscate the man's property from his widow and children. In many cases, without her husband's permission the destitute widow may not withdraw money from her bank account, register her husband's death or their child's birth, receive a passport, or take a job. Without a birth certificate, she cannot enroll her child in public school or see the doctor at the local clinic. Desperate to feed her child, the widow becomes easy prey for human traffickers.



in the flows of workers leaving for work abroad and remittances coming back to bolster their respective economies; remittances in both countries account for more than 15 percent of gross domestic product. The March 2009 World Bank report acknowledged a surge in remittance flows to South Asia in 2008, but estimates a sharp slowdown in 2009.

More Demand for Human Trafficking

The global economic crisis is also boosting the demand side of human trafficking. The UN's Office on Drugs and Crime published its second global trends in trafficking in persons in February 2009. UN officials said the worldwide rise in this form of modern-day slavery is a result of a growing demand for cheap goods and services. They expect the impact of the crisis to push more business underground to avoid taxes and unionized labor. And they anticipate increasing use of forced, cheap, and child labor by multinational companies strapped by financial struggles.

A rise in protests among migrant workers is a sign that the exploitation of workers is already reaching new heights. Employers facing a credit crunch are ceasing payments or coercing workers to accept less agreeable conditions. Chinese workers in some parts of Europe have experienced labor exploitation and may be vulnerable to forced labor as the crisis is prolonged. This has prompted an unprecedented official warning from the Chinese government in April 2009 that workers should avoid migrating to Europe because of the increasing threat of nonpayment or late payment and the potential for severe exploitation in the economic downturn. And press in the United Arab Emirates reported a 111 percent rise in complaints of nonpayment of wages among foreign workers in late 2008, compared with the same period in 2007.

A 40-year-old man sits with his 11-year-old child bride in Afghanistan. In March 2009, Afghanistan passed a controversial Shia family law that condones child marriage, which has been documented as a significant contributing factor to sex trafficking in Afghanistan.



GUINEA

After her mother and brother died, Jeannette's father gave her away at age 8 to work as a domestic servant. Jeannette did housework for 18 hours a day, but she was never paid. She slept on the verandah and ate leftovers. Sometimes, she was denied food altogether. Jeannette was beaten frequently, particularly when she tried to rest. When his wife left the house, the male guardian raped Jeannette. She was not allowed to leave, but even if she was, she wouldn't know where to go. She didn't know if her father was still alive. Jeannette later received assistance from a local NGO.

INDONESIA-GULF

Keni binti Carda, 28, left Indonesia to work as a domestic worker in a Gulf state. The woman who employed Keni allegedly burned her repeatedly with an iron, forced her to ingest feces, abused her psychologically, and applied household cleaners to Keni's open wounds. She poked Keni's tongue with a knife, pried her teeth loose and forced them down her throat, beat her own children when they tried to protest, and threatened to kill Keni if she tried to escape. Keni's employer made her work extremely long hours every day, locked her inside the house, and sent Keni back to Indonesia before she could seek help from the authorities. She has impaired vision in one eye, and her flesh is fused together in some places where her employer allegedly burned her.

"Slavery proved as injurious to [my mistress] as it did to me. When I went there, she was a pious, warm, and tender-hearted woman. There was no sorrow or suffering for which she had not a tear. She had bread for the hungry, clothes for the naked, and comfort for every mourner that came within her reach. Slavery soon proved its ability to divest her of these heavenly qualities. Under its influence, the tender heart became stone, and the lamblike disposition gave way to one of tiger-like fierceness."

Frederick Douglass, describing his experience enslaved in a Baltimore household. From his autobiography *Narrative of Frederick Douglass, an American Slave* (1845).



INTERNATIONAL WOMAN OF COURAGE

Hadizatou Mani, Niger

Hadizatou Mani was born into slavery. When she was 12, she was sold for $500. Her new owner, a man in his 60s, sent her to work long hours in the field, beat her, raped her, and made her bear him three children.

When Niger criminalized slavery in 2003, Ms. Mani's owner kept the news from her and tried to convince village authorities that she was not a slave but one of his wives. When Ms. Mani finally won her "certificate of liberation" in 2005 and married a man of her choice, her former master charged her with bigamy. Ms. Mani served two months of a six-month prison sentence.

Ms. Mani worked with the local NGO Timidria and the British NGO Anti-Slavery International to bring a case to the Court of Justice of the Economic Community of West African States (ECOWAS), charging that the Government of Niger had not successfully protected her rights under its anti-slavery laws.

"It was very difficult to challenge my former master and to speak out when people see you as nothing more than a slave," Ms. Mani said in comments published by Anti-Slavery International. "But I knew that this was the only way to protect my child from suffering the same fate as myself. Nobody deserves to be enslaved. We are all equal and deserve to be treated the same...no woman should suffer the way I did."

Despite direct and indirect pressure to drop her suit, Ms. Mani pressed forward with her case. On October 27, 2008, ECOWAS condemned Ms. Mani's enslavement, ruled that the Government of Niger had not protected her rights, and ordered it to pay Ms. Mani the equivalent of $19,800. To its credit, and as an indication of a desire to put slavery in the past, the Government of Niger accepted the verdict and paid the fine in March 2009.

Human rights laws are useless if not enforced. Timidria and other Nigerien NGOs had suggested before this verdict that Niger's anti-slavery laws were a "charm offensive" and were "passed for Westerners." Ms. Mani achieved a victory not only for herself, but for the people still enslaved in Niger and elsewhere in West Africa. Her bravery is a ray of hope to them. And the ECOWAS court decision is a step forward for the region, sending a strong message to the governments of Niger and other countries that anti-slavery laws must be more than words on paper.

Ms. Mani was among the recipients of the U.S. Secretary of State's 2009 Award for International Women of Courage.

LEGAL ASSISTANCE FOR TRAFFICKING VICTIMS

Helping trafficking victims access legal avenues to justice, restitution, and other compensation for their suffering is a key element of any effective victim protection strategy. It is particularly crucial in addressing the needs of foreign victims who are not familiar with laws, customs, rights, and procedures in the country to which they were trafficked.

The laws and legal process in most countries are not easily accessed or understood by people who do not have legal training. Rescued human trafficking victims may fear possible criminal charges or deportation, retaliation by traffickers if they give information to police, or attacks against family members. At the same time, they need services such as medical care, food, clothing, and safe housing. Access to legal advice and information can help them through the stress and confusion in the weeks and months following their rescue.

Legal assistance helps trafficking victims know their rights, obtain key information, and understand the options that are available to them.

Legal systems vary throughout the world and the needs of trafficking victims must be considered individually. NGOs that assist and shelter trafficking victims should assist victims with the following legal issues:

- **Legal rights.** Victims should know their legal rights, status, and the legal process in which proceedings will take place. They should know how to access services or benefits that may be available to them, such as interpretation, medical care, housing, education, etc.
- **Immigration law and immigration proceedings.** Victims trafficked across a border may not have proper documentation and may need assistance in obtaining identity documents. Victims may need immigration relief, if available, after rescue or during an extended stay in the destination country.
- **Criminal law.** Victims should not be punished for unlawful acts committed as a direct result of being trafficked. But they may need legal assistance if they are arrested or detained in the course of rescue. Victims should also have access to legal advice regarding criminal proceedings related to their case and available options regarding giving evidence and testimony. If possible, an attorney should accompany a victim to legal proceedings related to the victim's case.
- **Civil law.** Victims should know of available avenues for restitution or compensation through a civil claim for damages against perpetrators or others responsible.
- **Child victims.** Trafficking victims under 18 should have access to legal representation related to custody, care, and juvenile law.

In these and other countries, foreign workers also fear large-scale layoffs, which could increase the number of illegal foreign workers in the host countries. And loss of legal status makes migrant workers vulnerable to greater exploitation, including forced labor.

Calling such exploitation "the anti-thesis of development," UN Secretary-General Ban Ki-moon stated at a meeting in the Philippines: "Only by safeguarding the rights of migrants, and ensuring that migrants are treated with dignity and respect due any human being, can we create the conditions which migration can contribute to development. In this time of financial hardships, we all need to be especially vigilant."

The crisis is also affecting internal labor markets. In China, approximately 20 million of the 130 million migrant workers in the country had already returned home by February 2009 due to lack of work, according to official statistics based on a survey conducted by the Ministry of Agriculture. In addition, the ILO estimates 9,000 factory closures before spring and thousands



Afghan children, such as these two boys selling toilet paper at a market in Kabul, are being recruited by extremist groups and sexually exploited, according to UNICEF officials.

SOUTHEAST EUROPE

Many victims don't know where to go for help when they escape from their traffickers or after they return home. A male victim of forced labor explains: "I knew nothing about the assistance available for trafficking victims. I didn't know who to address in the destination country in case I needed help. I thought I could go only to the police. There I didn't have enough courage to go to the police because the [traffickers] used to say that they bought the police. They threatened me with death in case I went to the police. I was afraid."

more after. In the Philippines, economists and labor officials predict a loss of up to 800,000 jobs in 2009.

A Fraying Net

As more people become vulnerable to trafficking, fewer are likely to find local sources of assistance. Facing thin "safety nets" provided by their governments or the governments of labor-demand countries even in the best of times, workers now seem less likely to find services or legal recourse available to them when they face forced labor.

The tough times are also affecting the work of anti-trafficking NGOs, which often provide crucial services in the absence of adequate government or private-sector programs. Donors are tightening their belts, and organizations are finding it difficult to continue their operations.

DOMESTIC VIOLENCE AND HUMAN TRAFFICKING

"Women still comprise the majority of the world's poor, unfed, and unschooled. They are still subjected to rape as a tactic of war and exploited by traffickers globally in a billion dollar criminal business."

Secretary Hillary Rodham Clinton, March 7, 2009

The low status of women in some societies, insufficient access to education, limitations on legal rights, and other forms of discrimination are recognized as "push factors" that combine with other situational problems such as conflict, civil instability, or an economic crisis to prompt young women to leave their communities. In many communities and cultures, violence against women is all too common, and laws intended to protect women are inadequate or not enforced. In addition to physical attacks and injuries, women who are victims of spouse or intimate partner abuse are often subjected by the abuser to constant berating, severe psychological abuse, and excessive levels of control over nearly every aspect of daily life. A history of domestic violence (spouse or intimate partner abuse) represents an added risk factor that may cause a victim to feel an urgent need to escape and leave her home and community to survive – and thus her vulnerability to exploitation is heightened.

Research has shown a clear link between sex trafficking and both pre-trafficking domestic violence and trafficking-related gender-based violence. Cathy Zimmerman, a noted authority on victim trauma, identified domestic and sexual violence as a key "push" factor that makes a woman vulnerable to trafficking. Almost 70 percent of adult female trafficking victims using services at an assistance program in London reported having experienced violence before being exploited in the destination setting.

Though the link between domestic violence and sex trafficking is well-documented, the responses to each crime must be distinct. Victims of domestic violence and victims of sex trafficking suffer different traumas and require different therapies. Zimmerman's research found that victims of sex trafficking often suffer symptoms of post-traumatic stress disorder, which for most women in care do not begin to decrease for at least 90 days; this is not as prevalent in victims of domestic violence. Sometimes there is an added cultural obstacle to caring for both types of victims in the same facility: in some socially conservative populations, victims of domestic violence resent the perceived stigma of prostitution attached to the victims of sex trafficking with whom they are cohabitating.

Like human trafficking, global recognition of domestic violence as a crime is growing. Services for victims are insufficient but increasing in most countries. In countries where resources are limited programs established to assist victims of domestic violence have been tapped in emergencies to shelter victims of human trafficking. But assisting victims of these two crimes in one setting is very challenging. It should only be attempted when the facility can provide a safe and supportive environment and when staff are properly trained to understand the safety, legal, medical, mental health, social, and cultural needs of the victims.

NIGERIA-GHANA-ITALY

Anita was trafficked from Nigeria through Ghana to Italy, where she was forced to have sex with more than 25 men a day. If she resisted, her "madam" would beat her with a belt, starve her, and threaten to deport her. Anita would rotate through Turin, Rome, and Milan, enduring mental torture and physical abuse at each base. Anita's traffickers raped her several times, and she underwent several crude abortions. Anita survived, but some of her friends died in the ordeal.





COMMENDABLE INITIATIVES AROUND THE WORLD

Uzbekistan: Bringing Victims Home

The United Arab Emirates (UAE) is a key destination for Uzbek women and girls trafficked for sexual exploitation. Many victims violate visa and immigration requirements and end up incarcerated and too afraid to acknowledge their nationality. Officials from the Uzbek NGO Istiqbolli Avlod (Future Generations) make multiple trips to the UAE every year to work with local authorities and identify Uzbek victims in detention centers. They reach out to victims in their native languages (Uzbek or Russian) and, with the support of the Uzbek government, help them return home quickly and without legal consequences. While this has placed more of a burden on the only two shelters in Uzbekistan, it has also resulted in more victims receiving assistance. The innovative use of source country cultural and language expertise to identify and reach out to victims in the destination country has proven successful. In September 2008, Istiqbolli Avlod reported that there were 41 women, many of whom were trafficking victims, incarcerated in Emerati jails. By February 2009, a majority of those women had been repatriated to Uzbekistan.

Thailand: Coordinating Government and NGO Efforts Against Trafficking

In Northern Thailand, TRAFCORD, the Anti-Trafficking Coordination Center, facilitates collaboration among government and non-government agencies working to combat human trafficking, particularly cases involving women and children. TRAFCORD is an NGO that takes a multidisciplinary approach, in which employees work with police, social workers, prosecutors, and other government and NGO officials to rescue, rehabilitate, and repatriate child victims of sexual exploitation. By coordinating government and private agencies prior to, during, and after raids on suspected brothels, TRAFCORD helps ensure that victims receive better treatment and access to services and that criminal cases have a higher chance of being prosecuted. TRAFCORD's work helped inform portions of Thailand's new, comprehensive anti-trafficking law in June 2008, and the organization has been a catalyst in the implementation of updated procedures for dealing with human trafficking cases. Government and non-government agencies throughout Thailand have adopted TRAFCORD's multidisciplinary team approach, and international agencies have praised it as among the most effective ways to fight child prostitution and trafficking crimes.

UK: A Symbol for International Awareness

The UK government's Blue Blindfold campaign's message is that human trafficking can happen in any town, community, or workplace. Its materials are free and available for use by any government or organization wanting to raise awareness. The campaign has four key audiences: victims themselves, law enforcement, the general public, and key professionals such as health and social service providers, who could help identify victims at an earlier stage. The UK government realizes that symbols are very powerful and are recognized worldwide immediately without the need for words. The goal of the campaign is to work multilaterally with other countries to establish an international symbol for human trafficking and promote a unified campaign that reaches across borders. The hope is that the blindfold symbol with a trusted phone number will become identifiable in source, transit, and destination countries and will help break the control traffickers have over victims.

Jordan: Victim Assistance Fund

Jordan's Ministry of Labor has established the Humanitarian and Legal Assistance Fund to

provide financial support to victims of trafficking in Qualifying Industrial Zone factories and forced labor. Employers have deposited some $336,000 into the fund, paying $60 per employee to legalize workers with expired residency or work permits during a March to July 2008 amnesty period. The fund provides humanitarian assistance such as food, housing, and repatriation tickets, as well as legal fees for trafficking victims filing criminal or libel cases against their employers. In one example, when 38 Bangladeshi migrant workers were stranded after their factory closed, the fund paid for their food, accomodation, and repatriation. The fund is a creative way to register workers, punish employers for not renewing residency permits, and establish an assistance mechanism for trafficking victims and other workers in distress.

Indonesia: Communities Take a Stand Against Trafficking

Local task forces have had a tremendous effect in combating trafficking of girls in one of Indonesia's most vulnerable communities. When legislation and government efforts to combat human trafficking in the impoverished North Sulawesi region were handicapped by a lack of understanding among law enforcement, the province began training task forces at the district level. In one district, the community was very concerned about the high number of girls being trafficked, but there was no policy or plan of action to combat the crime. The local task force mobilized, and by 2008 dozens of local agencies and NGOs were working together to help vulnerable families start businesses, inform farmers about trafficking, and assist in law enforcement. Their efforts succeeded in driving traffickers away from their villages and protected hundreds of girls from trafficking for sexual exploitation. Other districts in the region are following the example. The local task force in the provincial capital of Manado has created strong cooperation among government agencies, NGOs, community members, and law enforcement. As a result, traffickers largely avoid Manado as a transit point. Working with families and local NGOs, Manado police travel frequently to Papua to bring back victims who continue to be trafficked to bars in the rich mining areas there.

IN MEMORIAM: NORMA HOTALING

After overcoming sexual exploitation and drug addictions, Norma Hotaling devoted her life to ending the commercial sex trade in the United States. While she left behind a life of despair, homelessness, addiction, and prostitution, she used her experiences to educate others about the harms of sex trade. She became a passionate leader and was often called on to speak at conferences, counsel public policy experts, and testify before the U.S. Congress and state legislatures. She also addressed foreign audiences as a Department of State-funded speaker.

Ms. Hotaling co-founded the NGO Standing Against Global Exploitation (SAGE) in 1992 to provide resources, advocacy, and counseling for sexually exploited men and women. Her work led to a 2004 California law that allows prosecutors to charge pimps and johns with child abuse if they prostitute a minor.

In 1996, Ms. Hotaling helped the San Francisco District Attorney's Office create the First Offender Prostitution Program, a unique class for men caught soliciting prostitutes. The initiative allows first offenders to have their charges dropped if they pay a $1,000 fine and participate in a six-hour course taught by sex trafficking experts, neighborhood activists, and doctors who discuss the downsides of prostitution. A 2008 U.S. Department of Justice study lauded the program, concluding that participants were 30 percent less likely than other men to be rearrested for soliciting prostitutes. The program is now replicated in 40 cities.

Ms. Hotaling was committed to demystifying and debunking the romantic notion of prostitution and getting people to understand that the practice treats women and girls as commodities. She worked to reframe prostitution as form of violence against women rather than a job. In 2008, while battling pancreatic cancer, Ms. Hotaling led a successful opposition to legislation that would have decriminalized prostitution in San Francisco.

In a 1997 interview, Ms. Hotaling described her life's work for The San Francisco Chronicle:

"It's like caring for orchids. They die so easily. But you take the dead-looking stem to someone who knows orchids and that person can look at the root and say, 'Look! There's still a little bit of life here.'"

Ms. Hotaling died in her San Francisco home in December. She was 57.

2009 TIP REPORT HEROES



Albania

Vera Lesko was one of the first people in Albania to recognize the problem of human trafficking. Since 1997, she has risked danger to herself and her family to protect trafficking victims and prevent young women from falling prey to traffickers. In 2001, Ms. Lesko's organization, The Hearth Psycho-Social Center, opened the first shelter in the country for trafficked Albanian women and girls. Along with a safe place to stay, the shelter offers returned victims legal and medical counseling, educational training, employment assistance, and family mediation services. As a result of her work, Ms. Lesko has been beaten in public several times and felt it necessary to send her daughter to live with relatives in Italy because of threats to her safety. Despite these regular attacks and her recent battle with breast cancer, Ms. Lesko continues her commitment to protect women and combat human trafficking.



Canada

Benjamin Perrin is a leading anti-trafficking activist in Canada and founder of The Future Group, an NGO dedicated to combating human trafficking and the child sex trade around the world. Mr. Perrin has advocated for the adoption of a Canadian national action plan and has pushed for stronger enforcement and more effective victim services. His 2006 report on Canada's treatment of victims led to the provision of temporary residence permits and medical assistance to trafficking victims. Mr. Perrin is the chair of the University of British Columbia's human trafficking working group. He has testified before Parliament on trafficking issues and consulted on the development of the 2008 Rio de Janeiro Pact against sexual exploitation of children. His investigations have identified a nationwide sex trafficking ring and dozens of cases in which Canada has been a transit and destination country. Mr. Perrin has several ongoing research projects that will provide Canada's first comprehensive account of human trafficking and propose concrete policy recommendations to increase the prosecution of traffickers and the protection of victims.



Costa Rica

Mariliana Morales Berríos became a pioneer in Costa Rica when she created the Rahab Foundation in 1997 to help trafficking victims find a new life with their families. She has succeeded in keeping her programs running and expanding despite limited resources. Ms. Morales, her staff, and their families have been threatened and attacked for trying to help women and children escape from their exploiters. But they continue undeterred, providing victims with spiritual attention, education, nutrition, psychological assistance, and vocational training. Rahab has now helped more than 3,000 people in the San Jose area and many more in other areas. From 2006 to 2008, Ms. Morales and Rahab ran a program focused on the tourist area in and around the resort town of Jaco. The pioneer project directly served 347 national and foreign victims of trafficking for labor and sexual exploitation and their families. It also trained more than 5,000 government leaders, police, tourism workers, and youth in human trafficking issues.



Greece

Major George Vanikiotis, a commander in the Anti-Trafficking Unit of the Attica Police's Organized Crime Division, is one of Greece's most knowledgeable anti-trafficking proponents. Major Vanikiotis provides training to police cadets, prosecutors, health professionals, labor inspectors, and NGOs throughout the country. He also leads anti-trafficking seminars at high schools and universities. Major Vanikiotis directs operations for the Anti-Trafficking Unit, which concentrated on tackling several major urban trafficking rings in 2008 and will focus on labor exploitation and international law enforcement cooperation in 2009.



India

Dr. Sunitha Krishnan established the NGO Prajwala in 1996 after the evacuation of one of the oldest red-light districts in Hyderabad. Dr. Krishnan, who survived sexual violence as a teenager, has rescued thousands of children from severely abusive conditions and restored their childhoods. Prajwala now runs a successful second-generation prevention program in 17 transition centers for children of prostituted women. The NGO's strategy is to remove women from brothels by giving their children educational and career opportunities. Dr. Krishnan and her staff train survivors in carpentry, welding, printing, masonry, and housekeeping. Prajwala has used videos of victim statements to advocate for better legal protection of trafficking survivors, and it has created an alliance of 30 citizen groups to replicate the organization's work in other Indian states.



Indonesia

Elly Anita is a victim-turned-advocate who fights for the freedom of Indonesian workers trapped in the Middle East. In 2006, Ms. Anita accepted an offer to work as a secretary in Dubai. But she ended up in Kurdistan, Iraq, where she was expected to work as a waitress or hotel receptionist. When she refused, the employment agent put a gun to her head, beat her, starved her, and kept her confined to the employment agency. Near death, she still refused to be forced into a job other than secretary. When the office was empty, Ms. Anita used the Internet to contact a friend. The friend directed her to the Indonesian Embassy in Amman and Indonesian NGO Migrant Care. She managed to escape Kurdistan at great risk with IOM assistance. Since returning to Indonesia, she has worked for Migrant Care and has helped rescue six other women who were trafficked to Iraq.



Jordan

Aida Abu Ras created in 2003 the first NGO in Jordan to tackle human trafficking while working full time for the Swiss organization 1,000 Peace Women for the Nobel Prize. Her NGO, Friends of Women Workers, provides legal counseling for migrant women and develops radio and print media campaigns to raise awareness of conditions faced by many foreign domestic workers. In one campaign, the organization sent more than 120,000 SMS messages and 2 million e-mails to Jordanians on the appropriate treatment of their workers. Ms. Abu Ras is now developing a training program for foreign domestic workers and is working with the Jordanian government to build capacity for enforcing regulations and assisting domestic

workers. While running her NGO, Ms. Abu Ras has also worked full time since 2006 as a program manager at the Jordanian National Commission for Women, continuing her advocacy for the rights of women and foreign domestic workers.



Malaysia

Alice Nah is a founding member of the Migration Working Group, a network of lawyers, academics, and volunteers focused on caring for, protecting, and defending the rights of refugees and migrant workers who are especially vulnerable to becoming victims of forced labor. Through the network, Ms. Nah urges law enforcement agencies to identify and protect refugees and migrant workers who become trafficking victims. She raises government and public awareness through online articles describing the plight of trafficking victims, refugees, and migrant workers. In January 2009, Ms. Nah wrote about the trafficking of Burmese refugees along the Malaysia-Thailand border. Her article increased local and international attention to the issue and raised public awareness within Malaysia.



Mozambique

Inacio Sebastiao Mussanhane, a Mozambican lawyer, was studying in South Africa when he heard that Mozambican girls were being kept as sex slaves at an upscale brothel in Pretoria. In 2008, he met three girls who had fallen victim to a powerful organized network that lures young girls from Mozambique for sexual exploitation. Pretending to be a client, Mr. Mussanhane went to the brothel and gained the confidence of the girls. Despite attempts by the criminal gang to bribe him, threaten his life, and kidnap him, Mr. Mussanhane began to work closely with the South African police, a local trafficking shelter, the Mozambican embassy, and the South African Ministry of Justice. Police freed the girls and arrested the network's organizer. The case went to court in October 2008 and is ongoing. Throughout the case, Mr. Mussanhane has been educating the Mozambican and South African governments, police, and courts on the nature of human trafficking. He continues to risk his life to protect the Mozambican girls, ensure the prosecution of the perpetrators, bring international attention to the issue, and disrupt a profitable multinational criminal organization.

Children wait in a police station after a raid by anti-child labor activists in New Delhi, India. More than 60 children were rescued from several embroidery units forcing children to work long hours for paltry wages.



GLOBAL LAW ENFORCEMENT DATA

The Trafficking Victims 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 data 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	NEW OR AMENDED LEGISLATION
2003	7,992	2,815	24
2004	6,885	3,025	39
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)	26

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

FORCED LABOR COSTS CONSIDERABLE: A VIEW FROM THE ILO

The Trafficking in Persons Report in recent years has focused increased attention on labor forms of human trafficking. A newly released ILO report on forced labor in the world – *The Cost of Coercion* (May 2009) – breaks new ground in assessing the economic impact of forced labor, including the impact of fraudulent recruitment of migrant workers. The report's release is prescient, coming amidst a global financial crisis that affects a significant share of the world's migrant work force and underscores the need for much stronger governmental and business community responses to forced labor.

Among the key conclusions of *Cost of Coercion:*

- Key manifestations of the global forced labor problem continue to be: slavery and abduction for labor; agriculture-based forced labor in rural areas; compulsory work on public projects; bonded labor in South Asia; forced labor exacted by the military – with a special emphasis on "Myanmar" (Burma); and forced labor related to labor migration – the "underside of globalization."
- Forced labor represents a challenge for virtually every country in the world and is increasingly penetrating supply chains of mainstream companies in the formal economy.
- Forced labor can be induced by a number of means, including psychological (non-physical) coercion; abuse of legal processes – such as the threat of having a migrant detained and deported as an undocumented alien; threats of financial penalties, such as those linked with debts; and the confiscation of identity or travel documents.
- An estimated 8.1 million victims of forced labor in the world today are denied more than $20 billion due to the perpetrators of forced labor. These opportunity costs, or "stolen" wages, are incurred largely in the developing world and most significantly in Asia and the Pacific, which accounts for $8.9 billion, or almost half of forced labor's costs in the world. As wages denied and not remitted to workers' home countries, these costs can be viewed as an impediment to economic development.
- Little progress has been made since 2001 in improving data collection on forced labor; the process of estimating the problem "has hardly begun in most countries." While victimizing far more people than sex trafficking, forced labor is also underrepresented by governments' law enforcement efforts against human trafficking.
- ILO research has shown a clear relationship between amounts spent by migrant workers during their recruitment and the probability of their becoming victims of forced labor; the higher the cost, the greater the likelihood of forced labor. Excessive and often unlawful recruitment fees are often a key contributing factor to forced labor. Particular attention should be paid to private employment agencies, given their documented role in trafficking for labor exploitation.
- Migrants in the fishing industry or serving as domestic workers are particularly vulnerable to forced labor.





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; or

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 themselves 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

Tier 1

AUSTRALIA
AUSTRIA
BELGIUM
CANADA
COLOMBIA
CROATIA
CZECH REPUBLIC
DENMARK
FINLAND
FRANCE
GEORGIA
GERMANY
ITALY
KOREA, REP. OF
LITHUANIA
LUXEMBOURG
MACEDONIA
MAURITIUS
THE NETHERLANDS
NEW ZEALAND
NIGERIA
NORWAY
POLAND
SLOVENIA
SPAIN
SWEDEN
SWITZERLAND
UNITED KINGDOM

Tier 2

AFGHANISTAN
ALBANIA
ANTIGUA & BARBUDA
ARMENIA
THE BAHAMAS
BARBADOS
BELARUS
BENIN
BOLIVIA
BOSNIA & HERZEGOVINA
BOTSWANA
BRAZIL
BRUNEI
BULGARIA
BURKINA FASO
CHILE
COSTA RICA
CYPRUS
ECUADOR
EL SALVADOR
ESTONIA
ETHIOPIA
THE GAMBIA
GREECE
HONDURAS
HONG KONG
HUNGARY
ICELAND
INDONESIA
IRELAND
ISRAEL
JAMAICA
JAPAN
JORDAN
KAZAKHSTAN
KENYA
KOSOVO
KYRGYZ REPUBLIC
LAOS
LIBERIA
MACAU
MADAGASCAR
MALAWI
THE MALDIVES
MALTA
MEXICO
MONGOLIA
MOROCCO
MOZAMBIQUE
NAMIBIA
NEPAL
OMAN
PALAU
PANAMA
PARAGUAY
PERU
PORTUGAL
ROMANIA
RWANDA
SERBIA
SIERRA LEONE
SINGAPORE
SLOVAK REPUBLIC
SOUTH AFRICA
SURINAME
TAIWAN
TANZANIA
THAILAND
TIMOR-LESTE
TOGO
TRINIDAD & TOBAGO
TURKEY
UGANDA
URUGUAY
VIETNAM
ZAMBIA

Tier 2 Watch List

ALGERIA
ANGOLA
ARGENTINA
AZERBAIJAN
BAHRAIN
BANGLADESH
BELIZE
BURUNDI
CAMBODIA
CAMEROON
CENTRAL AFRICAN REP.
CHINA (PRC)
CONGO (DRC)
CONGO, REP. OF
COTE D'IVOIRE
DJIBOUTI
DOMINICAN REPUBLIC
EGYPT
EQUATORIAL GUINEA
GABON
GHANA
GUATEMALA
GUINEA
GUINEA-BISSAU
GUYANA
INDIA
IRAQ
LATVIA
LEBANON
LESOTHO
LIBYA
MALI
MICRONESIA
MOLDOVA
MONTENEGRO
THE NETH. ANTILLES*
NICARAGUA
PAKISTAN
PHILIPPINES
QATAR
RUSSIA
ST. VINCENT & THE GREN.
SENEGAL
SRI LANKA
TAJIKISTAN
TUNISIA
TURKMENISTAN
UKRAINE
UNITED ARAB EMIRATES
UZBEKISTAN
VENEZUELA
YEMEN

Tier 3

BURMA
CHAD
CUBA
ERITREA
FIJI
IRAN
KUWAIT
MALAYSIA
MAURITANIA
NIGER
NORTH KOREA
PAPUA NEW GUINEA
SAUDI ARABIA
SUDAN
SWAZILAND
SYRIA
ZIMBABWE

* See page 220.



YEAR	PROSECUTIONS	CONVICTIONS	NEW OR AMENDED LEGISLATION
2003	50	10	3
2004	134	29	7
2005	194	58	12
2006	170	51	3
2007	123 (28)	63 (26)	5
2008	109 (18)	90 (20)	10

Tier Placements

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

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



EAST ASIA & PACIFIC

YEAR	PROSECUTIONS	CONVICTIONS	NEW OR AMENDED LEGISLATION
2003	1,727	583	1
2004	438	348	3
2005	2,580	2,347	5
2006	1,321	763	3
2007	1,047 (7)	651 (7)	4
2008	1,083 (106)	643 (35)	2

Tier Placements

Tier 1 Tier 2 Tier 2 Watch List Tier 3

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



YEAR	PROSECUTIONS	CONVICTIONS	NEW OR AMENDED LEGISLATION
2003	2,231	1,469	14
2004	3,270	993	20
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)	1

* See page 220.

Tier Placements

Tier 1 Tier 2 Tier 2 Watch List Tier 3

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



YEAR	PROSECUTIONS	CONVICTIONS	NEW OR AMENDED LEGISLATION
2003	1,004	279	4
2004	134	59	1
2005	112	104	3
2006	295	187	2
2007	415 (181)	361 (179)	1
2008	120 (56)	26 (2)	6

Tier Placements

Tier 1 Tier 2 Tier 2 Watch List Tier 3

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



YEAR	PROSECUTIONS	CONVICTIONS	NEW OR AMENDED LEGISLATION
2003	2,805	447	0
2004	2,764	1,541	1
2005	1,041	406	0
2006	629	275	0
2007	824 (162)	298 (33)	4
2008	644 (7)	342 (7)	2

Tier Placements

Tier 1 Tier 2 Tier 2 Watch List Tier 3

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



WESTERN HEMISPHERE*

YEAR	PROSECUTIONS	CONVICTIONS	NEW OR AMENDED LEGISLATION
2003	175	27	2
2004	145	56	7
2005	170	59	9
2006	443	63	6
2007	426 (1)	113 (1)	7
2008	448 (42)	161 (24)	5

* Does not include the United States

Tier Placements

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

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

United States Government Domestic Anti-Trafficking in Persons Efforts

The United States is a destination country for thousands of men, women, and children trafficked largely from Mexico and East Asia, as well as countries in South Asia, Central America, Africa, and Europe, for the purposes of sexual and labor exploitation. Three-quarters of all foreign adult victims identified during the Fiscal Year (FY) 2008 were victims of trafficking for forced labor. Some trafficking victims, responding to fraudulent offers of employment in the United States, migrate willingly—legally and illegally—and are subsequently subjected to conditions of involuntary servitude or debt bondage at work sites or in commercial sex. An unknown number of American citizens and legal residents are trafficked within the country, primarily for sexual servitude.

The U.S. Government (USG) in 2008 continued to advance the goal of eradicating human trafficking in the United States. This coordinated effort includes several federal agencies and approximately $23 million in FY 2008 for domestic programs to boost anti-trafficking law enforcement efforts, identify and protect victims of trafficking, and raise awareness of trafficking as a means of preventing new incidents.

Recommendations

The USG annually assesses its efforts in a separate report compiled by the Department of Justice (DOJ) [see www.usdoj.gov/olp/human_trafficking.htm]. As per recommendations from the May 2008 assessment, the USG is working to ensure that law enforcement agents and service-providing grantees, subcontractors, and partners collaborate expeditiously to identify U.S. and foreign victims, provide care, and secure immigration relief, if needed.

Prosecution

The USG sustained anti-trafficking law enforcement efforts through the reporting period. The United States prohibits all forms of trafficking in persons through criminal statutes created or strengthened by the 2000 Trafficking Victims Protection Act (TVPA), as amended. Congress most recently reauthorized the TVPA in December 2008 and made numerous statutory improvements. In FY 2008, the DOJ's Civil Rights Division and U.S. Attorneys' Offices initiated 183 investigations, charged 82 individuals, and obtained 77 convictions in 40 human trafficking cases (13 labor trafficking, 27 sex trafficking). Under the TVPA, traffickers can be sentenced to up to 20 years' imprisonment per victim, and up to life imprisonment for aggravated circumstances. The average prison sentence imposed for trafficking crimes under the TVPA in FY 2008 was 112 months (9.3 years). The Federal Bureau of Investigation and the DOJ's Criminal Division continued to combat the exploitation of children in prostitution in the United States through the Innocence Lost National Initiative. In FY 2008, this initiative led to 486 arrests, 148 convictions at state and federal levels, and the recovery of 245 children. Along with the federal government, state governments play an important role in identifying and prosecuting trafficking cases. As of April 2009, 42 states had passed criminal anti-trafficking legislation.

Protection

The USG continued to provide strong victim protection services through the year. In December 2008, the USG issued the interim final rule that will allow T-visa recipients to adjust their status and become lawful permanent residents. The Department of Health and Human Services (HHS) certified 286 foreign adult victims in FY 2008, and issued eligibility letters to 31 foreign minors. Forty-five percent of the 286 certified adult trafficking victims were male, a notable increase from the 30 percent adult male trafficking victims certified in FY 2007 and the six percent adult male trafficking victims certified in FY 2006. Certified victims came from 40 countries. Primary countries of origin were Mexico (66), Thailand (56), Philippines (46), Korea (12), and China (8). Certification and Eligibility Letters allow human trafficking survivors to access services and benefits, comparable to assistance provided by the United States to refugees. The HHS Per-Capita Services contract implemented by civil society partners currently covers 93 sites across the country providing "anytime, anywhere" services to foreign human trafficking victims.

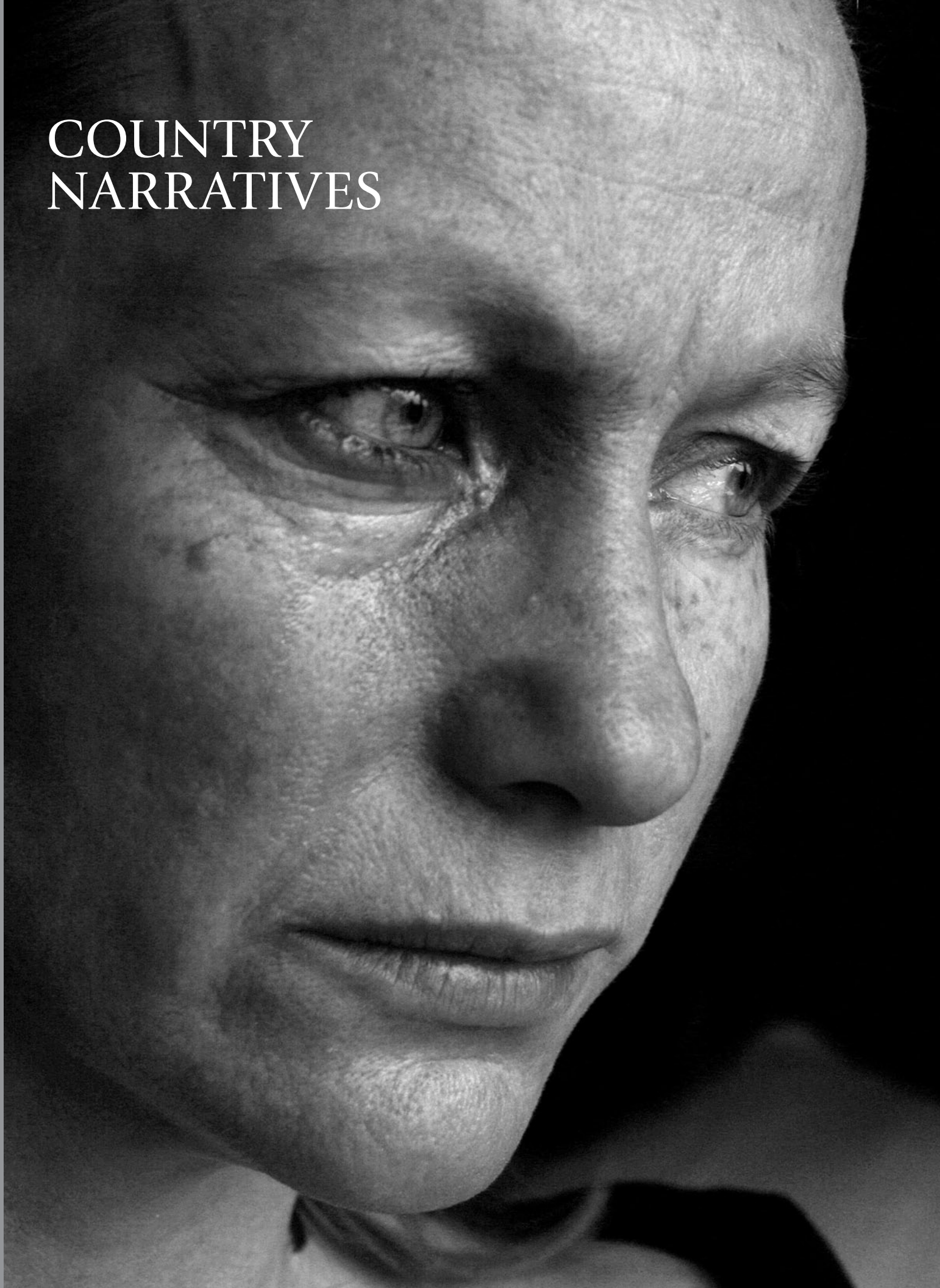
The Department of Homeland Security (DHS) provides two principal types of immigration relief authorized by the TVPA: (1) continued presence (CP) to human trafficking victims who are potential witnesses during investigation or prosecution, and (2) T non-immigrant status or "T-visas," a special self-petitioned visa category for trafficking victims. In FY 2008, DHS/ICE's Law Enforcement Parole Branch approved 225 requests for CP and 101 requests for extensions of existing CPs. DHS U.S. Citizenship and Immigration Services (USCIS) issued 247 T-visas to foreign survivors of human trafficking identified in the United States and 171 T-visas to their immediate family members.

As part of the assistance provided under the TVPA, the Department of State's Bureau of Population, Refugees, and Migration funds the Return, Reintegration, and Family Reunification Program for Victims of Trafficking. In calendar year 2008, the program assisted 105 cases. Of these cases, two trafficking victims elected to return to their country of origin, and 103 family members were reunited with trafficking survivors in the United States. Since its inception in 2005, the program has assisted around 250 people from 35 countries.

Prevention

Prevention efforts increased over the year. In FY 2008, DHS/ICE launched a human trafficking billboard campaign focused on raising public awareness and prevention and expanded the human trafficking public service announcement into several languages beyond English and Spanish, including Arabic, Chinese, French, Russian, Finnish, and Korean. HHS continued to fund the Rescue & Restore Victims of Human Trafficking public awareness campaign. HHS' National Human Trafficking Resource Center (NHTRC) provided national training and technical assistance and operated a national hotline (1-888-3737-888). From December 2007 through the end of FY 2008, the NHTRC received a total of 4,147 calls, including more than 550 tips on possible human trafficking cases and nearly 400 requests for victim care referrals. In FY 2008, HHS increased staff to oversee and promote child welfare best practices in the Office of Refugee Resettlement's child-serving programs, particularly in the Division of Unaccompanied Children's Services. HHS also hired a Child Protection Specialist to provide specialized training for identification and care of child trafficking victims.

COUNTRY NARRATIVES



AFGHANISTAN (Tier 2)

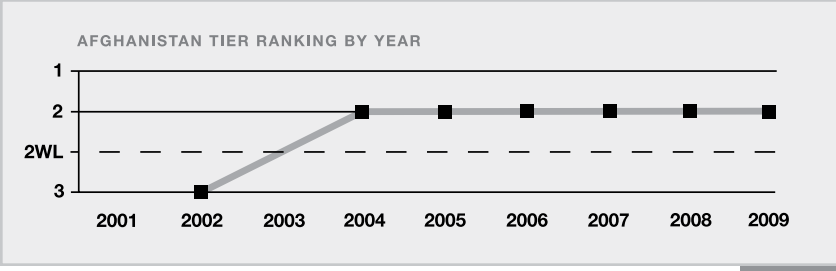
Afghanistan is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. Afghan boys and girls are trafficked within the country for commercial sexual exploitation, forced marriage to settle debts or disputes, forced begging, as well as forced labor or debt bondage in brick kilns, carpet-making factories, and domestic service. Afghan children are also trafficked to Iran and Pakistan for forced labor, particularly in Pakistan's carpet factories, and forced marriage. Boys are promised enrollment in Islamic schools in Pakistan, but instead are trafficked to camps for paramilitary training by extremist groups. Afghan women and girls are trafficked within the country and to Pakistan and Iran for commercial sexual exploitation and temporary marriages. Some Afghan men force their wives or daughters into prostitution. Afghan men are trafficked to Iran and Pakistan for forced labor and debt bondage, as well as to Greece for forced labor in the agriculture or construction sectors. Afghanistan is also a destination for women and girls from Iran, Tajikistan, and possibly China trafficked for commercial sexual exploitation. Tajik women are also believed to be trafficked through Afghanistan to Pakistan and Iran for commercial sexual exploitation. Trafficked Iranian women transit Afghanistan en route to Pakistan.

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. Government actors continue to conflate the crimes of kidnapping and trafficking; this poor understanding of trafficking poses an impediment to targeted intervention. An undeveloped judicial and prosecutorial system, judicial delays, corruption, and weak coordination remain obstacles to effectively punishing trafficking offenses. In addition, Afghanistan punishes some victims of sex trafficking with imprisonment for adultery or prostitution, acts committed as a direct result of being trafficked. Although the government lacks resources to provide comprehensive victim protection services and did not adequately punish all identified acts of trafficking, its newly instituted victim referral process, launching of victim referral centers, and passage of anti-trafficking legislation demonstrate progress in providing increased protective services for trafficking victims and punishment of their exploiters.

Recommendations for Afghanistan: Increase law enforcement activities against trafficking, including prosecutions, convictions, and imprisonment for acts of trafficking for commercial sexual exploitation and forced labor, including debt bondage; ensure that victims of trafficking are not punished for acts committed as a direct result of being trafficked, such as prostitution or adultery; collaborate with NGOs to ensure that all children, including boys, victimized by sex and labor trafficking receive protective services; and undertake initiatives to prevent trafficking, such as instituting a public awareness campaign to warn at-risk populations of the dangers of trafficking.

Prosecution

Despite the enactment of anti-trafficking legislation, it is not clear whether the Government of Afghanistan adequately prosecuted or punished trafficking offenders over the reporting period. In July 2008, the government enacted an anti-trafficking law, the Law Countering Abduction and Human Trafficking, through presidential decree; the law 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 grave crimes, such as rape. According to government records, there were no prosecutions under the new anti-trafficking legislation. The government, however, reported the convictions of 62 trafficking offenders under statutes criminalizing kidnapping and rape; sentences reportedly ranged from five to 18 years' imprisonment. It is unknown how many cases may have been prosecuted that resulted in acquittals. As the government was unable to provide disaggregated data or specific case information, it is unclear if these offenses meet the definition of trafficking or whether they address labor trafficking offenses. The Ministry of Interior's (MOI) six-person counter-trafficking unit made some initial arrests and investigated an unknown number of these cases. The government reported difficulty engaging Pakistani authorities for joint investigation of transnational trafficking cases. In 2008, the MOI stationed personnel at airports and border crossings to detect trafficking cases. There was no evidence that the government made any efforts to investigate, arrest, or prosecute government officials facilitating trafficking offenses despite reports of widespread complicity among national and border police.



Protection

The government's protection of trafficking victims remained poor, but showed improvements during the reporting period. The government lacked resources to provide victims with protective services directly; NGOs operated the country's 18 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 so-called "honor" crimes. Serious concerns remain regarding the government's punishment of victims of trafficking for acts committed as a direct result of being trafficked. Female trafficking victims continued to be arrested and imprisoned or otherwise punished for prostitution and fleeing forced marriages. However, NGOs noted a

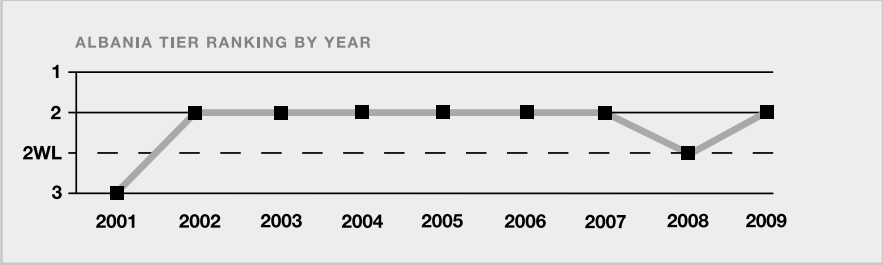
decrease in arbitrary detentions after the late 2007 signing of a formalized referral agreement among the MOI, the Ministry of Woman's Affairs (MOWA), and various shelters, and the opening of two government-run referral centers. Under this new procedure, police refer women victimized by violence to MOWA which, in turn, refers the women, including trafficking victims, to appropriate NGO facilities. The MOI's referral center in Jalalabad assisted female victims of trafficking and other crimes with support from MOWA and UNIFEM. Its four MOI officers investigated cases and four MOWA paralegals provided support and legal advice to the women. A second referral center opened in April 2008 in Parwan. The government referred and transported victims to IOM and NGOs during the reporting period, but did not provide information on the number of victims assisted in this manner. An NGO reported that the police referred 23 victims and the MOWA referred four to its shelter in Kabul. The MOI referred the majority of the 40 victims assisted by IOM in 2008. There are no facilities in Afghanistan to provide shelter or specific protective services to male trafficking victims; during the reporting period, some trafficked boys were placed in government-run orphanages and a facility for juvenile criminals while their cases were being investigated. MOWA staff reportedly visited prisons during the reporting period to ensure women and girls in custody are not victims of sex crimes or sex trafficking; concrete results from these prison visits are unknown. There is no evidence that the government encouraged victims to assist in investigations of their traffickers during the reporting period. The new anti-trafficking law permits foreign victims to remain in Afghanistan for at least six months.

Prevention

During the reporting period, the Afghanistan government made negligible efforts to prevent human trafficking. The government did not carry out any public awareness campaigns to warn at-risk populations of the dangers of trafficking or potential traffickers of the consequences of trafficking. Ministry of Justice officials participated in a televised roundtable discussing the July 2008 anti-trafficking law. The government did not take steps to reduce the demand for commercial sex acts or forced labor during the reporting period. Afghanistan has not ratified the 2000 UN TIP Protocol.

ALBANIA (Tier 2)

Albania is a source country for men, women, and children trafficked for the purposes of sexual exploitation and forced labor, including forced begging. Albanian victims are trafficked primarily to Greece, and also to Italy, Macedonia, Kosovo, Spain, France, the UK, and other Western European countries, as well as within Albania. Available data indicate that more than half the victims of trafficking are under the age of 18. Most sex trafficking victims are women and girls between the ages of 15 and 25, and 90 percent are ethnic Albanian. Ethnic Roma children are most at risk for forced begging. There is evidence that Albanian men have been trafficked for forced labor to the agricultural sector of Greece and other neighboring countries.



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. The government demonstrated increased political will to combat human trafficking over the last year, particularly through progress made in its efforts to identify victims of trafficking. Concerns remained regarding whether the government vigorously prosecuted labor trafficking offenders and public officials who participated in or facilitated human trafficking.

Recommendations for Albania: Vigorously investigate and prosecute law enforcement officials' complicity in trafficking; vigorously prosecute labor trafficking offenders; continue to work with NGOs and civil society to ensure full implementation of the national mechanism for referring victims to service providers; continue funding victim assistance and protection services, including shelters; and improve existing prevention programs in collaboration with NGOs, including joint activities targeted at reducing the demand for human trafficking.

Prosecution

The Government of Albania made some progress in its anti-trafficking law enforcement efforts during 2008. Albania criminally prohibits sex and labor trafficking through its penal code, which prescribes penalties of five to 15 years' imprisonment. These penalties are sufficiently stringent and exceed those prescribed for rape. In 2008, Albania prosecuted 22 trafficking cases, compared with 49 in 2007, and convicted 26 trafficking offenders, compared with seven in 2007. All of the prosecutions and convictions involved sex trafficking of women or children. In 2008, sentences for convicted trafficking offenders ranged from two to 25 years' imprisonment. The government instituted routine anti-trafficking training for police recruits and current police officers, and organized additional training for judges and social service providers. In an outreach effort to potential female victims, in 2008 the government assigned approximately 20 female anti-

trafficking police officers to organized crime police units throughout the country. Pervasive corruption at all levels and sectors of Albanian society remained an obstacle to reducing human trafficking in Albania. The government reported that the cases of official complicity referenced in the 2008 Report were determined to have involved smuggling, not human trafficking.

Protection

The Government of Albania boosted efforts to provide victims of trafficking with protection and assistance in 2008. Officials improved the functioning of the national victim referral mechanism and, as a result, identified 108 victims of trafficking in 2008, a five-fold increase from the previous year. The government provided approximately $262,000 in funding to the government-operated victim care shelter, an increase of 16 percent over the previous year; it also provided occasional in-kind assistance, such as use of government buildings and land, to four additional NGO-managed shelters. The government encouraged victims to participate in investigations and prosecutions of trafficking offenders; however, victims often refused to testify, or they changed their testimony as a result of intimidation from traffickers or fear of intimidation. Victims were not penalized in Albania for unlawful acts committed as a direct result of their being trafficked. Albanian law provides for legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

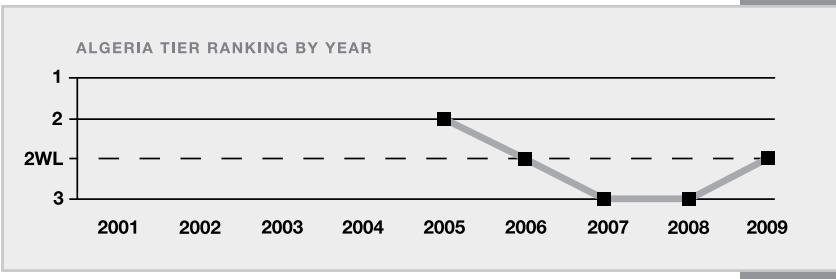
Prevention

The Government of Albania implemented several anti-trafficking prevention activities during the reporting period. International organizations fund the majority of prevention campaigns, but the Ministry of Interior has funded the national toll-free, 24-hour hotline for victims and potential victims of trafficking since November 2007. The Ministry of Education includes in its high school curriculum awareness-raising of the dangers of trafficking. Senior government officials spoke out against human trafficking, and the government provided tax breaks to businesses that employ people at-risk for trafficking. In 2008, the government approved a new national action plan on combating trafficking, which specifically addressed issues related to child trafficking. The Ministry of Tourism took the lead in monitoring a code of conduct for the prevention of child sex tourism that 24 tourist agencies and hotels signed. There was no evidence that the government undertook prevention activities specifically targeted at reducing the demand for commercial sex acts or forced labor.

ALGERIA (Tier 2 Watch List)

Algeria is a transit country for men and women trafficked from sub-Saharan Africa to Europe for the purposes of commercial sexual exploitation and forced labor. These men and women enter Algeria, voluntarily but illegally, often with the assistance of smugglers. Some of them become victims of trafficking; men are forced into unskilled labor and women into prostitution to pay smuggling debts. Criminal networks of sub-Saharan nationals in southern Algeria facilitate transit by arranging transportation, forged documents, and promises of employment. Among an estimated population of 5,000 to 9,000 illegal migrants, some 4,000 to 6,000 are believed to be victims of trafficking, of whom approximately 1,000 are women.

The Government of Algeria does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In January 2009, the government approved new legislation that criminalizes trafficking in persons for the purposes of labor and sexual exploitation. The law will enter into force when published in the government's Official Journal. The new law represents an important step toward complying with international standards, though its implementation is as yet untested. Despite these efforts, the government did not show overall progress in punishing trafficking crimes and protecting trafficking victims and continued to lack adequate measures to protect victims and prevent trafficking; therefore, Algeria is placed on Tier 2 Watch List.



Recommendations for Algeria: Proactively implement the new anti-trafficking law by training law enforcement and judicial officials, investigating potential offenses, and prosecuting offenders; strengthen the institutional capacity to identify victims of trafficking among illegal migrants; improve services available to trafficking victims, such as shelter, medical, psychological, and legal aid; ensure victims are not punished for unlawful acts committed as a direct result of being trafficked; and undertake a campaign to increase public awareness of trafficking.

Prosecution

The Algerian government showed minimal progress in addressing human trafficking through law enforcement means during the reporting period. In January 2009, the government approved legislation that criminalizes all forms of human trafficking and prescribes penalties of three to 10 years' imprisonment for base offenses. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. As of this report's writing, the government had not used the new law to prosecute, convict, or punish

any trafficking offenders. Algerian law enforcement authorities could have investigated and prosecuted suspected trafficking crimes using trafficking-related statutes existing before the new law's enactment; however, no such law enforcement efforts were reported during the reporting period.

Protection

The Government of Algeria did not improve services or protections for victims during the reporting period. It did not employ any systematic procedures for the identification of trafficking victims among vulnerable populations, such as foreign women arrested for prostitution or illegal migrants. Because there were no procedures to identify victims, they remained at risk of detention for unlawful acts committed as a result of being trafficked. The government did not provide foreign victims with legal alternatives to their removal to countries where they faced hardship or retribution. According to local NGOs, the government does not provide specialized training to government officials to detect trafficking or assist victims. The government does not provide medical, counseling, or legal services to victims, nor is there any referral service to other providers. However, government-operated health clinics that provide emergency care to crime victims are available for foreign and Algerian victims of trafficking. A program run by an NGO to assist women who are victims of violence is available to women victims of trafficking. There is no formal program to encourage trafficking victims to assist with the investigation and prosecution of offenders.

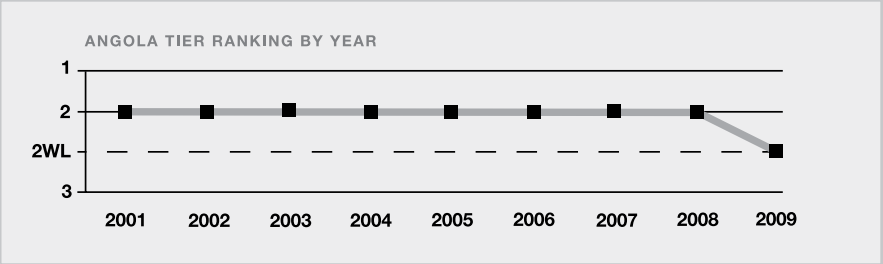
Prevention

During the past year, the Algerian government did not conduct campaigns to raise public awareness of trafficking in persons. To date, the government has not developed a formal anti-trafficking policy or national plan of action that would complement its new law, nor has the government published a record or assessment of its anti-trafficking activities.

ANGOLA (Tier 2 Watch List)

Angola is a country of origin for women and children trafficked internally for the purpose of domestic servitude and young men trafficked for the purpose of forced agricultural labor. Women and children, primarily, are trafficked to South Africa, the Democratic Republic of the Congo, Namibia, and Portugal. Young boys are trafficked to Namibia to herd cattle. Children are also forced to act as couriers in cross-border trade between Namibia and Angola as part of a scheme to skirt import fees. Traffickers successfully targeted children and adults, usually women, from poorer families, who enter into work agreements with relatives or contacts in other cities or provinces that subsequently prove to be coerced and exploitive. Unaccompanied migrant children are highly vulnerable to trafficking.

The Government of Angola does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall significant efforts, the Government of Angola has not investigated, prosecuted, or convicted any trafficking offenders; therefore, Angola is placed on Tier 2 Watch List. Interagency cooperation on trafficking issues increased, however, as have the government's efforts to raise the public's awareness of the dangers of trafficking.



Recommendations for Angola: Enact laws to prohibit and punish all forms of trafficking in persons; increase the capacity of law enforcement officials to identify and protect victims; systematically collect data on offenses, victims, and prosecutions; and report on these activities.

Prosecution

The Government of Angola made inadequate efforts to address human trafficking through law enforcement means over the last year. Official data on criminal prosecutions and convictions during the last year was not made available, although information from other sources indicates that law enforcement agents arrested six people for suspected trafficking-related activity near the border. Angola does not have a comprehensive law that specifically prohibits trafficking in persons, which constrained its anti-trafficking efforts. Draft revisions to the Penal Code, which would criminalize trafficking of children for commercial sex or forced labor, were not finalized. No draft amendments would specifically prohibit trafficking adults. Provisions in the constitution and other laws prohibiting forced and bonded labor, rape, prostitution, pornography, kidnapping, and illegal entry could be used to prosecute trafficking cases. Penalties of up to eight years' imprisonment for such crimes are sufficiently stringent and commensurate with those prescribed for other serious crimes. In December 2008, the Ministry of Interior, in partnership with IOM, conducted several training seminars for counter-trafficking investigators and agents from the Directorate of National Criminal Investigations, the Frontier Guard, and the Migration and Immigrant Service. In consultation with NGOs, the government continued to work on an anti-trafficking National Action Plan.

Protection

The Angolan government continued to rely heavily upon religious, civil society, and international organizations to protect and assist victims of trafficking over the past year. The government's National Children's Council worked with UNICEF to develop Child Protection Networks (CPNs), which serve as "SOS Centers" for trafficking victims between the ages of 9 and 16. The CPNs offered rescue services, health, legal and social assistance, and family reunification. No information was available about the number of victims assisted at the CPNs. Government personnel refer victims over the age of 16 to shelters and services provided by the Angolan Association for Women, an NGO that receives government support. There is no formal system to identify victims of trafficking among high-risk populations. Past campaigns to raise awareness and periodic training by IOM improved officials' capacity to identify victims but was not effectively put into practice. Under Angolan law, victims of sex trafficking may bring criminal charges against their traffickers but may not seek compensation. The law did, however, provide for compensation to victims of forced or bonded labor. Current laws did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. Current laws also penalized victims for offenses committed as a direct result of being trafficked.

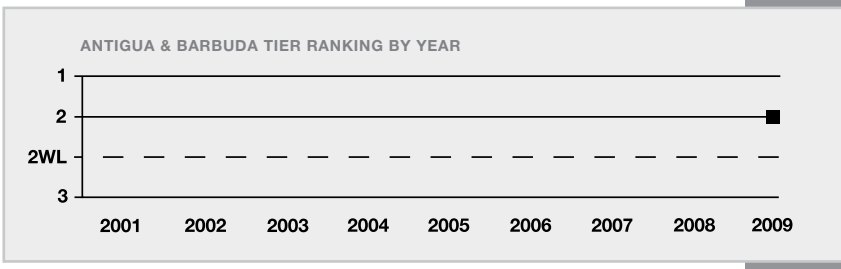
Prevention

The Angolan government made modest efforts to prevent trafficking during the past year. The government did not record data on trafficking, nor did it systemically monitor its anti-trafficking efforts. The government strengthened immigration controls at border posts, although restricted resources did not allow full implementation of planned border security improvements. To prevent child trafficking, the Immigration Service operated selected border and internal checkpoints to screen children for proper documentation. Six mobile provincial teams from the National Children's Council continued to conduct spot checks of suspected child trafficking routes by stopping vehicles transporting children to check identity cards, determine the adults' relationship to the children, and ascertain whether parents had given permission for the children to travel. Trafficking awareness was highlighted as part of a broad campaign to protect children. As part of this program, government statements against child prostitution and abuse of children's rights appeared frequently in national media. In partnership with IOM, the Ministry of the Interior organized a series of counter-trafficking training seminars that gained significant attention throughout the country. The government made no visible effort to reduce the demand for commercial sex acts. Angola has not ratified the 2000 UN TIP Protocol.

ANTIGUA AND BARBUDA (Tier 2)

Antigua and Barbuda is a destination country for women trafficked from Guyana, Haiti, Jamaica, and the Dominican Republic for the purposes of sexual exploitation; it may also be a destination country for women trafficked for the purposes of forced domestic servitude. Well-financed businessmen from the Dominican Republic and Antiguan citizens acting as pimps and brothel owners traffic women into the four main, illegal brothels that operate in Antigua, as well as to private residences that operate as brothels. Women voluntarily come to Antigua to engage in prostitution; brothel managers later confiscate their passports and threaten the women with deportation until they repay the brothel owner for travel and other expenses. Some victims trafficked for the purpose of sexual exploitation had been given work permits as "entertainers" to legally enter the country. Information on the full extent of the human trafficking problem in Antigua and Barbuda is not available; anecdotal reporting suggests, however, that no Antiguan citizens have been trafficked and the current number of foreign victims is comparatively small.

The Government of Antigua and Barbuda does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite limited resources, competing priorities, and a relatively small number of victims, the government investigated identified incidences of trafficking, cooperated with other Caribbean governments on trafficking issues, ensured victims' access to social services, and conducted bilingual public awareness campaigns. No trafficking offenders, however, have been arrested or prosecuted, and law enforcement agencies continue to treat victims as criminals.



Recommendations for Antigua and Barbuda: Develop and implement a comprehensive anti-human trafficking law; arrest, prosecute, and punish trafficking offenders; proactively identify trafficking victims among vulnerable populations, such as foreign women in prostitution and as domestic servants; and provide foreign victims legal alternatives to removal to countries where they may face hardship and retribution.

Prosecution

The Government of Antigua and Barbuda did not make adequate progress in anti-trafficking law enforcement efforts over the last year. It has no specific or comprehensive laws prohibiting trafficking in persons. Trafficking offenders could be prosecuted under relevant provisions in immigration, prostitution, or labor laws, though there were no such reported efforts over the reporting period. Penalties prescribed for trafficking offenses of five years' imprisonment are sufficiently stringent and commensurate with penalties for other serious crimes, such as rape. Officials from the Ministry of Labor periodically inspect workplaces, and have reported no instances of forced labor of children or adults. Government agencies received two reports of victims trafficked for commercial sexual exploitation, yet made no efforts to proactively identify victims of trafficking among vulnerable populations, such as women in prostitution. In the two cases reported to the Gender Affairs Directorate, two women were granted work permits as "entertainers" and legally entered the country. They were later forced into prostitution by their employers. The Gender Affairs Directorate has requested a review of the immigration department to ascertain why officials issued work-permits to foreigners who were almost certain to engage in an illegal activity such as prostitution, whether forced or voluntary. Antigua and Barbuda contributes staff and other resources to the Regional Security Service (RSS), a coalition of top-level police, customs, immigration, military, and Coast Guard representatives from across the Caribbean addressing transnational crime, including human trafficking.

Protection

The Government of Antigua and Barbuda has made strong efforts to offer victims medical, psychological, legal, and social services, although law enforcement agents frequently treat unidentified victims as criminals. The Directorate of Gender Affairs receives funds to coordinate the work of the Anti-Trafficking in Persons Coalition and to provide legal, health, advocacy, and crisis services which all victims of trafficking, foreign or local, can access. The Directorate established "Emergency Safe Havens," where the location of any victims of violence can be hidden from their victimizers, and recruited Spanish-speaking volunteers to assist with several cases of suspected abuse of foreign nationals. Other NGOs provide services such as health screening and assistance in repatriation. Some foreigners detained for immigration violations are likely trafficking victims. There are no legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution. The government does not encourage victims to assist in the investigation and prosecution of trafficking crimes.

Prevention

Despite limited resources and competing priorities, the Government of Antigua and Barbuda has demonstrated strong efforts to prevent trafficking and increase the public's awareness of trafficking. The government ran awareness campaigns, many in English and Spanish, in the form of anti-trafficking brochures and radio spots. The National Coalition Against Trafficking in Persons is made up of the Ministries of Social Welfare, Social Transformation, Health, Labor and Gender Affairs, Immigration, and the Royal Antigua and Barbuda Police Force, as well as various civil society groups, NGOs, and community activists and advocates. The Coalition, coordinated by the Directorate of Gender Affairs, meets at the end of every month to discuss suspected cases, formulate strategies to address them, and follow up with law enforcement to conduct investigations. The Coalition's national action plan focuses on educating immigrants, the general public, and front-line workers on human trafficking; establishes a spokesperson to represent the Coalition; combines outreach and protection efforts with the Gender Affairs crisis hotline; and creates a legislative review of anti-trafficking laws and statutory instruments in Antigua and Barbuda. There have been no government programs to reduce demand for commercial sex during the reporting period. The government cooperates with other Caribbean countries via the Gender Affairs Unit at the CARICOM Secretariat in Guyana, and contributes funds and personnel to the Advanced Passenger Information System, which allows law enforcement agencies to share information so suspected criminals, including human traffickers, will be investigated and detained at ports of entry. Antigua and Barbuda has not ratified the 2000 UN TIP Protocol.

ARGENTINA (Tier 2 Watch List)

Argentina is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Many victims are trafficked within the country, from rural areas to urban centers, for forced prostitution. Some Argentine women and girls are trafficked to neighboring countries, Mexico, and Western Europe for commercial sexual exploitation. Foreign women and children, primarily from Paraguay, Brazil, Peru, and the Dominican Republic, are trafficked to Argentina for the same purpose. A significant number of Bolivians, Paraguayans, and Peruvians are trafficked into the country for forced labor in sweatshops and agriculture. Some reporting suggests that Chinese migrants are trafficked for forced labor into Chinese-owned supermarkets. Child sex tourism is a problem, particularly 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. Argentina's long borders make the country an easy 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 approved national legislation to prohibit and punish all

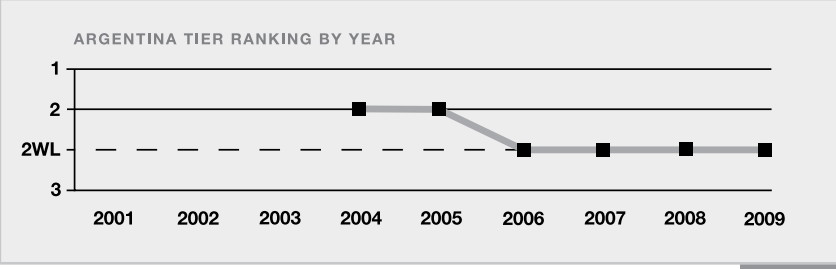
forms of human trafficking, increased law enforcement efforts to arrest trafficking suspects and rescue victims, and improved government mechanisms for directing trafficking victims to shelter care and services. Despite such efforts, the government did not show evidence of progress in convicting and sentencing trafficking offenders and ensuring adequate victim assistance across the country; therefore, Argentina remains on Tier 2 Watch List.

Recommendations for Argentina: Continue to implement the new anti-trafficking law vigorously; intensify law enforcement efforts to dismantle trafficking networks; increase judicial and prosecutorial efforts to investigate, prosecute, convict, and punish trafficking offenders, including corrupt public officials who may facilitate or be involved with trafficking activity; increase investigations of forced labor and domestic servitude crimes; dedicate more resources for victim assistance; sustain anti-trafficking training for law enforcement, judges, and other public officials, including labor inspectors; and improve data collection.

Prosecution

The government demonstrated some progress in anti-trafficking law enforcement efforts last year. Argentina prohibits all forms of trafficking pursuant to Law 26,364, enacted in April 2008, which prescribes penalties of three to 15 years' imprisonment. Such penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the government conducted 169 raids on suspected commercial sex sites and sweatshops, rescued 181 trafficking victims, and arrested 196 suspects. Two-thirds of victims rescued by federal law enforcement agencies were adults. The Prosecutor General's specialized Unit to Assist Investigations into Kidnapping, Extortion Crimes, and Trafficking in Persons (UFASE) also conducted 35 trafficking investigations, and forwarded 10 trafficking cases to the courts for formal investigation. No anti-trafficking convictions or sentences were reported for 2008; provincial governments secured at least 10 trafficking-related convictions, with sentences ranging from four to 17 years' imprisonment, in 2007. A Buenos Aires city court began trial proceedings against a suspect accused of forcing eight Dominican women into prostitution in a private apartment after being promised jobs as waitresses. Since the case predates the new trafficking law, the suspect was indicted on forced servitude charges. In August 2008, a Chubut provincial judge set for trial a case against a suspected human trafficker in the province. Seven co-defendants were acquitted for lack of evidence, following a ruling that wiretap evidence had been gathered illegally. Last year, the government established a first-responder office to coordinate criminal investigations and direct assistance to trafficking victims, and sponsored basic anti-trafficking training for law enforcement personnel.

According to NGOs and international organizations, some elements of the country's security forces are complicit with human trafficking activity. Most of these allegations are directed against provincial and local officials, though allegations relating to federal forces came to light during the past year. Senior Argentine officials have acknowledged these problems and are working to curb them by investigating allegations lodged against these officials. In addition, some local police officers and other public officials reportedly own brothels where trafficking is suspected to occur, or provide traffickers with protection in exchange for bribes, sexual services, food, and alcohol. Other police officers turn a blind eye to trafficking activity or tip off brothel owners about impending raids. In December 2008, a federal judge summoned police officials for deposition as part of an investigation into alleged police protection of a ring of brothels suspected of human trafficking in the city of Buenos Aires. No other government investigations or prosecutions of corrupt officials were reported last year.



Protection

The government made efforts to assist trafficking victims during the reporting period, though international organizations and NGOs provided most specialized assistance for trafficking victims. At the federal level, the Ministry of Justice's first-responder office coordinated victim assistance, offering access to medical and psychological treatment, as well as legal counseling. It also offered protection to victims who cooperated as witnesses with law enforcement investigators and prosecutors. Argentine authorities encouraged victims to assist with the investigation and prosecution of their traffickers. While the government did not operate shelters dedicated to trafficking victims, it referred trafficking victims to other public shelters operated by provincial governments or local NGOs. In some cases, they provided victims with housing subsidies. Most government-funded shelters, however, were oversubscribed and could not accommodate trafficking victims. The quality and level of victim care varied widely by province. The government did not employ formal procedures for identifying trafficking victims among vulnerable populations, such as prostituted women. There were no specific reports of victims being jailed or penalized for unlawful acts committed as a direct result of being trafficked. Although the government does not offer formal immigration status for foreign trafficking victims, they are not typically deported. Trafficking victims who are citizens

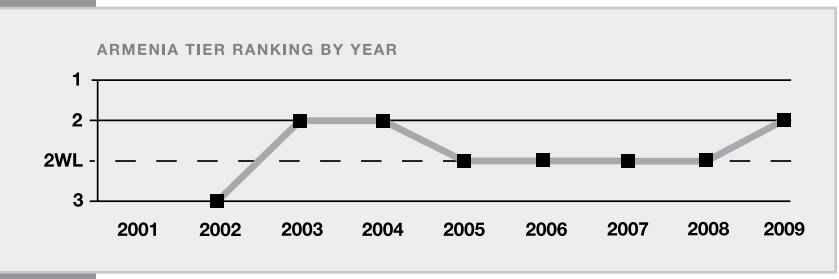
of Mercosur member or associate states, however, can obtain temporary residency in Argentina under Argentine immigration law. During the reporting period, the federal government continued modest funding for an anti-trafficking NGO providing shelter and assistance to victims.

Prevention

The government sustained prevention activities, and hosted two large anti-trafficking conferences with OAS and Mercosur member states. The government also funded anti-trafficking media campaigns, particularly in Misiones province. The federal government worked with international organizations and NGOs on additional prevention efforts. The city of Buenos Aires continued a prevention campaign against labor exploitation, which features a website and hotline through which citizens can report information on suspected sites of forced labor. The government provided anti-trafficking training to Argentine troops prior to their deployment on international peacekeeping operations. The government supported an anti-trafficking campaign – "Without Clients, There is No Trafficking" – and the president publicly called on regional governments to work to reduce demand for commercial sex acts.

ARMENIA (Tier 2)

Armenia is primarily a source country for women and girls trafficked to the United Arab Emirates (UAE) and Turkey for the purpose of commercial sexual exploitation. Armenian men and women are trafficked to Russia for the purpose of forced labor. NGOs reported that Armenian women were also trafficked to Turkey for the purpose of forced labor. Women from Ukraine and Russia are trafficked to Armenia for the purpose of forced labor. Victims trafficked to the UAE usually fly to Dubai from Yerevan or via cities in Russia; the trafficking route to Turkey is generally via bus through Georgia. A small number of Armenian girls and boys are trafficked internally for purposes of commercial sexual exploitation and forced begging.



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 December 2008, the government reopened its investigation into a well-documented 2006 case in which a convicted trafficker was released from prison and escaped the country allegedly with the assistance of various government officials; this was an important step forward and results of this investigation warrant future monitoring. The government also allocated $55,000 to partially fund an NGO-run trafficking shelter in 2009. In November 2008, the government began implementing its national referral mechanism for victims. Although these efforts demonstrated genuine progress over the reporting period, victim assistance remained a challenge – especially in the provision of long-term assistance and social reintegration – and the number of traffickers convicted decreased.

Recommendations for Armenia: Continue to address trafficking-related corruption through the vigorous investigation, prosecution, and conviction of complicit officials; improve the new national victim-referral mechanism, ensuring that victims are provided with legally mandated assistance (medical, legal, primary needs, and shelter) at all three stages of the victim assistance process that is not conditioned on victims' cooperation with law enforcement investigations; ensure that police and law enforcement receive trafficking-specific investigative training to increase the number of traffickers who are prosecuted and successfully convicted; continue to ensure a majority of convicted traffickers serve time in prison; ensure that all funding allocated for anti-trafficking programs and victim assistance is spent on designated programs; increase the number of victims identified and referred for assistance; and continue efforts to raise awareness about both sex and labor trafficking.

Prosecution

The Armenian government continued its law enforcement efforts during the reporting period. Armenia prohibits trafficking in persons for both labor and sexual exploitation through Article 132 of its penal code, which prescribes penalties of three to 15 years' imprisonment – penalties that are sufficiently stringent and commensurate with those prescribed for other grave crimes. The government investigated 13 cases of trafficking, compared to 14 investigations in 2007. Armenia prosecuted eight individuals for trafficking, the same number as in 2007. Authorities convicted only four traffickers in 2008, a decrease from 11 convictions in 2007. All traffickers convicted in 2008 were given prison sentences ranging from 2 to 7.5 years; no traffickers received suspended sentences. In addition to reopening the investigation into a well-documented 2006 corruption case, Armenia also investigated the deputy principal of a public school who forced two special needs students to beg on the street during the reporting period. The government did not report additional efforts to prosecute, convict, or sentence government officials complicit in trafficking.

A lack of diplomatic relations between Armenia and Turkey hampered Armenia's ability to investigate the trafficking of Armenian nationals to Turkey; however, police were in contact with Turkish law enforcement

through Interpol in an attempt to investigate trafficking from Armenia. During the reporting period, Armenia waited for Turkey to respond to a repatriation request for an identified Armenian trafficking victim in the Turkish region of Antalia.

Protection

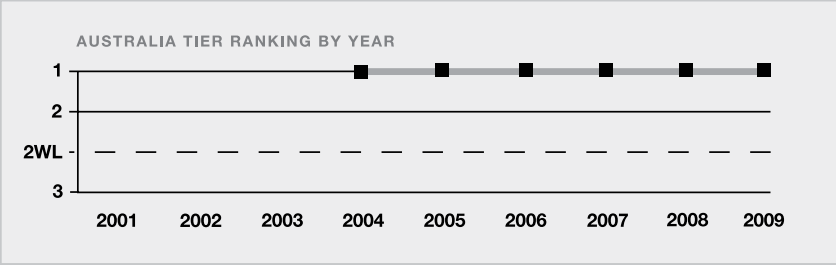
The Government of Armenia demonstrated modest progress to protect and assist victims of trafficking during the reporting period. The government allocated $55,000 to support an NGO-run trafficking shelter and $7,000 to fund medical care for trafficking victims. In November 2008, the government began implementing its national referral mechanism; however, the fact that all intermediate and long-term assistance provided by the government is conditioned upon victims' cooperation with law enforcement investigations is an issue of concern that should be revisited. The government identified 34 victims in 2008 and police referred 20 victims for assistance, an increase from 17 victims referred in 2007. Foreign-funded NGOs assisted 24 victims in 2008. Victims were encouraged to cooperate with law enforcement bodies; in 2008, all 34 victims assisted police with trafficking investigations. The government did not penalize victims for unlawful acts committed as a direct result of being trafficked. The lack of appropriate victim witness protection continued to be an issue of concern; this may have hampered Armenia's prosecution efforts.

Prevention

Armenia demonstrated improved efforts to raise awareness about trafficking during the reporting period. The government conducted an awareness campaign targeted at adolescents, helping to encourage discussion among peers about the dangers of trafficking. The government allocated $53,000 for trafficking prevention efforts, compared to $33,000 allocated in 2007. Border officials did not specifically monitor emigration and immigration patterns for evidence of trafficking, and the government made no discernable efforts to reduce demand for commercial sex acts.

AUSTRALIA (Tier 1)

Australia is a destination country for women from Southeast Asia, South Korea, Taiwan, the People's Republic of China (PRC), and reportedly Eastern Europe trafficked for the purpose of commercial sexual exploitation. Some men and women from several Pacific islands, India, the PRC, South Korea, the Philippines, and Ireland are fraudulently recruited to work temporarily in Australia, but subsequently are subjected to conditions of forced labor, including confiscation of travel documents, confinement, and threats of serious harm. Some indigenous teenage girls are subjected to forced prostitution at rural truck stops. Some women who migrated to Australia voluntarily to work illegally in licensed or illegal brothels were subsequently subjected to debt bondage or involuntary servitude. Although most operate through a network of informal contacts in their native countries, experienced and increasingly sophisticated traffickers are adjusting their methods to try to sidestep provisions of anti-trafficking laws. There are traffickers who file asylum claims in the false names victims use to enter the country; victims who later go to the police for help appear unreliable and are at risk of deportation because of their false asylum claim. Unscrupulous recruiters entice undocumented foreign women into prostitution, coaching them to apply for student visas in real or false names, as students may legally work 20 hours a week. Men with legal residence in Australia marry foreign women whom they coerce into prostitution or force into domestic servitude. Some of the civil complaints to authorities about labor violations were noted to contain elements indicative of the crime of trafficking.



The Government of Australia fully complies with the minimum standards for the elimination of trafficking. During the year, three offenders were convicted specifically for slavery and trafficking offenses. The courts set out the elements of the crimes and a roadmap for the successful prosecution of the crimes of slavery, sexual servitude, debt bondage, and trafficking. A court also established that a woman who agreed to work either legally or illegally in prostitution had in no way also agreed to her enslavement or to working in conditions of slavery. A government study recommended changes to the 457 temporary worker visa program to halt the exploitation of foreign workers.

Recommendations for Australia: Continue to conduct systematic efforts to proactively identify trafficking victims in the legalized sex trade; criminally prosecute employers who subject migrant workers to debt bondage and involuntary servitude; implement recommended changes to the 457 temporary employment visa program; and continue to implement or support a visible anti-trafficking awareness campaign directed at clients of the sex trade.

Prosecution

The Government of Australia demonstrated increasing anti-trafficking law enforcement efforts over the last year. Australia prohibits sex and labor trafficking and trafficking-related offenses in Divisions 270 and 271 of the Commonwealth Criminal Code, which

prescribe maximum penalties from 12 to 25 years' imprisonment and/or fines of up to $140,000. These penalties are sufficiently stringent and commensurate with those prescribed for other grave crimes. In 2008, the government obtained significant convictions for sexual slavery and trafficking under its most recent laws. The two defendants in *R vs Wei Tang*, a trial that began in 2005, were convicted of slavery in 2007; after a retrial and conviction in 2008, they await sentencing. Keith William Dobie was convicted of trafficking in persons offenses pursuant to section 271.2(2B) of the Criminal Code and sentenced in December 2008 to five years' imprisonment. In March 2009, five more prosecutions were before the courts, involving 11 defendants. The Australian Federal Police (AFP) established an additional Trafficking and Sexual Exploitation Task Team (TSETT) in Brisbane in November 2008. The AFP, as of September 2008, had trained 132 specialist investigators on relevant legislation, investigative methodologies, trafficking trends, intelligence targeting, and victim liaison. The Commonwealth Director of Public Prosecutions (CDPP) trained prosecutors on cross-cultural issues in trafficking cases, child eyewitness testimony, and interviewing. As part of its pilot Witness Assistance Service, the CDPP developed materials explaining the criminal justice system to trafficking victims and witnesses. Since November 2008, a Witness Assistance Officer worked with prosecutors on trafficking cases. There were no reports of official involvement in trafficking. There were no cases of sexual exploitation involving Australian troops or peacekeeping officers deployed abroad.

Protection

The Government of Australia continued to provide comprehensive assistance for victims of trafficking willing to aid in criminal prosecutions and their family members. The government encouraged victims and witnesses to participate in trafficking investigations, and directly linked continued assistance to victims' role in a viable prosecution. Those victims who do not receive a trafficking visa generally qualify for a protection visa as a refugee, which they can apply for independently. Victims are not inappropriately incarcerated, fined, or penalized for unlawful acts committed as a direct result of being trafficked. The government is considering reforms recommended by officials and NGOs who reviewed the trafficking visa system. In collaboration with NGOs, the government developed detailed guidelines for assisting trafficking victims, which were published on its website in December 2008. The Office of Women managed the Support for Victims of People Trafficking Program. As of January 22, 2009, their program supported 44 victims. The average length of time spent in the Victim Support Program was 12.5 months.

Prevention

The Government of Australia demonstrated efforts to prevent trafficking in persons during the year. The Australian Government published the "Travel Smart: Hints for Australian Travellers," brochure, which highlights Australian trafficking and child sex crime laws, noting they "also prohibit the incitement, encouragement of, or gaining benefit from such activities." It provides details for reporting a possible violation of Australia's child sex laws to the AFP. From July to December 2008, the Australian Passports Office distributed over 700,000 Travel Smart brochures, one with every passport renewal. In March 2008, a two-year international investigation led by Queensland Police Task Force "Argos" dismantled a criminal ring which arranged and provided live video feeds of the sexual and physical abuse of children to paying customers around the world via the Internet. Australian courts convicted two men of commercial sexual exploitation of a child, including the man responsible for the website's security. Australia's extra-territorial law on child sex tourism provides penalties of up to 17 years' imprisonment for Australians convicted of sexually exploiting children under the age of 16. Two prosecutions under this law were begun in 2008. The Australian government bolstered its communications strategy to increase awareness about trafficking within the sex industry in October 2008 when it announced $680,000 in funding for four Australian NGO's efforts to provide outreach for trafficking victims and conduct education and awareness initiatives on human trafficking. There were no other visible measures to reduce the demand for forced labor or commercial sex acts in Australia during the reporting period. The government released a report of an experts' review on the 457 temporary worker visa program, which proposed 66 changes to protect migrants from exploitation by employers, such as more closely screening and monitoring employers. Changes to the scheme are scheduled to be included in the next budget. Twenty-eight specialist overseas immigration officers and 18 overseas Airport Liaison Officers are working to stop trafficking at its source. In addition, the government provides substantial funding for law enforcement training, victim assistance programs, and prevention activities throughout Southeast Asia. The Australian government ensured that troops and police officers preparing to deploy with UN peacekeeping missions were made aware of trafficking issues and instructed as to the legal ramifications in Australia of engaging in or facilitating trafficking, or exploiting trafficking victims while deployed.

AUSTRIA (Tier 1)

Austria is a transit and destination country for women and children trafficked from Romania, Bulgaria, Hungary, Moldova, Belarus, Ukraine, Slovakia, Nigeria, and sub-Saharan Africa for the purposes of commercial sexual exploitation and forced labor. Some of these women are trafficked through Austria to Italy, France, and Spain. Women from Africa are trafficked through Spain and Italy to Austria for the purpose of sexual exploitation. There are reports of some trafficking of foreign women and

children for the purpose of forced domestic servitude and forced begging within Austria.

The Government of Austria fully complies with the minimum standards for the elimination of trafficking. The government convicted an increased number of trafficking offenders, improved its funding for victim protection, and continued to undertake proactive prevention campaigns in 2008.

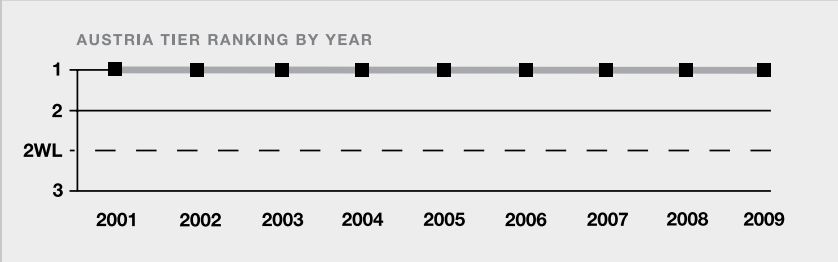
Recommendations for Austria: Ensure that a majority of convicted traffickers serve adequate time in prison; continue to improve victim identification and protection by establishing a formal and systematic identification and referral process; establish systematic care and support for children who are victims of trafficking; improve identification and services for men who are potential victims of forced labor trafficking; continue to collect comprehensive national law enforcement data on trafficking and improve the collection of victim assistance statistics; and take measures to reduce domestic demand for commercial sex acts.

Prosecution

The Austrian government demonstrated adequate anti-trafficking law enforcement efforts over the reporting period. Article 104(a) of the Austrian Criminal Code prohibits trafficking for both sexual exploitation and forced labor. Prosecutors typically use Articles 104(a) and 217 of the criminal code as well as Article 114 of the Aliens Police Act to prosecute traffickers. Penalties prescribed in Article 104(a) and Article 114 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 grave crimes, such as rape. In 2008, police conducted 50 trafficking investigations, compared to 89 investigations conducted in 2007. Prosecution and conviction data for 2008 were unavailable at the time of this Report; however, in 2007, 30 trafficking offenders for whom trafficking was the leading charge were convicted, an increase from 18 such convictions in 2006. Also in 2007, there were fewer suspended sentences for those convicted of trafficking, and some sentences slightly increased. In 2007, 14 convicted traffickers did not receive suspended sentences. Two of these traffickers received three to five years' imprisonment, eight received one to three years' imprisonment, two received six to 12 months' imprisonment, and two received three to six months' imprisonment. Three traffickers received suspended sentences and one received a suspended fine in 2007.

Protection

The Government of Austria demonstrated some improvement in its victim assistance efforts in 2008 by increasing funding to a key anti-trafficking NGO that provided shelter and assistance to victims in Vienna. In 2008, it provided $542,700 to this NGO, compared to $436,800 provided in 2007. Federal and local governments continued to fund seven immigration and domestic abuse centers that assisted victims outside of Vienna. Police and NGOs identified a combined total of 203 trafficking victims in 2008, up from 170 in 2007. All of the foreign victims were provided with counseling; however, only 37 of these identified victims received shelter from the government-funded NGO. The remaining 166 victims received assistance in the form of social and legal counseling in their native language, German-language classes, computer courses, and health prevention. Police referred 60 of these victims to the Vienna-based NGO for assistance; however, the government does not have formal and systematic procedures for the identification and referral of victims. The government encouraged victims to assist with investigations and prosecutions of traffickers. Austrian authorities provided victims with a 30-day reflection period, a time for victims to receive immediate care and assistance while they consider whether to assist law enforcement. Victims who agreed to cooperate with law enforcement qualified for temporary residence.



The government reported that it made proactive efforts to identify trafficking victims among Austria's sizable, legal commercial sex sector. The government reportedly ensured that victims were not penalized for unlawful acts committed as a direct result of being trafficked. The government provided foreign victims of trafficking with legal alternatives to their removal through a temporary resident permit of at least six months.

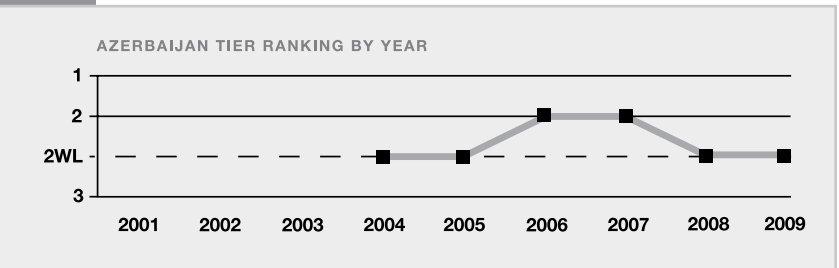
Prevention

Austria continued its proactive efforts to prevent trafficking through public awareness-raising activities in 2008. It subsidized several TV programs about trafficking throughout the reporting period and hosted a number of conferences aimed at raising awareness of child trafficking and improving data collection on this issue throughout the EU. In April 2008, the government staged an event commemorating the 10th anniversary of its key anti-trafficking NGO, which included panel discussions and lectures on trafficking. In conjunction with the European Soccer Championship, in June 2008, the government subsidized and widely distributed a brochure to inform women in prostitution about their rights and to sensitize the public. The brochure sensitized soccer championship visitors to the fact that women in prostitution may be trafficking victims. However, domestic awareness efforts

continued to be largely directed at victims of trafficking rather than "clients" of Austria's legal and regulated sex trade. There were approximately 2,800 legal and illegal brothels operating in Austria during the reporting period. The government published a brochure on child trafficking in 2008 to raise awareness and provide advice on assisting this population of victims. The government funded an NGO-provided course to sensitize Austrian troops on human trafficking before they were deployed on international peacekeeping missions. The Austrian government reportedly monitored its borders for signs of trafficking and border officials screened travelers to identify potential trafficking victims. Austrian law allows the extraterritorial prosecution of Austrian nationals who travel abroad to engage in child commercial sexual exploitation. In 2008, it continued a campaign to encourage tourists and travel agencies to report cases of child sex tourism. It did not report any investigations or prosecutions of such activity.

AZERBAIJAN (Tier 2 Watch List)

Azerbaijan is a source, transit, and limited destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Women and children from Azerbaijan are trafficked to Turkey and the United Arab Emirates (UAE) for the purpose of commercial sexual exploitation. Men and boys are trafficked to Russia for the purpose of forced labor. Men and women are also trafficked to Iran, Pakistan, and the UAE for purposes of sexual exploitation and forced labor. Some men are trafficked within Azerbaijan for the purpose of forced labor and women and children are trafficked internally for forced prostitution and forced labor, including forced begging. Azerbaijan serves as a transit country for victims trafficked from Moldova, Uzbekistan, and Kazakhstan to Turkey and the UAE for commercial sexual exploitation. The Azerbaijani exclave of Nakhchivan serves as a transit point for women trafficked to Turkey. A small number of men and women from Ukraine, Moldova, Uzbekistan, Kazakhstan, and Russia were trafficked to Azerbaijan for the purpose of commercial sexual exploitation.



The Government of Azerbaijan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall efforts, the government did not show evidence of progress in investigating, prosecuting, convicting, and punishing trafficking offenders, including complicit officials; therefore, Azerbaijan is placed on Tier 2 Watch List. Although the government made modest improvements, victim identification and access to victim assistance remained limited during the reporting period. The government adopted a new national action plan on trafficking in February 2009; however, it did not allocate funding to implement the programs and policies in the plan, and funding for anti-trafficking efforts remained low and inconsistent throughout the reporting period. The new action plan included a draft national victim referral mechanism, though the mechanism was not formally adopted or implemented during the reporting period. Azerbaijan demonstrated improved awareness efforts.

Recommendations for Azerbaijan: Increase law enforcement efforts to prosecute and convict traffickers, including government officials complicit in trafficking, and ensure that a majority of convicted traffickers serve some time in prison; vet members of the anti-trafficking unit for human rights abuses; implement the national victim referral mechanism; increase inter-agency coordination of anti-trafficking efforts; improve victim assistance and protection for child victims of trafficking; provide initial assistance to domestic victims without requiring them to file a formal complaint with police; and conduct awareness and victim treatment training for law enforcement and judges.

Prosecution

The Government of Azerbaijan conducted fewer trafficking investigations and prosecutions and convicted fewer traffickers than in 2007. Azerbaijan's 2005 Law on the Fight Against Trafficking in Persons prohibits trafficking for both sexual exploitation and forced labor, and prescribes from five to 15 years' imprisonment, punishments which are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. In 2008, the government reported conducting 66 trafficking investigations and prosecuted 61 trafficking cases, down from 75 cases in 2007. The government secured the convictions of 61 traffickers, down from 85 convictions in 2007. Some convicted traffickers received sentences of from one to eight years' imprisonment. According to most civil society groups in Azerbaijan, corruption and lack of training among low-level law enforcement impeded overall anti-trafficking efforts. There were unconfirmed reports that convicted traffickers bribed some judges to grant suspended sentences. There were also unconfirmed reports that police officers controlled saunas, motels, and massage parlors where forced prostitution occurred. During the reporting period, some victims claimed they were kidnapped by police and forced into prostitution and were later threatened by police not to file charges against the officials responsible for trafficking them. The government failed to vigorously investigate trafficking-related

corruption during the reporting period. The government has yet to vet members of its anti-trafficking unit for human rights abuses, a recommendation since the 2005 Trafficking in Persons Report.

Protection

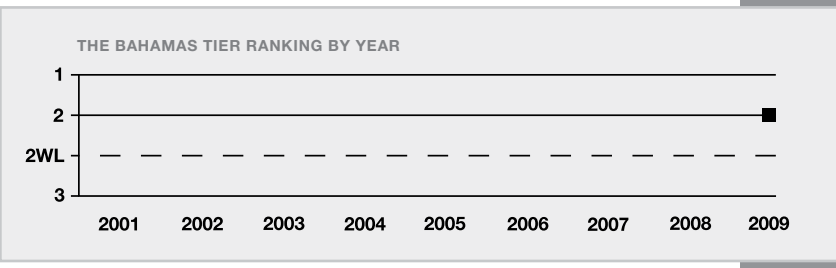
The Government of Azerbaijan demonstrated mixed progress in assisting victims during the reporting period. It did not employ a system to proactively identify victims of trafficking among vulnerable populations, including labor migrants; some NGOs suspect that labor trafficking may be more significant that sex trafficking. Coordination among the government agencies assigned to combat trafficking and assist victims was infrequent; most agencies did not have a dedicated office or point of contact responsible for coordinating with other agencies to effectively combat trafficking. In 2008, NGOs and law enforcement identified 121 victims; the government-funded shelter assisted 55 of these victims, up from 29 in 2007. Victims were only eligible for government-funded assistance, however, if they were an adult, female, and participated in a formal criminal case. Law enforcement referred 52 victims to the government-funded shelter in 2008. The government encouraged victims to participate in investigations and prosecutions of trafficking offenders; however, victims reported that some corrupt police officers discouraged them from filing criminal complaints through threats of physical violence. There were no reports that victims were penalized for unlawful acts committed as a direct result of being trafficked. Generally, identified foreign victims of trafficking who cooperate with law enforcement were permitted to remain in Azerbaijan until the completion of their court case; however, six foreign victims were deported prior to the completion of their court case during the reporting period. There were no child trafficking shelters operating during the reporting period. Some child victims received shelter at a government-run child homeless center for a maximum of 30 days and then were returned to the streets.

Prevention

The government improved its prevention efforts during the reporting period. The government conducted a general trafficking-awareness campaign, advertising in both newspapers and on television. The government also funded and produced a documentary, in part, about sex trafficking called "Protect Me," which aired on several television stations during the reporting period. The government-funded trafficking hotline appeared more effective and identified at least eight trafficking victims during the reporting period. Although the government appointed a national anti-trafficking coordinator in 2004, the individual is a known human rights violator, a problematic obstacle to it achieving a truly victim-centered approach to its anti-trafficking efforts. The government made no effort to reduce demand for commercial sex acts.

THE BAHAMAS (Tier 2)

The Bahamas is a destination country for men and women trafficked from Haiti and other Caribbean countries primarily for the purpose of forced labor, and women from Jamaica and other countries trafficked for the purpose of commercial sexual exploitation. In situations that, for some workers, may constitute forced labor, employers coerce migrant or temporary workers – legal and illegal – to work longer hours, at lower pay, and in conditions not permitted under local labor law by changing the terms of contracts, withholding travel documents, refusing transportation back home, threatening to withdraw the employer-specific and employer-held permits, or to turn the employee over to immigration. For the past three years, The Bahamas was included in the Report as a Special Case due to limited data.



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. During the reporting period, the government enacted comprehensive anti-trafficking legislation, added skilled personnel to anti-trafficking agencies and offices, consulted with other governments about trafficking issues and assistance, and continued to train government personnel on trafficking issues. The government did not, however, make noticeable efforts to proactively identify victims among vulnerable populations, such as foreign women and girls engaged in illegal prostitution or women and girls intercepted at its borders who may be attempting to enter The Bahamas to engage in illegal prostitution.

Recommendations for The Bahamas: Take steps to identify trafficking victims among migrants attempting to enter The Bahamas illegally; investigate, prosecute, and punish suspected human trafficking offenders; create and implement a national trafficking public awareness and prevention program; and allocate resources for the victim assistance measures mandated by the new anti-trafficking law.

Prosecution

While the Government of The Bahamas made minimal efforts to prosecute trafficking offenders, it lacked a comprehensive anti-trafficking law for most of the reporting period, faced relevant resource and capacity constraints, and confronted multiple competing law

enforcement priorities. The Government of The Bahamas prohibited all forms of trafficking through its Trafficking in Persons Prevention and Suppression Act of 2008. Although previously enacted laws prohibit trafficking-related offenses, the government did not arrest or prosecute any trafficking offenders during the reporting period. The penalties for trafficking in persons in the 2008 Act, ranging from three years' to life imprisonment, are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The Bahamian government provided law enforcement personnel with anti-trafficking training, and some personnel participated in training with NGOs and international organizations. Historically, government personnel have conflated human trafficking and human smuggling.

Protection

The Bahamian government showed minimal efforts to protect victims of trafficking over the last year. The government continued to rely on NGOs and international organizations for the provision of services to victims. The Bahamas operates no specialized trafficking shelters, although services to victims of domestic violence would be offered to women and child trafficking victims. No organizations currently provide protective services for men. Agencies and officials followed no formal procedures for screening or referring victims to NGOs; potential victims are referred as they are identified. The new anti-trafficking law requires ministers responsible for national security and social services to implement a plan to provide appropriate services to victims, in cooperation with NGOs. Bahamian authorities encourage victims to participate in investigations and prosecutions of trafficking offenders. The newly enacted law requires convicted traffickers to financially compensate their victims. Although the government ensured that victims, once identified, were not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked, some victims were not properly identified. Law enforcement personnel generally deported foreign women found working in the Bahamian sex industry without first attempting to determine if any were victims of trafficking. The Bahamas' new law includes provisions for victims' immunity from prosecution, the protection of victims and witnesses with special considerations for the age and extent of trauma suffered by the victim, and relief from the removal of foreign victims to countries where they may face hardship or retribution regardless of their participation in the investigation or prosecution of their traffickers.

Prevention

The government demonstrated limited efforts to prevent trafficking over the reporting period. It strongly promoted official awareness of, and coordination on, trafficking issues within the country through mechanisms such as the multi-agency Trafficking in Persons Working Group. The government made no visible effort to reduce the demand for commercial sex acts, and it did not engage in any other awareness-raising efforts directed at Bahamian citizens.

BAHRAIN (Tier 2 Watch List)

Bahrain is a destination country for men and women trafficked for the purposes of forced labor and commercial sexual exploitation. Men and women from India, Pakistan, Nepal, Sri Lanka, Bangladesh, Indonesia, Thailand, the Philippines, Ethiopia, and Eritrea migrate voluntarily to Bahrain to work as formal sector laborers or domestic workers. Some, however, face conditions of involuntary servitude after arriving in Bahrain, such as unlawful withholding of passports, restrictions on movement, non-payment of wages, threats, and physical or sexual abuse. In addition, women from Thailand, the Philippines, China, Vietnam, Russia, Ukraine, Morocco, Jordan, Syria, and Lebanon are trafficked to Bahrain for the purpose of commercial sexual exploitation.

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 achieved its first trafficking conviction in late 2008 – a conviction for sex trafficking – and instituted a new visa regime in July 2008 allowing migrant workers to change employers. Despite these significant overall efforts, the government did not show evidence of progress in providing protective services to victims or prosecuting offenses relating to labor trafficking – the most prevalent form of trafficking in Bahrain; therefore, Bahrain is placed on Tier 2 Watch List.

Recommendations for Bahrain: Significantly increase the investigation and prosecution of trafficking offenses – particularly those involving forced labor – and conviction and punishment of trafficking offenders; institute and apply formal procedures to identify victims of trafficking among vulnerable groups, such as domestic workers who have fled from abusive employers and prostituted women, and refer identified victims to protective services; and ensure that victims of trafficking are not punished for acts committed as a direct result of being trafficked, such as illegal migration or prostitution.

Prosecution

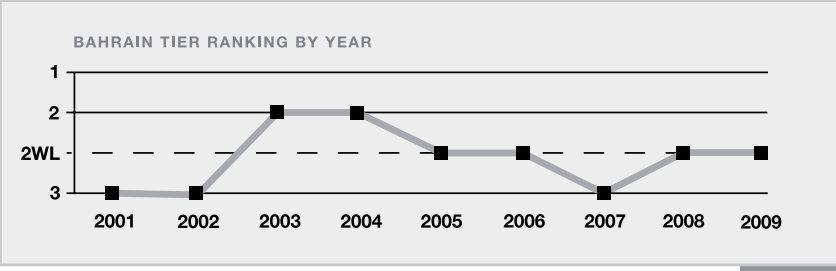
The Government of Bahrain made modest progress in conducting anti-trafficking law enforcement efforts during the year, prosecuting its first case under its January 2008 anti-trafficking statute. The Law to Combat Trafficking in Persons prohibits all forms of trafficking in persons and prescribes penalties ranging from three to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. The Ministry of Interior's 10-person specialized unit investigated trafficking crimes, particularly those involving sex trafficking. It claimed to have disbanded a prostitution ring and rescued 43 Chinese women believed to be trafficking victims, but

prosecutors reportedly viewed the evidence as insufficient to pursue legal action. In December 2008, the Public Prosecutor obtained the conviction of a Thai woman who was sentenced to three and a half years' imprisonment and a $13,250 fine for trafficking three other Thai women into commercial sexual exploitation in Bahrain. During the reporting period, the government reportedly closed several manpower agencies alleged to have confiscated workers' passports, switched contracts, or withheld payment of salaries. The government also ordered 12 employers to pay back and release their workers. It did not criminally prosecute any employers or labor agents for forced labor of migrant laborers, including domestic workers, under its new anti-trafficking law. 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 Royal Police Academy provided new police recruits with specific instruction on identifying trafficking victims during the reporting period.

Protection

The Government of Bahrain did little to improve protective services available to trafficking victims over the last year, though it issued new policy guidance on the employment conditions of migrant workers. The government maintains one floor of its shelter for female migrant workers, but did not provide information regarding the number of foreign workers assisted or the types of care the shelter provided to trafficking victims. The majority of victims continued to seek shelter at their embassies or through the Migrant Workers Protection Society, which in April and July 2008 received a project grant of $15,900 from the Bahraini government to operate its shelter. The government did not have a referral process to transfer trafficking victims detained, arrested, or placed in protective custody to institutions that provide short- and long-term care. There are no shelter facilities or protective services for male trafficking victims in Bahrain.

In August 2008, the Ministry of Social Development established a committee to protect trafficking victims as part of its obligation under the anti-Trafficking in Persons law. One of the responsibilities of this committee, as part of the new law, is its approval for trafficking victims to remain in Bahrain pending their traffickers' prosecution; in the aforementioned case, the Thai victims were offered the option of remaining in Bahrain to work, but all three chose to repatriate to Thailand instead. To address vulnerabilities to trafficking arising from the migrant labor sponsorship system, the government launched a new migrant labor visa regime in July 2008 that allows for workers to change employers and criminalizes the use of "free visas" that often leave workers stranded in Bahrain without a job. These regulations do not, however, apply to domestic workers, which are the migrant workers most vulnerable to forced labor in Bahrain. The government continued to lack a formal procedure to identify victims among vulnerable groups, such as 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. Employers also sometimes filed police reports against their runaway workers. The government encouraged victims to assist in the investigation and prosecution of their traffickers; however, long and indefinite delays in legal cases, as well as a perceived bias against foreign workers by judges and prosecutors, discouraged workers from such involvement in criminal proceedings against their traffickers.



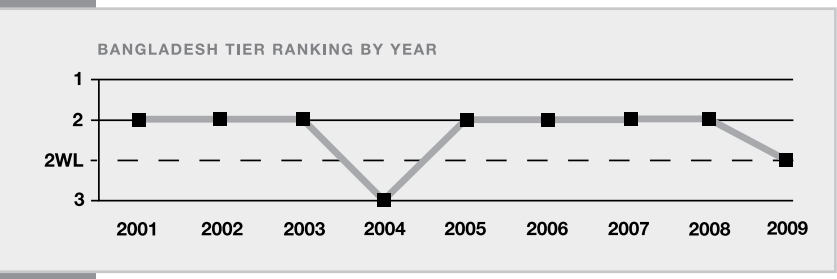
Prevention

The government's efforts to prevent trafficking increased during the reporting period. The Ministry of Interior's Human Trafficking Unit produced a brochure describing Bahrain's anti-trafficking law and soliciting complaints to its hotline for investigations; it distributed this brochure to at-risk groups upon arrival in the country. The Labor Market Regulatory Authority (LMRA) collaborated with IOM to produce a pamphlet explaining how to legally obtain a work visa, workers' rights, and how to report suspected violations. Throughout 2008, the CEO of LMRA and the Minister of Labor conducted press conferences to highlight illegal practices, particularly withholding of passports, relating to human trafficking. Despite the increased level of awareness fostered by these campaigns, understanding of what constitutes trafficking remained low. Many people, including courthouse clerks, continued to believe that it is legal to confiscate workers' passports, despite several instances over the course of the reporting period in which the Minister of Labor explicitly stated that withholding passports is illegal. In March 2009, the government hosted a two-day international conference on combating trafficking in persons. In April, June, and July 2008, the government provided services and support valued at more than $60,000 that enabled IOM to train 315 civil society volunteers, journalists, foreign diplomats, and government officials in the LMRA and Ministries of Interior, Social Development, Culture and Information Affairs, Foreign Affairs, Labor, and Justice. In July, the government requested and supported a training and awareness program for its anti-trafficking

unit. Nonetheless, the government did not take any steps to reduce the demand for forced labor or the demand for commercial sex acts within the country.

BANGLADESH (Tier 2 Watch List)

Bangladesh is a source and transit country for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. A significant share of Bangladesh's trafficking victims are men recruited for work overseas with fraudulent employment offers who are subsequently exploited under conditions of forced labor or debt bondage. Children – both boys and girls – are trafficked within Bangladesh for commercial sexual exploitation, bonded labor, and forced 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. Women and children from Bangladesh are also trafficked to India and Pakistan for sexual exploitation.



Bangladeshi men and women migrate willingly to Saudi Arabia, Bahrain, Kuwait, the United Arab Emirates (UAE), Qatar, Iraq, Lebanon, and Malaysia for work, usually under legal and contractual terms. Most Bangladeshis seeking overseas employment through legal channels rely on the 700 recruiting agencies belonging to the Bangladesh Association of International Recruiting Agencies (BAIRA) which are legally permitted to charge workers up to $1,235 – and often charge more unlawfully – for placing workers in low-skilled jobs that usually pay between $100 and $150 per month. Such fees have been reported by the ILO to contribute to the placement of some of these workers in debt bondage or forced labor once overseas. NGOs report that many Bangladeshi migrant laborers are victims of recruitment fraud, including fraudulent representation of the terms of employment; such victimization often results in situations of labor trafficking. Women typically work as domestic servants; some find themselves in situations of forced labor or debt bondage when faced with restrictions on their movements, non-payment of wages, threats, and physical or sexual abuse. Some Bangladeshi women working abroad are subsequently trafficked into commercial sexual exploitation. Bangladeshi adults are also trafficked internally for commercial sexual exploitation, domestic servitude, and bonded labor.

Bangladesh 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, including some progress in addressing sex trafficking, the government did not demonstrate sufficient progress in criminally prosecuting and convicting labor trafficking offenders, particularly those responsible for the recruitment of Bangladeshi workers for the purpose of labor trafficking; therefore, Bangladesh is placed on Tier 2 Watch List. The practice of allowing labor recruiters to charge outbound migrants up to $1,235, the equivalent of ten months' salary in some Gulf state destinations, may contribute to forced labor and debt bondage, as the ILO has concluded that such high recruitment costs increase workers' vulnerability to forced labor.

Recommendations for Bangladesh: Integrate anti-labor trafficking objectives into national anti-trafficking policies and programs; significantly increase criminal prosecutions and punishments for all forms of labor trafficking, including those involving fraudulent labor recruitment and forced child labor; continue to investigate and prosecute government officials who may be suspected of complicity in trafficking; greatly improve oversight of Bangladesh's 700 international recruiting agencies to ensure they are not promoting practices that contribute to labor trafficking; and provide protection services for adult male trafficking victims and victims of forced labor.

Prosecution

The Government of Bangladesh made inadequate overall anti-trafficking law enforcement efforts over the last year. 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 sex trafficking statutes range from 10 years' imprisonment to the death sentence; the most common sentence imposed on convicted sex traffickers is life imprisonment. These penalties are very stringent and commensurate with those prescribed for other grave 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 to deter the offense. During the reporting period, the government obtained the convictions of 37 sex trafficking offenders, with 26 of them sentenced to life imprisonment and 11 to lesser prison terms. This is an increase from the 20 convictions obtained in 2007. It also initiated 134 sex trafficking investigations and prosecuted 90 suspected sex trafficking cases. The Bangladeshi judicial system's handling of sex trafficking cases continued to be plagued by a large backlog and delays caused by procedural loopholes. Most sex trafficking cases are prosecuted by the 42 special

courts for the prosecution of crimes of violence against women and children spread throughout 32 districts of the country, which are generally more efficient than regular trial courts. During the reporting period, the Bureau of Manpower Employment and Training (BMET) reportedly shut down nine recruiting agencies, cancelled the licenses of 25 agencies, suspended seven agencies, fined six others, and initiated three new cases for their involvement in fraudulent recruitment practices that potentially facilitated human trafficking. Despite these administrative actions taken against labor recruitment agencies involved in fraudulent recruitment and possible human trafficking, the government did not report any criminal prosecutions or convictions for labor trafficking offenses. There were no reported prosecutions or convictions for forced child labor offenses. In mid-2008, the government created a 12-member police anti-trafficking investigative unit that complements an existing police anti-trafficking monitoring cell. The country's National Police Academy provided anti-trafficking training to 2,827 police officers during the year.

Protection

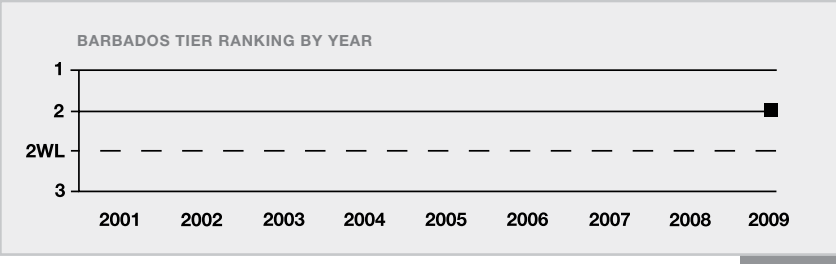
The Government of Bangladesh made limited efforts, within the scope of its resources, to protect victims of trafficking over the last year. While the government did not provide shelter or other services dedicated to trafficking victims, it continued to run six homes for women and child victims of violence, including trafficking, as well as a "one-stop crisis center" for women and children in the Dhaka general hospital. During the last year, Bangladeshi law enforcement officials identified 251 trafficking victims – believed to be victims of trafficking for commercial sexual exploitation – and referred 204 trafficking victims to care facilities run by the government or NGOs. The Ministry of Expatriate Welfare and Overseas Employments continued to operate shelters for female Bangladeshi victims of trafficking and exploitation in Riyadh, Jeddah, Abu Dhabi, and Dubai. The Ministry of Foreign Affairs produced and disseminated among Bangladeshi diplomatic missions abroad a new circular entitled "Guidelines for Bangladesh Missions Abroad to Combat Trafficking in Persons." Law enforcement personnel encouraged victims of trafficking, when identified, to participate in investigations and prosecutions of their traffickers and generally did not penalize victims for unlawful acts committed as a direct result of their being trafficked. The government's lack of efforts to protect victims of forced labor – who constitute a large share of victims in the country – as well as adult male victims of trafficking is a continuing concern.

Prevention

The Bangladeshi government made modest efforts to prevent human trafficking over the reporting period. The government's inter-ministerial committee on human trafficking, chaired by the Home Minister, continued to meet monthly, though its work was largely confined to addressing sex trafficking. Throughout the year, the government disseminated anti-trafficking messages in various forms, including public service announcements, dramas, public discussions, and songs, on the government-run television channel and radio network. The government failed, however, to take measures to prevent fraudulent recruitment that could lead to debt bondage. The government has allowed BAIRA to set fees, license individual agencies, and certify workers for overseas labor, while not exercising adequate oversight over this consortium of labor recruiters to ensure that their practices do not facilitate debt bondage of foreign workers. During the year, the government did not demonstrate measures to reduce the demand for forced labor or for commercial sex acts. The Bangladeshi government provided anti-trafficking training to its troops being deployed for peacekeeping missions abroad. Bangladesh has not ratified the 2000 UN TIP Protocol.

BARBADOS (Tier 2)

Barbados is a destination country for women from the Dominican Republic, Guyana, and Jamaica trafficked for the purpose of sexual exploitation; it is also a destination for men from China, India, and Guyana trafficked for the purpose of labor exploitation in construction and other sectors. Reports from 2005 indicated that girls and women within Barbados and from other Caribbean countries were trafficked for the purpose of domestic servitude. Sex traffickers, primarily pimps and brothel owners from Guyana, Trinidad and Tobago, and Barbados, lure women through newspaper ads for legitimate work in Barbados. Trafficked women tend to enter the country through legal means, usually by air; traffickers later force victims to work in strip clubs, massage parlors, some private residences, and "entertainment clubs" that operate as brothels. Traffickers use threats of physical harm or deportation, debt bondage, false contracts, psychological abuse, and confinement to force men, women, and reportedly some girls to also work in construction, the garment industry, agriculture, or private households.



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. During the reporting period, the government drafted a protocol for anti-trafficking actions, increased public awareness of trafficking, and cooperated with other Caribbean

governments on trafficking issues. The government, however, did not report any investigations of suspected cases of sex or labor trafficking, nor did it prosecute any trafficking cases during the year.

Recommendations for Barbados: Develop, enact, and implement a comprehensive anti-trafficking law; proactively investigate suspected human trafficking cases; prosecute and punish trafficking offenders, including those who subject workers to conditions of forced labor; implement procedures for law enforcement officers to proactively identify trafficking victims among vulnerable populations; develop a national plan to identify, combat, and prevent trafficking; and create and implement a national trafficking public awareness and prevention program.

Prosecution

The Barbados government made weak efforts to prosecute trafficking offenders during the year, while facing resource constraints and competing law enforcement priorities. Barbados has no specific law prohibiting human trafficking, but slavery and forced labor are constitutionally prohibited. Existing statutes against sexual offenses and forced labor could be used to prosecute some trafficking crimes. Penalties for these offenses, which range from five to 15 years' imprisonment, are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. No trafficking offenders were prosecuted during the year. Most law enforcement and immigration officials do not have the appropriate training, funding, and other necessary mechanisms to monitor and investigate suspected cases of trafficking.

Protection

The Government of Barbados made moderate efforts to ensure victims' access to protective services over the last year. It funded several existing programs to assist victims of other crimes which could be used to support trafficking victims, such as shelters run by a local NGO and the Salvation Army, and public counseling services for victims of rape and child abuse. The government expressed its readiness to refer victims of trafficking, once identified, to the Bureau of Gender Affairs for support services, although no victims were formally identified during the year. The government's Bureau of Gender Affairs collaborated with a local NGO to sensitize government agencies on the difference between smuggling and trafficking, the importance of referring victims to services provided in collaboration with NGOs, and the importance of implementing a trafficking-specific protocol and legislation to better target their efforts. Victims of trafficking (like victims of other crimes) are not, in general, encouraged to participate in investigations or prosecutions of trafficking offenders. Trafficking victims could be prosecuted for unlawful acts committed as a direct result of their being trafficked, as no existing legislation offers legal protection specifically to victims of trafficking. Police claim to have no option under current, relevant laws but to treat foreign trafficking victims without valid legal documentation as criminals and summarily deport them. UNHCR provided suspected trafficking victims with medical assistance and help with repatriation. There have been no reported cases of Barbadians trafficked to foreign countries, although the Bureau of Gender Affairs has specialized services in place should such a case arise.

Prevention

The government made moderate efforts to raise the public's awareness of the risks and dangers of human trafficking in Barbados. During the year the government hosted educational workshops and ran press releases on human trafficking. Although there is no formal mechanism for coordinating government and NGO action on trafficking issues, the Bureau of Gender Affairs worked with regional and local NGOs, religious organizations, and community advocates to better organize their anti-trafficking efforts and outreach. The Bureau of Gender Affairs also disseminated the government's draft protocol for anti-trafficking action to various official agencies. Expansion of the tourism industry is fueling an increased demand for commercial sex in Barbados, but the government made no noticeable efforts to reduce the demand for commercial sex acts. Barbados has not ratified the 2000 UN TIP Protocol.

BELARUS (Tier 2)

Belarus is a source and transit country for women, men, and children trafficked from Belarus and neighboring countries to Russia, Germany, Poland, the Czech Republic, Lithuania, Latvia, Austria, the Netherlands, Israel, the United Arab Emirates (UAE), Turkey, Egypt, Ukraine, and the Republic of Togo for the purposes of commercial sexual exploitation and forced labor. Authorities registered 591 trafficking victims of whom 458 were trafficked for sexual exploitation (including 96 minors) and 133 for forced labor; 366 were female (including 42 minors) and 225 were male (including 61 minors). Authorities identified 246 victims trafficked within Belarus. A 2008 IOM study on the trafficking of men found that more than 60 percent of assisted Belarusian trafficked men from 2004 to 2006 had some job training or college education. There was one ongoing case against residents of Belarus for trafficking Russian homeless persons into servitude in Belarus.

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. The government demonstrated sustained efforts to prosecute and punish trafficking offenders, though support for victim assistance programs remained lacking, and the government did not refer the majority of identified trafficking victims to service providers for assistance.

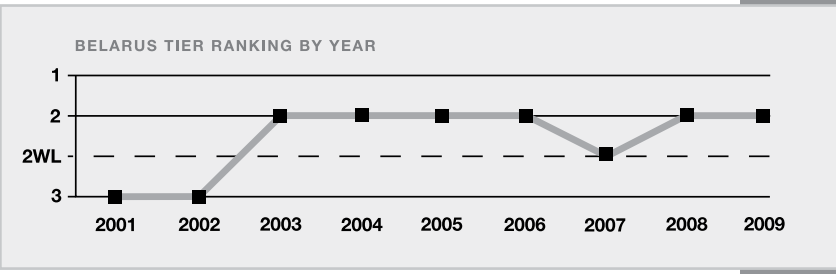
Recommendations for Belarus: Increase resources devoted to victim assistance and protection within Belarus; ensure male and child victims' access to appropriate assistance and protection; continue streamlining administrative processes related to all victim protections; encourage public reporting of allegations of law enforcement officials' complicity in trafficking; continue to improve relations with and cultivate a climate of encouragement for NGO partners providing victim services; and take steps to reduce the demand for commercial sex acts and forced labor.

Prosecution

The government sustained its significant law enforcement efforts in 2008. Belarusian law prohibits trafficking in persons for the purposes of both sexual exploitation and forced labor through Article 181 of its criminal code, which prescribes penalties ranging of five to 15 years' imprisonment, in addition to the forfeiture of assets. These penalties are sufficiently stringent and are commensurate with penalties prescribed for other grave crimes. Belarusian authorities registered 333 human trafficking investigations in 2008. The government prosecuted 69 cases under article 181 and reported an additional 160 trafficking offenses prosecuted under other statutes such as pimping, kidnapping, and involving minors in antisocial behavior. The government reported 17 convictions under article 181 and 112 additional convictions of trafficking offenders on related offenses in 2008. The majority of convicted trafficking offenders were sentenced to jail for over eight years with property confiscation. There were no investigations, prosecutions, or convictions of officials complicit in human trafficking. There were no reports of government complicity in trafficking, although such information may have been limited because of lack of press freedom and imprisonment of citizens for criticizing government officials in Belarus. During the reporting period, the government continued specialized training in victim identification and protection to members of law enforcement, courts, and the Prosecutor General's Office through its government anti-trafficking training center in the Ministry of Interior. The high turnover rate for law enforcement officials, interagency coordination problems, and other bureaucratic obstacles hampered overall law enforcement effectiveness in combating trafficking.

Protection

The government demonstrated mixed efforts to protect and assist victims during the reporting period. The government again failed to provide funding for specialized victim assistance programs pledged in a 2005 presidential decree. The government reported referring only 125 out of 591 victims to service providers in 2008 using the national referral mechanism. Law enforcement officials generally refer trafficking victims to IOM or NGO shelters – which rely on donor funding – to provide short and longer term protection and rehabilitation. The government operated 156 governmental social centers, which in theory can provide services to returned trafficking victims, but only 17 have specialized trafficking-related services. Officials refer child trafficking victims to one of the 146 government social care and education centers under the Ministry of Education. Under Belarus' state health care system, victims may seek medical assistance free of charge, but most victims decline medical assistance from government facilities due to their reluctance to divulge information to clinic staff or because of the poor quality of services provided. While government coercion of victims to cooperate with investigations still occurs, law enforcement agencies permitted NGO specialists to attend police interviews and closed court hearings upon victims' requests. Belarusian law allows for authorities to grant temporary residency status to foreign victims. The 2005 presidential decree stipulates that trafficking victims should not be deported or penalized for unlawful acts committed as a direct result of their being trafficked. Belarusian courts awarded $79,000 in compensation to trafficking victims from 2002 to 2008. While NGOs in Belarus are often subjected to government intimidation and strict control, anti-trafficking NGOs in general reported that the government decreased some delays related to red tape and burdensome project registration procedures during the reporting period.



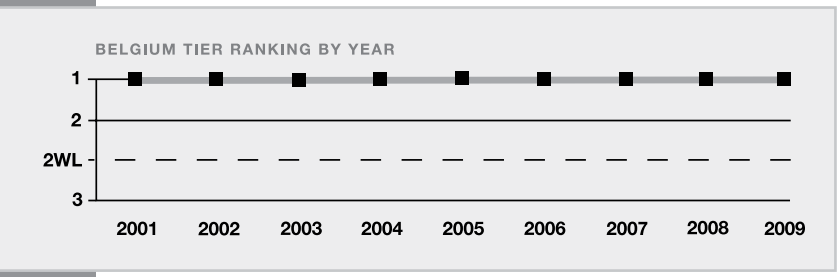
Prevention

The Government of Belarus demonstrated sustained public awareness and trafficking prevention activities in 2008. The government continued to fund its anti-trafficking training academy. The government also funded and aired a series of anti-trafficking public service announcements on state owned television channels. Officials continued to conduct press conferences and briefings on the anti-trafficking situation in Belarus during the reporting period. The education ministry distributed a manual for teachers on activities aimed at preventing human trafficking. The Ministry of Interior continued to operate a hotline regarding the licensing status and legitimacy of employment agencies involved in work and study abroad but referred callers to NGO run and funded hotlines for other services. NGOs reported close cooperation from authorities in distributing NGO-funded public awareness materials. There were reports that some policies described by the Belarusian government as anti-trafficking measures, such as the enforcement of foreign travel controls on students and

others groups, were unduly restricting Belarusian citizens' ability to travel abroad for legitimate purposes.

BELGIUM (Tier 1)

Belgium is a destination and transit country for men, women, and girls trafficked for the purposes of forced labor and commercial sexual exploitation. Women and girls are trafficked to Belgium for sexual exploitation primarily from Nigeria, Russia, Albania, Bulgaria, Romania, the People's Republic of China (PRC), and through Belgium to other European countries, such as the United Kingdom. Male victims are trafficked to Belgium for labor exploitation in restaurants, bars, sweatshops, horticulture, fruit farms, and construction sites. According to Belgian immigration, the number of foreign unaccompanied minors entering the country increased by 14 percent in 2007 compared to 2006. The government determined that nine of these minors were victims of trafficking, compared to 14 of 1752 unaccompanied minors who entered in 2006. The government and NGOs reported two new trends in 2008: an increase in the number of forced labor cases, and sex trafficking increasingly disguised by businesses including massage parlors, escort services and the Internet. The trafficking of workers for domestic servitude and trafficking for sexual exploitation continued to be committed by some members of the international diplomatic community posted in Belgium. The Belgian government has conducted campaigns to reduce this problem and investigates such cases.



The Government of Belgium fully complies with the minimum standards for the elimination of trafficking. The government developed a directive to improve the identification and referral of trafficking victims and financed NGOs to provide comprehensive victim assistance. The government financed victim shelters providing the full spectrum of services and protections to victims. The government and royal foundation funded several NGOs that conducted prevention campaigns.

Recommendations for Belgium: Improve the collection of comprehensive anti-trafficking law enforcement data, including numbers of prosecutions and convictions for forced labor and trafficking for commercial sexual exploitation, along with corresponding sentencing data, and numbers of government-assisted repatriations; and consider training for officials who may encounter trafficking victims that focuses on the needs of victims.

Prosecution

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 sentence for all forms of trafficking – 30 years' imprisonment – is sufficiently stringent and commensurate with penalties prescribed for rape. In 2007, the most recent year for which data were available, the government reported 1,204 trafficking investigations. Authorities reported prosecuting and obtaining the convictions of 223 trafficking offenders, compared to 238 prosecuted and convicted in 2006. In 2007, the government reported that 70 percent of convicted traffickers received prison sentences ranging from one year to more than 10 year's jail time. It is unclear how many of these cases involved forced labor and how many involved trafficking for commercial sexual exploitation.

In July 2008, Belgian authorities opened investigations of seven members of the royal family of Abu Dhabi (UAE) for trafficking 17 girls reportedly from Indonesia, Turkey, Egypt, Syria, India, Iraq, Morocco and the Philippines for domestic servitude while staying at a Brussels hotel; eleven of these victims were subsequently granted victim status by Belgian authorities. However, the implicated sheikha and seven other family members have since left the country. The investigation remains ongoing. In January 2009, Belgian authorities arrested and charged nine suspects involved in the trafficking of 17 Thai women in massage parlors; one of the arrestees was an employee of the Ministry of Justice. NGOs reported blatant exploitation of undocumented Bulgarian women by human trafficking networks in Brussels and also claimed that some officials abused their positions to obtain sexual services from possible victims. One NGO indicated that judges and other officials could benefit from increased anti-trafficking trafficking training.

Protection

The government improved its capacity to identify and protect trafficking victims during the reporting period. In September 2008, the government issued an interagency directive on coordination and assistance to trafficking victims, which included procedures on identification of victims and their referral to shelters. The government continued to fund three NGOs that sheltered and provided comprehensive assistance to trafficking victims in 2008. During the reporting period, 495 adults were referred to the three specialized shelter centers, compared to a total of 619 persons registered the previous year. Of those 495 people, 202 were identified as potential trafficking victims. Forty-seven victims qualified for full victim status in 2008, compared to 62 qualifying in 2007. In 2008, an additional 122 victims received permanent residency permits, even though they did not receive final victim status. Belgian law allows the

provision of extendable temporary residence status and permanent residence status to victims who participated in trafficking investigations and prosecutions. Residence can be granted before an investigation is completed at judicial discretion; residency can also be granted even without a successful prosecution. Children who were victims of trafficking reportedly were granted three months in which to decide whether to testify against their traffickers. If they did not qualify for victim status, they may still have qualified for protection under the government's rules for unaccompanied minors. Victims who served as witnesses in court were entitled to seek legal employment during the trial process. Identified victims were not inappropriately incarcerated, fined, or penalized for unlawful acts committed as a direct result of being trafficked.

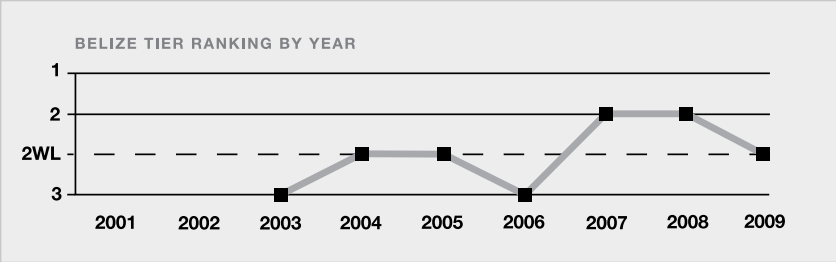
Prevention

In 2008, the Belgian government demonstrated progress in its anti-trafficking prevention efforts. The Belgian government funds all domestic NGOs involved in combating human trafficking in Belgium. Demand reduction and prevention are two main objectives of the 2008-2011 Belgian National Anti-Trafficking Plan. The government funds websites and conducts campaigns to reduce demand. "Stop Child Prostitution" is a particularly noteworthy ongoing campaign sponsored by the government-funded NGOs Child Focus, ECPAT, FIT, the Federal Police, and the Ministries of Defense and Foreign Affairs. The Royal King Baudouin Foundation has funded campaigns aimed at the situation of diplomatic household personnel. The Center to Combat Racism and Discrimination and the three trafficking victim shelters participated in the European Anti-Trafficking Day awareness campaign. Belgian law allows for the prosecution of Belgian nationals for child abuse crimes committed abroad. The government provided specific anti-trafficking training to Belgian troops before they were deployed on international peacekeeping missions.

BELIZE (Tier 2 Watch List)

Belize is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. The most common form of trafficking in Belize is the internal sex trafficking of minors, particularly situations where poor families push their school-aged daughters to provide sexual favors to wealthy older men in exchange for school fees, money, and gifts. This "sugar daddy" phenomenon occurs in Belize and other Caribbean countries, but often it is not recognized as a form of human trafficking by local communities or law enforcement personnel. In two recent cases, more than 70 workers from Nepal and India were trafficked to Belize for forced labor. After being deceived as to the true nature of employment, these victims encountered forced working conditions upon arrival in Belize, in addition to the confiscation of their passports. Some Central American men, women, and children, particularly from Guatemala, Honduras, and El Salvador, migrate voluntarily to Belize in search of work but are subsequently subjected to conditions of forced labor or forced prostitution.

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. Despite these overall significant efforts, the government did not show evidence of progress in convicting and sentencing trafficking offenders last year, and therefore Belize is placed on Tier 2 Watch List.



Recommendations for Belize: Increase efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders, including any allegedly complicit public officials; increase law enforcement efforts against forced labor; continue to improve victim services and assistance; and increase penalties for sex trafficking crimes so they are commensurate with penalties for other grave crimes.

Prosecution

The Government of Belize made inadequate progress in applying law enforcement measures against trafficking offenders during the past year. The Government of Belize 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. There were no trafficking convictions during the reporting period: one prosecution was dismissed, two prosecutions remain pending, and one is pending appeal. In one case, the government charged a Chinese company with five counts of withholding travel documents – an offense less severe than trafficking – after reviewing allegations that the company had trafficked 70 Nepalese and Indian workers to Belize to work on a hydrodam project. In September 2008, a court dismissed the case on procedural grounds; the government is in the process of filing an appeal. A separate complaint of an Indian shop owner mistreating and coercing Indian migrants into labor exploitation after confiscating their passports remains pending in Belize City magistrate's court. In 2007, police raided a brothel and rescued a 16-year-old

sex trafficking victim; charges against the brothel owner remain pending. Some international organizations describe Belize's judicial system as dysfunctional. Human trafficking cases are typically handled in lower courts and often dismissed. An anti-trafficking committee leads the government's efforts, including coordination of investigations and prosecutions of trafficking offenders; however, the committee discontinued brothel raids to identify trafficking victims last year. The government increased anti-trafficking training for police, immigration officials, and social workers during the reporting period, though anti-trafficking training for labor inspectors remained lacking. The Government of Belize cooperated with foreign governments on trafficking investigations. Complicity with trafficking by police officials appeared to be an impediment to some prosecutions.

Protection

The Government of Belize maintained solid protection services for trafficking victims last year. Child victims of trafficking are placed in government institutions for minors. The government operated two shelters for adult trafficking victims, and provided access to medical care, counseling, and integration assistance. Eleven foreign labor trafficking victims received shelter assistance, victim services, and work permits last year. An additional 60 victims from the hydrodam labor trafficking case were assisted by the government and repatriated to Nepal and India; transportation costs were paid by the company that had contracted the workers. Authorities in Belize encouraged victims to assist with the investigation and prosecution of their traffickers. Prosecutors noted difficulty with the willingness of some victim witnesses, particularly child sex trafficking victims, to assist with prosecutions; some victims feared further mistreatment, others did not view themselves as victims, and others were discouraged from testifying by family members. There were no reports of victims being jailed or penalized for crimes committed as a direct result of being trafficked. Belize also provided temporary residency for foreign trafficking victims, and other temporary legal alternatives to the removal of victims to countries in which they would face hardship or retribution.

Prevention

The government maintained efforts to raise public awareness of human trafficking during the reporting period. The government developed public service announcements in multiple languages, and redistributed posters and anti-trafficking materials. The government supported local NGOs, and provided annual funding for their anti-trafficking efforts. In particular, the government assisted an NGO in Belize City to educate children and parents about the dangers of sexual exploitation and the "sugar daddy" phenomenon. The government also continued to work with Belize's tourism industry to promote a code of conduct to prevent child sex tourism. No specific efforts to reduce demand for forced labor were reported.

BENIN (Tier 2)

Benin is a source, transit and, to a lesser extent, a destination country for children trafficked for the purposes of forced labor and commercial sexual exploitation. A UNICEF study found that in 2006 more than 40,000 children were trafficked to, from, or through Benin. Ninety-three percent of victims were Beninese and 92 percent were trafficked within the country. Forty-three percent of children trafficked were subjected to domestic servitude. Of those trafficked internally, 86 percent were underage girls. A 2006 NGO study revealed that more than half of internally trafficked children are taken to Cotonou. Within the country, girls are trafficked primarily for domestic servitude and sexual exploitation, while boys are subjected to forced agricultural and construction work, street hawking, and handicraft activities. There is anecdotal evidence that child sex tourism may be developing in northern Benin. Children are trafficked from Benin to other African countries for the aforementioned purposes as well as for forced labor in mines and stone quarries. A 2005 ILO study found that the majority of victims trafficked transnationally from Benin are taken to Nigeria and Gabon, though some are also trafficked to Cameroon, Togo, Cote d'Ivoire, Ghana, Niger, Republic of Congo, Guinea-Bissau, the Central African Republic, and possibly to Equatorial Guinea. A small number of children are trafficked to Benin from other African countries, primarily Togo, Niger and Burkina Faso.

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, despite limited resources. During the year, Benin continued its strong anti-trafficking victim protection and prevention efforts. Despite these overall significant efforts, the government did not show great progress in prosecuting, convicting, and punishing trafficking offenders.

Recommendations for Benin: Increase efforts to prosecute and convict trafficking offenders and collect data on such efforts; develop formal procedures for identifying trafficking victims among women and children in prostitution and children laboring in the informal sector and private residences; develop and enact legislation prohibiting trafficking of adults; finalize and issue draft decrees regulating the movement of children into and out of Benin; and begin the delayed implementation of the 2007 National Action Plan to Combat Trafficking and the National Policy and Strategy for Child Protection.

Prosecution

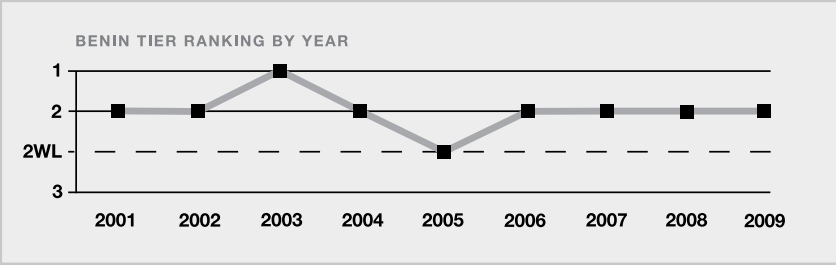
The Government of Benin demonstrated decreased law enforcement efforts to combat trafficking offenses during the past year. Benin does not prohibit all forms of trafficking, though its 2006 Act Relating to the Transportation of Minors and the Suppression of Child Trafficking criminalizes all forms of child trafficking,

prescribing penalties of up to 20 years' imprisonment – penalties that are sufficiently stringent and exceed those prescribed penalties for rape. The government was unable to provide comprehensive data on its anti-trafficking law enforcement activities in the last year. Five courts outside the capital, however, reported that together they handled a total 20 trafficking cases during the year. No further information was available related to the status of these cases within the court system. The Police Minors Protection Brigade (MPB) reported that in 2008 it arrested 58 suspected child traffickers and brought them to a Cotonou court. The government did not, however, report any prosecutions or convictions of traffickers during the year, largely due to seven months of strikes at the Ministry of Justice that weakened its capacity to record and collect trafficking crime data. This is in contrast to the preceding two years, during which the government demonstrated progressively increasing law enforcement efforts, reporting over 30 prosecutions of trafficking offenders annually and a significant numbers of convictions. The police academy curriculum continued to include instruction on law enforcement approaches to combat child trafficking. The MPB monitored Benin's borders to identify traffickers and victims.

Protection

The Beninese government strengthened efforts to protect trafficking victims during the last year. The MPB, working in collaboration with foreign government officials, reportedly rescued 222 victims, an increase over the 190 victims identified and assisted during the previous reporting period. These victims, who were trafficked between Benin and either Nigeria, Gabon, Cote d'Ivoire, Cameroon, Mali, or the Republic of the Congo, received assistance at the government's transit facility, where victims were placed temporarily before being referred to NGOs for care. While the government provides the transit center with electricity, water, and food, an NGO provided salaries for seven personnel who operated it. The government also reported that it collaborated with UNICEF and international NGOs to repatriate 172 foreign child trafficking victims and assist with their reintegration. Between February and September 2008, Beninese authorities collaborated with Nigerian counterparts to repatriate 55 Beninese children who had been trafficked to Nigeria's stone quarries. In November 2008, Beninese officials worked with Cameroonian authorities to repatriate to Benin nine suspected child trafficking victims rescued from a disabled ship off the coast of Cameroon.

The Ministry of the Family and National Solidarity continued to work with UNICEF and schools to place rescued child victims in vocational and educational programs. Benin continued to use its Social Promotion Centers in each of Benin's 77 municipalities to provide basic social services to children, including trafficking victims. The government did not repatriate victims unless a safe reinsertion program, such as schooling, vocational training, or an apprenticeship, had been arranged for each child in advance. Government officials did not follow procedures for identifying trafficking victims among women and children in prostitution. The government interviewed victims to gather evidence to prosecute traffickers, but did not encourage child victims to participate in trials to protect them from trauma, unless a judge ordered them to do so. Victims were not inappropriately incarcerated or fined for unlawful acts committed as a direct result of being trafficked.



Prevention

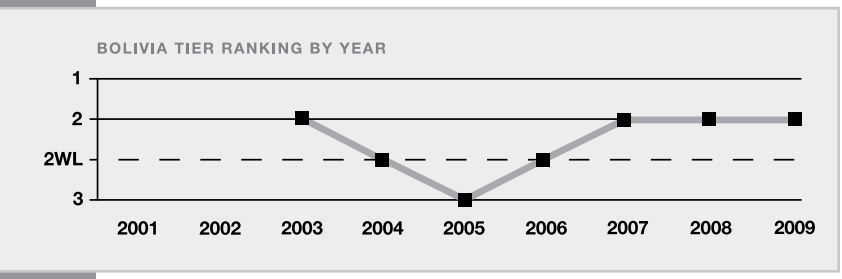
The Government of Benin sustained its trafficking prevention efforts through awareness-raising campaigns during the reporting period. In December 2008, the government finalized a two-year, donor-funded sensitization project it conducted in collaboration with a foreign government donor and UNICEF. Government officials made anti-trafficking presentations to educate communities in the northern part of the country. The project educated 177,850 people about trafficking. The Joint Nigeria-Benin Committee to Combat Child Trafficking met in November 2008 and drafted a 2008-2009 Joint Action Plan. While in 2007 the government completed a UNICEF-sponsored National Policy and Strategy for Child Protection that addresses child trafficking, and an ILO-funded five year national action plan to combat trafficking, neither plan has been implemented. Draft 2007 decrees to enact provisions of the 2006 child trafficking law regulating the movement of children remained stalled in a government review process. The government provided anti-trafficking awareness training to Beninese troops prior to their deployment abroad as part of international peacekeeping missions. The Government of Benin did not take steps to reduce the demand for commercial sex acts within Benin.

BOLIVIA (Tier 2)

Bolivia is principally a source country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. A large number of Bolivians are trafficked to Argentina, Brazil, Chile, Peru, Spain, and the United States for forced labor in sweatshops, factories, and agriculture. In a case discovered in May 2008, more than 200 Bolivian workers were trafficked to Russia for forced labor in the construction industry. Within the country, young Bolivian women

and girls are trafficked from rural to urban areas for commercial sexual exploitation. Members of indigenous communities are particularly at risk of forced labor within the country, especially on ranches, sugar cane, and Brazilian nut plantations. Bolivian children are trafficked internally for forced labor in mining, agriculture, and as domestic servants. Some reports indicate that parents have sold or hired out their children into farm labor exploitation near border areas with Peru. Weak controls along Bolivia's extensive borders make the country an easy transit point for undocumented migrants, some of whom may be trafficked.

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 demonstrated significant anti-trafficking progress last year by increasing law enforcement actions against trafficking offenders and maintaining prevention campaigns. The government continues to lag, however, in ensuring that victims have access to adequate protective services.



Recommendations for Bolivia: Continue to intensify anti-trafficking law enforcement efforts, particularly relating to allegations of forced labor of adults and children; increase victim services across the country; amend anti-trafficking laws to provide greater legal protections for victims; develop formal procedures for identifying victims among potential trafficking populations; and increase public awareness about the dangers of human trafficking, particularly among young Bolivians seeking work abroad.

Prosecution

The Government of Bolivia made strong efforts to investigate and prosecute trafficking crimes last year. The government prohibits all forms of human trafficking through Law 3325, an anti-trafficking law enacted in 2006, which prescribes penalties of eight to 12 years' imprisonment. The law contains aggravated penalties for trafficking offenses involving minors; organized criminal groups; and public employees responsible for protecting children. The law's prescribed penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes such as rape. The Bolivian national police investigated 229 cases involving human trafficking in 2008, which is a 49 percent increase over the preceding year. Of these, 178 were forwarded for criminal prosecution; 114 remain in investigative status at the prosecutor's office; 47 are in different stages within the criminal courts; 10 have gone to trial and are pending final court adjudication; and seven have resulted in guilty verdicts, with two defendants being sentenced to three and seven years respectively. Such results demonstrate increased efforts from 2007, when the government secured five convictions against trafficking offenders. The majority of the government's anti-trafficking law enforcement efforts focused on the commercial sexual exploitation of children, though several cases dealt with allegations of forced labor. In a noteworthy case involving the trafficking of 255 Bolivian workers to Russia, eight officials of a Bolivian company involved in their recruitment, along with three Russian nationals, have been charged with trafficking for labor exploitation. The government operated four specialized anti-trafficking police units in La Paz, El Alto, Santa Cruz, and Cochabamba. Bolivian police stepped up brothel raids which resulted in the rescue of 215 children exploited in prostitution. This represents an increase in the number of victims rescued when compared to 2007 and a threefold increase since 2006. In September 2008, the government passed legislation to create a national database on human trafficking crime statistics, as well as a clearinghouse for information on missing children, some of whom may be trafficked. The new law also directs the national police to form specialized anti-trafficking units in each department of the country. No criminal investigations or prosecutions of public officials allegedly involved with trafficking-related activity were initiated last year, though some officials reportedly took bribes to facilitate the illegal movement of persons, including suspected human trafficking.

Protection

The Bolivian government sustained modest efforts to protect trafficking victims over the last year. Temporary and long-term services for victims remain unavailable, however, in many parts of the country, especially outside larger cities such as La Paz and Santa Cruz, which have small municipal shelters capable of caring for trafficking victims on a short-term basis. The government has no dedicated programs to assist the large numbers of Bolivians trafficked abroad and later repatriated to the country. The government generally encourages victims to assist with the investigation and prosecution of their traffickers. However, some trafficking victims reportedly have been jailed or otherwise penalized for unlawful acts committed as a direct result of being trafficked. The government lacks effective procedures for identifying trafficking victims among vulnerable populations such as prostituted women in brothels, and does not provide foreign trafficking victims with legal alternatives to deportation to countries where they may face hardship or retribution.

Prevention

The government sustained prevention and public awareness efforts by conducting anti-trafficking education campaigns directed primarily at school children, reaching approximately 3,000 students. The government also worked closely with NGOs, international organizations, and other governments, including the United States, on prevention activities. No efforts to reduce demand for commercial sex acts were reported during the year. Bolivian troops deployed with peacekeeping operations abroad receive human rights training, including information relating to the unlawful commercial sexual exploitation of minors.

BOSNIA AND HERZEGOVINA (Tier 2)

Bosnia and Herzegovina is primarily a source for women and girls trafficked within the country for commercial sexual exploitation, though it is also a destination and transit country for women and girls trafficked to Western Europe for the same purpose. Some victims from Serbia, Ukraine, Moldova, Romania, Iraq, and Russia are trafficked into Bosnia and Herzegovina via Serbia or Montenegro for commercial sexual exploitation. Internal trafficking continued to increase in 2008, as the majority of identified victims were Bosnian, and more than half of them were children. There were reports that some girls, particularly Roma, were trafficked for the purpose of forced marriage. Reports of Roma children trafficked for forced labor continued. Traffickers continued to force some victims to apply for asylum in order to keep their victims in the country legally.

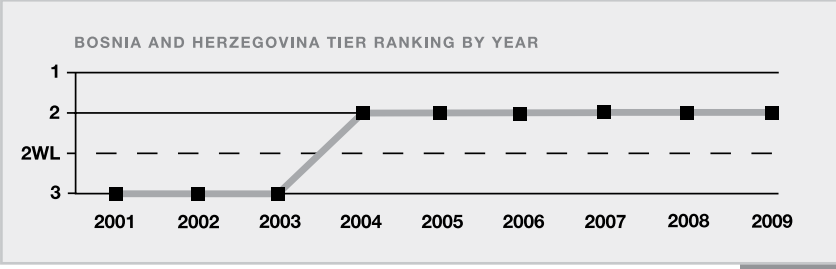
The Government of Bosnia and Herzegovina does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to provide funding to NGOs to protect and assist identified trafficking victims. However, some convicted trafficking offenders received suspended sentences. Moreover, the government failed to follow through on investigations of trafficking-related complicity initiated in 2006 and 2007.

Recommendations for Bosnia and Herzegovina: Vigorously investigate and prosecute all suspected acts of trafficking-related complicity; take steps to reduce the number of suspended sentences given to convicted traffickers; increase law enforcement training to ensure that standard operating procedures regarding trafficked children and victim referrals are implemented consistently throughout Bosnia; and train local officials to use available anti-trafficking legislation.

Prosecution

The Government of Bosnia and Herzegovina sustained moderate anti-trafficking law enforcement efforts in 2008. However, the government failed to vigorously address trafficking-related complicity, and some convicted trafficking offenders continued to receive suspended sentences. The Government of Bosnia 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 grave crimes, such as rape. Local level entities in Bosnia often use "Enticement to Prostitution" laws to prosecute trafficking, which carry lesser penalties. In 2008, state and local level entities investigated a total of 94 suspected trafficking cases, 26 of which had been initiated during the preceding year. Out of the 34 traffickers prosecuted to conviction, state and local-level courts imposed prison sentences on 20 trafficking offenders. Sentences ranged from three months to six years' imprisonment. The remaining 14 convicted traffickers received suspended sentences.

There were continued reports of police and other officials' involvement in trafficking, including by willfully ignoring or actively protecting traffickers or exploiters of trafficking victims in return for payoffs. The government failed to adequately follow up on two previously reported investigations of official complicity in trafficking. A February 2006 investigation involving two State Border Police employees has not been completed. Similarly, a December 2007 case of the alleged involvement of three local officials in the forced prostitution of three children continues to be under investigation by the State Prosecutor's office. Although two of the nine officials accused of involvement in this case are in police custody, no official indictments have been made.



Protection

The government of Bosnia sustained its efforts to protect identified victims of trafficking in 2008. The government continued to delegate victim assistance services to six local NGOs that provided shelter and medical and psychological assistance to foreign and domestic victims. During the reporting period, the government committed $22,400 for the care of domestic victims and allocated $133,333 for assistance to foreign victims of trafficking. NGOs were required to apply for funding on a victim *per capita* basis. The government ensures that victims have access to shelter and services provided by NGOs, and it employed procedures for identifying and referring both foreign and domestic victims. Twenty-nine trafficking victims were identified in 2009, a decline from 50 identified in 2007 and 71 identified in 2006.

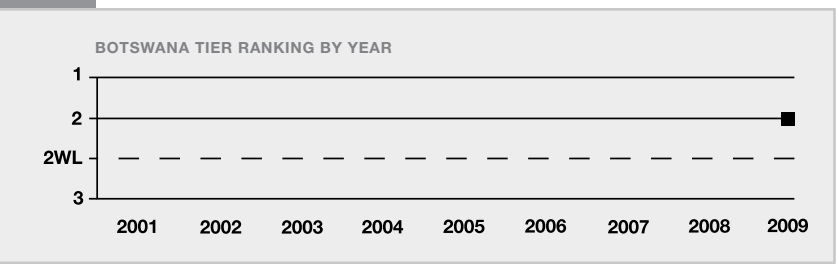
Twenty-two victims received assistance in Bosnian NGO shelters in 2008. Throughout the reporting period, the State Coordinator's Office organized training for prosecutors, social workers, and other ministries on standard operating procedures for children who are victims of trafficking; however, more training is needed to ensure these procedures are consistently implemented. The government encouraged victims to assist in the prosecution of traffickers. In 2008, approximately nine victims actually testified against their traffickers. The government 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 humanitarian visas. In 2008, two trafficking victims received residence permits on humanitarian grounds. Police and border officers use a screening questionnaire to evaluate potential victims among vulnerable populations. Identified victims were not penalized for unlawful acts committed as a direct result of their being trafficked.

Prevention

The Government of Bosnia funded an NGO's operation of an anti-trafficking hotline throughout the reporting period, and the Office of the State Coordinator continued to coordinate and supervise an NGO-funded comprehensive campaign targeted at young people seeking employment abroad that included TV spots, billboards, and pamphlets. The government did not conduct any awareness campaigns specifically aimed at reducing demand for commercial sex acts or forced labor. The government continued to give specialized trafficking awareness training to Bosnian troops participating in international peacekeeping missions before deployment.

BOTSWANA (Tier 2)

Botswana is a source, transit, and, to a lesser extent, destination country for men, women, and children trafficked for the purpose of forced labor and sexual exploitation. Children are trafficked internally for domestic servitude and cattle herding, while women report being forced into commercial sexual exploitation at safari lodges. Botswana is a staging area for both the smuggling and trafficking of third-country nationals, primarily from Namibia and Zimbabwe, to South Africa. Zimbabweans are also trafficked into Botswana for forced labor as domestic servants. 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. Parents in poor rural communities sometimes send their children to work for wealthier families as domestics in cities or as herders at remote cattle posts, where some of these children become victims of forced labor. Some women from Zimbabwe who voluntarily migrate to Botswana to work illegally are subsequently exploited by their employers for forced labor. Batswana families which 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 holding their passports or threatening to have them deported back to Zimbabwe.



The Government of Botswana does not fully comply with minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. As this is Botswana's first year ranked in the Report and available information suggests that Botswana's trafficking problem is modest, Botswana is placed on Tier 2. The government, however, should address several serious deficiencies over the coming year. Although it began useful actions to prevent trafficking, the government did not make significant or sustained efforts to proactively identify victims or prosecute trafficking offenders.

Recommendations for Botswana: Draft and enact comprehensive legislation that specifically criminalizes the full range of trafficking offenses; train law enforcement and immigration officers to identify trafficking victims, especially among vulnerable populations such as women and children engaging in prostitution; institute and carry out formal procedures for proactively identifying victims; expand public awareness campaigns to educate residents on the nature and dangers of human trafficking; and keep detailed records of anti-trafficking efforts undertaken and their results.

Prosecution

The Government of Botswana made inadequate efforts to investigate and punish trafficking offenses over the last year. Botswana did not prosecute, convict, or punish any trafficking offenses during the past year. Although it does not have a comprehensive law prohibiting trafficking in persons, the Penal Code, through its sections 155-158 covering procurement for prostitution and sections 260-262 covering slavery, prohibits some forms of human trafficking. The sufficiently stringent penalties prescribed for offenses under these various laws range from seven to 10 years' imprisonment, and are commensurate with those prescribed for other serious crimes, such as rape. Evidence presented in three criminal cases currently being prosecuted suggests that the defendants may have engaged in trafficking. The defendants were originally investigated, arrested and charged for kidnapping, immigration, and fraudulent document offenses. Botswana shares its long and porous borders with five

countries experiencing serious trafficking problems, yet only 10 investigators from the Immigration Department covered transnational trafficking and all other migration-related crimes. Immigration and law enforcement officials did not consistently differentiate between smuggling and trafficking, which continued to obscure the nature and extent of the trafficking situation in Botswana. The National Central Bureau of Interpol created a full time position for a desk officer who works exclusively on trafficking issues and education.

Protection

The government showed evidence of minimal but increasing efforts to protect victims of trafficking. Law enforcement and social services personnel have not established formal procedures to proactively identify victims or to refer victims for protective services. The Ministry of Labor is responsible for conducting inspections and monitoring for exploitative child labor, yet the Ministry did not conduct any such inspections or monitoring visits in the past year despite a national campaign to end child labor. The government funded and supported NGO programs that provided assistance and services to victims of general crimes which were accessible to any potential victims of trafficking. Botswana authorities, in partnership with another government in the region, assisted the safe repatriation of a trafficking victim to the victim's country of origin. Botswana's laws do not specifically protect victims of trafficking from prosecution for offenses committed as a direct result of being trafficked, but the government did not generally prosecute persons it believed to be victims of any crime.

Prevention

The government made moderate efforts to prevent trafficking in and through Botswana. It placed anti-trafficking education posters at all of its border posts and included trafficking awareness segments in some of its law enforcement training sessions. In 2008, the government approved a detailed national plan of action for the elimination of child labor, which is in its final stages of implementation. Two campaigns promoting an end to child labor, as mentioned above, raised awareness and educated both the public and relevant government agencies. Government representatives attended sessions with NGOs and religious organizations on the trafficking situations they had seen within the country, but the government took no action on the information. The government made only limited and indirect efforts to reduce the demand for commercial sex acts, largely through a broad HIV/AIDS awareness campaign.

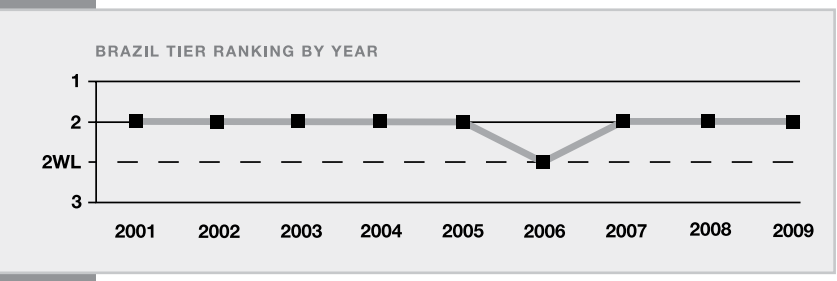
BRAZIL (Tier 2)

Brazil is a source country for men, women, girls, and boys trafficked within the country and transnationally for the purpose of commercial sexual exploitation, as well as a source country for men and boys trafficked internally for forced labor. The Brazilian Federal Police estimate that 250,000 to 400,000 children are exploited in domestic prostitution, in resort and tourist areas, along highways, and in Amazonian mining brothels. According to UNODC, sex trafficking of Brazilian women occurs in every Brazilian state and the federal district. A large number of Brazilian women and children, many from the state of Goias, are trafficked abroad for commercial sexual exploitation, typically to Spain, Italy, Portugal, and The Netherlands. Brazilian women and children also are trafficked for commercial sexual exploitation to neighboring countries such as Suriname, Guyana, French Guiana, Venezuela, and Paraguay. More than 25,000 Brazilian men are subjected to slave labor within the country, typically on cattle ranches, sugar-cane plantations, logging and mining camps, and large farms producing corn, cotton, soy, and charcoal for pig iron. Some boys have been identified as slave laborers in cattle ranching, mining, and the production of charcoal for pig iron. Slave labor victims are commonly lured with promises of good pay by local recruiters – known as *gatos* – in rural northeastern states to interior locations. A growing trend documented in an extensive NGO study released in early 2009 shows that approximately half of the more than 5,000 men freed from slave labor last year were found exploited on plantations growing sugar cane for the production of ethanol, electricity, and food. Moreover, slave laborers are increasingly being rescued from sugar-alcohol plantations, cattle ranches, and other sectors in states where agricultural borders are expanding into the Amazon forest and other new areas such as the Cerrado, the Atlantic Forest, and Pantanal. Domestic child servitude, particularly involving teenage girls, also was a problem in the country. To a lesser extent, Brazil is a destination for the trafficking of men, women, and children from Bolivia and Paraguay for forced labor in garment factories and textile sweatshops in metropolitan centers such as 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. In a newer trend, some arranged fishing expeditions to the Amazon were organized for the purpose of child sex tourism for European and American exploiters.

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. Last year the government sustained strong efforts to rescue victims of slave labor through mobile inspection operations in the Amazon and other remote locations, and improved coordination of law enforcement efforts to prosecute and punish traffickers for forced labor and sex trafficking crimes. However, government-provided shelter services and protections for some trafficking victims, particularly adult males and undocumented foreign victims, remained inadequate. Brazilian officials recognize human trafficking as a serious problem; the government's response has been strong but insufficient to eradicate the

phenomenon, especially in light of the large number of victims present in the country, in addition to the many Brazilians trafficked overseas.

Recommendations for Brazil: Increase efforts to investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders, including public officials alleged to facilitate trafficking activity; continue to improve coordination on criminal slave labor cases between labor officials and federal prosecutors to hold exploiters accountable; continue to improve victim assistance and protection, especially for victims of slave labor who are vulnerable to being re-trafficked; consider increasing penalties for fraudulent recruiting crimes to more effectively target and punish unscrupulous recruiters of forced labor; and improve data collection.



Prosecution

The Brazilian government improved law enforcement efforts to confront human trafficking crimes during the past year. Brazilian laws prohibit most forms of trafficking in persons. Sections 231 and 231-A of the Brazilian penal code prohibit promoting or facilitating prostitution inside or outside of the country, prescribing penalties of three to eight years' imprisonment; sentences may be increased up to 12 years when violence, threats, or fraud are used. The above penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Labor trafficking is criminalized pursuant to Section 149 of the penal code, which prohibits *trabalho escravo* ("slave labor") – or reducing a person to a condition analogous to slavery – including by means of debt bondage, prescribing a sufficiently stringent penalty of two to eight years' imprisonment. However, Brazilian law may not 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 continued to work. Articles 206 and 207 prohibit the fraudulent recruitment or enticement of workers, internally or internationally, prescribing penalties of one to three years' imprisonment. A 2006 presidential decree included a stated goal to amend Brazilian anti-trafficking laws to achieve parity between penalties applied to sex trafficking and forced labor crimes; such amendments remain unrealized.

Comprehensive nationwide data on anti-trafficking investigations, prosecutions, convictions, and sentences are difficult to obtain. However, partial-year statistics for 2008 reported by the Federal Police indicate authorities opened 55 international sex trafficking investigations, filed 21 indictments and arrested 50 suspects. An additional two investigations and indictments were filed for internal sex trafficking crimes. Transnational cases investigated last year include trafficking of Brazilian women to Italy, Spain, Portugal, and Switzerland, in addition to trafficking of Paraguayan women to Brazil. Since March 2008, 22 defendants were convicted on sex trafficking charges, with sentences ranging from 14 months' to more than 13 years' imprisonment. Such results represent an increase when compared to seven sex trafficking convictions and two sentences achieved in 2007.

The government improved efforts to prosecute forced labor crimes last year, opening 64 federal investigations under Article 149. In March 2009, a federal judge in Pará state convicted and sentenced 22 defendants on slave labor charges, imposing sentences ranging from three to 10 years' imprisonment, in addition to fines. The court dismissed charges against 19 defendants, acquitted six defendants, and convicted an additional six defendants of lesser crimes. In a separate case in May 2008, a federal court in Maranhao sentenced a defendant to 11 years' imprisonment for reducing victims to slavery-like conditions; the defendant also was ordered to pay substantial amounts in owed wages to workers. These cases appear to be the first applications of a 2006 Supreme Court ruling, which required that all slave-labor complaints be heard in federal courts only, instead of in both federal and state courts as was the case previously. The Ministry of Labor's anti-slave labor mobile units increased the number of rescue operations conducted last year; the unit's labor inspectors continued to free victims, and require those responsible to pay fines and restitution to victims. In the past, mobile unit inspectors did not typically seize physical evidence or attempt to interview witnesses with the goal of developing a criminal investigation or prosecution; labor inspectors and labor prosecutors only have civil jurisdiction, and their anti-trafficking efforts were not coordinated with Public Ministry prosecutors, who initiate criminal cases in federal court. Federal interagency coordination and information exchange on anti-trafficking cases remained weak last year; achieving effective coordination among differing federal, state, and municipal authorities was considered more challenging.

The Ministry of Labor's "dirty list," which publicly identifies individuals and corporate entities the government has determined to have been responsible for slave labor, continued to provide civil punishment to those engaged in this serious crime, with the amount of monetary fines increasing along with violators being denied access to publicly funded credit sources. During the year, however, a number of individuals and corporate entities were able to avoid opprobrium by suing to remove their names from the "dirty list" or reincorporating under

a different name. Although the government opened no formal investigations or prosecutions of trafficking-related complicity during the past year, credible NGO reporting indicated serious official involvement with such activity at the local level, alleging that police turned a blind eye to child prostitution and potential human trafficking activity in commercial sex sites. Past allegations have involved elected officials, as was the case with two aldermen from Pará alleged to be involved with a child prostitution network. Other reporting indicates that state police officials were involved in the killing or intimidation of witnesses involved in testifying against police officials in labor exploitation or forced labor hearings. Killings and intimidation of rural labor activists and labor union organizers continued, some of whom were active in fighting forced labor practices; some of these killings reportedly occurred with the participation or knowledge of state law enforcement officials. In one incident in February 2008, farmers in Mato Grosso, supported by local military police, fired shots on an anti-slave labor mobile inspection team. A few Brazilian legislators have sought to interfere with the operation of the labor inspection teams in the past.

Protection

The Brazilian government sustained efforts to provide trafficking victims with services during the year. The Ministry of Social Development provided generalized shelter, counseling, and medical aid to adult and child victims of sex trafficking, along with other victims of sexual violence and exploitation. The government also provided some funding to NGOs to furnish additional victim services. The federal Ministry of Justice, with assistance from UNODC, funded victim assistance centers in conjunction with state governments in Sao Paulo, Rio de Janeiro, Goias, and Cearas. In 2008, an assistance center was opened in Belem, capital of Pará state, to provide care and services to victims trafficked to and from Suriname. A national hotline for reporting incidents of child sexual abuse and exploitation, which includes reports of child sex trafficking and commercial sex exploitation, continued to register calls in 2008. Brazilian police continued to refer child sex trafficking victims to government-run shelters for care, though they did not utilize formal procedures to identify trafficking victims among other vulnerable populations, such as prostituted adult women in brothels. Labor inspectors and police officers who were members of the Ministry of Labor's anti-slave labor mobile units employed procedures to identify victims of forced labor. However, slave labor victims, typically adult Brazilian men, were not eligible for government-provided shelter assistance, though unemployment benefits, job training, and travel assistance were available. Short- or long-term government-provided shelter assistance was provided to women and children victims of trafficking, domestic violence, and other crimes, though some NGOs provided such aid to male victims. During the year, the Ministry of Labor's mobile units identified and freed 5,016 victims of slave labor through 154 operations targeting 290 properties. Such results compare with 5,963 victims of forced labor freed through 114 operations targeting 203 properties in 2007. In a continuing and growing trend documented by an extensive NGO study released in January 2009, approximately half of the victims freed in 2008 were found on plantations growing sugar cane for Brazil's expanding production and export of ethanol, a biofuel, in addition to production of sugar cane for food use and electricity. In just 19 operations, mobile labor units rescued 2,553 victims from forced labor on sugar plantations, where workers can be subjected to high daily production and cutting quotas. However, government officials and researchers also found that while sugar cane production involves large numbers of workers, slave labor on Brazilian cattle ranches involves a higher degree of human exploitation, particularly in land- and forest-clearing activities. Last year, mobile inspection teams freed 1,026 slave workers from cattle ranches in 85 operations, marking it as the sector with the second highest number of victims freed from slave labor in Brazil. The Ministry of Labor awarded all slave labor victims a total of $3.6 million in compensation as a result of these 2008 operations, funds which were derived from fines levied against the landowners or employers identified during the operations. However, due to lack of effective prosecutions of recruiters of slave labor, some rescued victims have been re-trafficked, according to NGOs.

The government encouraged sex trafficking victims to participate in investigations and prosecutions of trafficking, though victims often were reluctant to testify due to fear of reprisals from traffickers and corrupt law enforcement officials. The government did not generally encourage victims of forced labor to participate in criminal investigations or prosecutions. Some victims of sex trafficking were offered short-term protection under a witness protection program, which was generally regarded as lacking resources. The government did not detain, fine, or otherwise penalize identified victims of trafficking for unlawful acts committed as a direct result of being trafficked. However, the government does not provide foreign trafficking victims with legal alternatives to removal to countries where they may face hardship or retribution. Law enforcement personnel noted that undocumented foreign victims were often deported before they could assist with prosecutions against their traffickers.

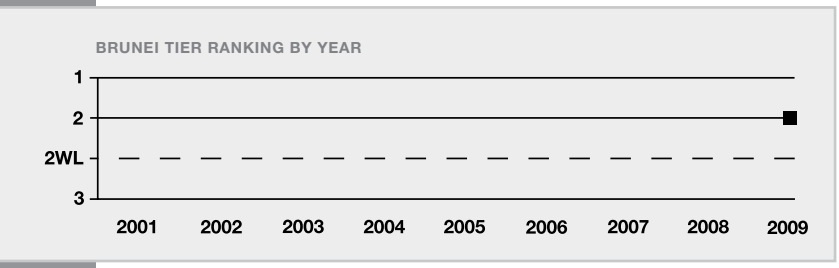
Prevention

The Brazilian government increased efforts to prevent human trafficking last year. A national plan of action on human trafficking, which was released in early 2008, continued to be implemented. In particular, the Ministry of Justice named the first six winners of an annual cash prize for best anti-trafficking essays written by college and graduate students. Federal authorities generally maintained good cooperation with international organizations and NGOs on anti-trafficking activities.

The Ministry of Tourism continued its public radio and television campaign of "Quem ama, protege" (he who loves, protects) aimed at addressing child sexual exploitation in the tourism sector, and produced broadcast versions in several languages. The government took measures to reduce demand for commercial sex acts by conducting campaigns against the commercial sexual exploitation of minors along highways and during the 2009 Carnival holiday period. The Brazilian military uses the UN Peacekeeping Office's anti-trafficking and forced labor training modules to train its troops for deployment to international peacekeeping missions.

BRUNEI (Tier 2)

Brunei is a destination country for men and women trafficked for the purpose of forced labor and commercial sexual exploitation. Brunei is mainly a destination country for men and women recruited from Indonesia, Malaysia, the Philippines, Pakistan, India, Bangladesh, the People's Republic of China (PRC), and Thailand for domestic or low-skilled labor. A limited number of the 88,000 foreign workers in Brunei face poor labor conditions that amount to involuntary servitude. There were credible reports of a limited number of nationals from Asian countries working for little or no pay for up to two years to pay back foreign recruitment agents. Many 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 highly conducive to involuntary servitude. There were isolated instances of women forced into prostitution in Brunei, and there were also isolated reports that women arrested for prostitution attested to having been victims of trafficking.



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. While the government has laws to prosecute trafficking, it did not investigate, prosecute, or convict any offenders of trafficking during the reporting period. The government did not identify any victims of trafficking in 2008.

Recommendations for Brunei: Enforce the 2004 anti-trafficking in persons law by investigating and prosecuting sex trafficking and labor trafficking offenses and convicting and punishing trafficking offenders; adopt a proactive, comprehensive system to formally identify victims of trafficking among vulnerable groups such as foreign workers and foreign women and children in prostitution; train law enforcement, immigration, and prosecutors on the use of the anti-trafficking law; and implement a visible anti-trafficking awareness campaign directed at employers of foreign workers.

Prosecution

The government did not demonstrate significant anti-trafficking law enforcement efforts during the reporting period. The Government of Brunei prohibits sex and labor trafficking in its Trafficking and Smuggling Persons Order of 2004, which prescribes penalties of up to 30 years' imprisonment – penalties that are sufficiently stringent and commensurate with penalties prescribed for other serious offenses; however, there have never been any prosecutions under this order. There were no trafficking cases investigated by Brunei authorities during the reporting period, and there were no complaints or allegations of trafficking filed. Foreign workers' complaints of exploitation, such as contract switching and non-payment of salaries, are usually tried under the Labor Act, which carries administrative penalties. The Department of Labor regularly investigates foreign workers' labor complaints such as job switching, salary deductions for recruitment fees, salary based on false promises, and high recruitment fees paid by the prospective employee – though it did not identify any cases of trafficking among them.

Protection

Brunei did not demonstrate significant efforts to protect and assist trafficking victims this year. While the Brunei Immigration Department questions foreign workers during immigration raids to identify possible trafficking victims, Brunei does not have a proactive, comprehensive system to formally identify victims of trafficking among vulnerable groups, such as foreign workers and foreign women and children in prostitution. Although immigration authorities actively identified violators of immigration law, the government did not identify any trafficking victims during the reporting period. Although it is illegal for employers in Brunei to withhold wages of their domestic servants for more than 10 days, a few families are known to withhold wages to compensate for recruitment fees they are charged by overseas recruitment agencies. Most labor laws apply only to citizens of Brunei, and currently fail to protect skilled and unskilled foreign workers from exploitation. While there are no foreign NGOs or international organizations in Brunei to provide victim support, the embassies of several source countries provide shelter, mediation, and immigration support services to their nationals, in coordination with the Brunei government.

Prevention

Brunei demonstrated limited prevention efforts during the reporting period. In 2008, the Brunei police ran an internal workshop for members of the anti-vice unit on

how to identify trafficking victims. Law enforcement officials participate in several regional training programs on trafficking. The government provides arrival briefings for foreign workers, inspects worker facilities, and runs a telephone hotline for worker complaints. It is an offense under the Labor Act for any local agency to charge foreign workers recruitment fees or to withhold a salary to recoup foreign worker processing fees. Although the government forbade wage deductions to agencies or sponsors and mandated that employees receive their full salaries, foreign workers continued to pay high fees to overseas recruitment agents to obtain work in Brunei. During the reporting period, there were 135 complaints by foreign workers against employers who failed to pay salaries. Seventeen of the complaints by domestic workers and 73 of the complaints by workers in other fields were resolved, largely through mediation; the remaining complaints are still under investigation. The Government of Brunei has not conducted public awareness campaign programs on trafficking. Brunei has not ratified the 2000 UN TIP Protocol.

BULGARIA (Tier 2)

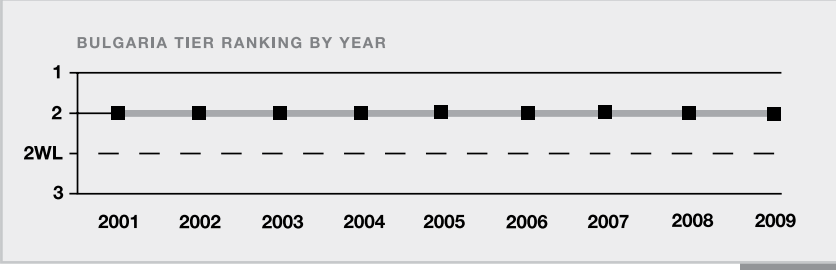
Bulgaria is a source, transit, and, to a lesser extent, a destination country for men, women, and children from Ukraine, Moldova, and Romania trafficked to and through Bulgaria to Germany, Belgium, France, Italy, Spain, Austria, Norway, the Czech Republic, Poland, Greece, Turkey, and Macedonia for the purposes of commercial sexual exploitation and forced labor. Ethnic Roma women and children remain highly vulnerable to trafficking. Children are trafficked within Bulgaria and to Greece and the United Kingdom for the purposes of forced begging and forced petty theft. Around 15 percent of identified trafficking victims in Bulgaria are children. Bulgarian women and some men are trafficked internally, primarily to resort areas along the Black Sea coast and in border towns with Greece, for the purposes of commercial sexual exploitation and forced labor.

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. In 2008, the government maintained strong efforts to investigate, prosecute, and convict trafficking offenders, targeting some of the leaders of trafficking networks. The government also doubled the number of government-run centers available to assist child trafficking victims and opened a new adult shelter in April 2009. The government generally maintained the number of traffickers sentenced to time in prison, but it did not prosecute public officials complicit in trafficking over the last year.

Recommendations for Bulgaria: Vigorously investigate, prosecute, convict, and punish government officials complicit in trafficking; continue efforts to investigate, prosecute, and convict trafficking offenders and ensure that a majority of convicted traffickers serve some time in prison; continue to increase the number of victims referred by government officials for assistance; and continue to improve data collection and methods for assessing trafficking law enforcement statistics.

Prosecution

The Bulgarian government demonstrated strong anti-trafficking law enforcement efforts over the reporting period; however, it slightly decreased the number of traffickers sentenced to time in prison and it did not apply vigorously law enforcement measures to government officials complicit in trafficking. Bulgaria prohibits trafficking for both sexual exploitation and forced labor through Section 159 of its criminal code, which prescribes penalties of between one and 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. In 2008, police conducted 187 sex trafficking and 25 labor trafficking investigations, compared to 179 sex trafficking and 22 labor trafficking investigations conducted in 2007. In 2008, authorities prosecuted 79 individuals for sex trafficking and eight for forced labor compared to 78 persons prosecuted in 2007. In 2008, a total of 69 trafficking offenders were convicted – 66 for sex trafficking and three for labor trafficking offenses – compared to 71 sex trafficking offenders and two labor trafficking offenders convicted in 2007. Twenty-five of the 69 traffickers convicted in 2008 served time in prison. Of those 25, twelve trafficking offenders were sentenced to up to three years' imprisonment, six were sentenced to three to five years' imprisonment, and seven were sentenced to five to 15 years' imprisonment.



There were continued reports of trafficking-related corruption during the reporting period. In autumn 2008, police arrested three municipal councilors in Varna for allegedly leading an organized human trafficking and money laundering group; the investigation was ongoing at the time of this report. In 2008, the government also investigated one police officer for complicity in trafficking. During the reporting period, the government closed its investigation launched in 2007 against a low-level border police officer allegedly involved in human trafficking. The Government of Bulgaria did not prosecute, convict, or sentence any government officials for trafficking during the reporting period.

Protection

The Government of Bulgaria increased its victim assistance and protection efforts during the reporting

period. The government increased available assistance for child victims of trafficking by boosting funding for the number of government-run child-crisis centers from three to six in 2008; these centers provided rehabilitative, psychological, and medical assistance to identified child victims of trafficking. Approximately 25 child trafficking victims were assisted in government shelters in 2008. The majority of adult victims were assisted by privately funded NGOs, although the government did provide limited in-kind assistance to some anti-trafficking NGOs. In 2008, the Varna local government provided facility space and the National Commission for Combating Trafficking in Persons (the Commission) allocated $13,000 to renovate and establish an adult trafficking shelter in that city; the shelter was opened in April 2009. In 2008, the government identified 250 victims of trafficking, including 38 minors, and referred all of them for assistance, compared to 288 victims of trafficking identified in 2007. Approximately 80 victims were assisted by NGOs during the reporting period. All victims in Bulgaria were eligible for free medical and psychological care provided through public hospitals and NGOs. Victims were encouraged to assist in trafficking investigations and prosecutions; victims who chose to cooperate with law enforcement investigators were provided with full residency and employment rights for the duration of the criminal proceedings, although no victims requested temporary residency permits during the reporting period. Foreign victims who chose not to cooperate with trafficking investigations were permitted to stay in Bulgaria for one month and 10 days before they faced mandatory repatriation. In 2008, seven victims participated in the police witness protection program. Victims were generally not detained, fined, or otherwise penalized for unlawful acts committed as a direct result of their being trafficked.

Prevention

The Bulgarian government maintained its strong efforts to prevent trafficking during the reporting period. In June 2008, the commission organized a campaign that educated 1,385 students through movie viewings and brochures about the danger of trafficking while looking for summer employment and travel. In September 2008, the commission also produced and distributed 20,000 informational leaflets with movie tickets for a film about human trafficking. In October 2008, the government launched an awareness campaign in more than 3,000 schools across the country and distributed 125,000 information cards to students to raise awareness about the dangers of trafficking. A local anti-trafficking commission organized an exhibition of paintings produced by child victims of trafficking. In April 2009, Parliament amended Bulgaria's criminal code to punish clients of children in prostitution with up to three years' imprisonment.

BURKINA FASO (Tier 2)

Burkina Faso is a source, transit, and destination country for children and women trafficked for the purposes of forced labor and commercial sexual exploitation. Most victims are children trafficked within the country from rural areas to urban centers such as Ouagadougou and Bobo-Dioulasso for domestic servitude, sexual exploitation, and forced labor in gold mines and stone quarries, and the agriculture sector. Burkinabè children are also trafficked for the same purposes to other West African countries, most notably to Côte d'Ivoire, where many are subjected to forced agricultural labor, including on cocoa farms. Children are also trafficked from Burkina Faso to Mali, Benin, Nigeria, Niger and Togo, and Ghana. Burkinabè children are also trafficked to Mali for forced begging by religious teachers. In the past year, children were also trafficked from Burkina Faso to Sudan. Children from these West African countries are trafficked to Burkina Faso for the same purposes listed above. To a lesser extent, Burkina Faso is a source country for women lured to Europe with promises of jobs as maids, but who are forced into prostitution after arrival. Women from Nigeria, Togo, Benin, Ghana, and Niger reportedly are trafficked to Burkina Faso for forced labor in bars or for commercial sexual exploitation.

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, despite limited resources. Burkina Faso's law enforcement efforts improved with the passage of legislation prohibiting all forms of trafficking that supersedes a prior law that criminalized only child trafficking. The government also investigated and prosecuted an increased number of trafficking offenders, though sentences imposed on convicted traffickers remained low. Protection efforts remained solid.

Recommendations for Burkina Faso: Increase penalties imposed on convicted trafficking offenders; train police and government social workers to identify trafficking victims among women in prostitution; ensure that sex trafficking victims are not penalized under anti-prostitution laws; and increase efforts to raise awareness about trafficking.

Prosecution

The Government of Burkina Faso increased its law enforcement efforts to combat trafficking over the last year. In May 2008, the government passed Law 029-2008 on Combating Trafficking in Persons and Related Practices that prohibits all forms of trafficking and prescribes sentences of five years' to life imprisonment for those convicted of trafficking offenses. These penalties are sufficiently stringent and commensurate with those prescribed for rape. This law supersedes the nation's 2003 Law No. 038-2003 concerning the Definition of Child Trafficking which criminalized child trafficking and prescribed a maximum penalty of 10

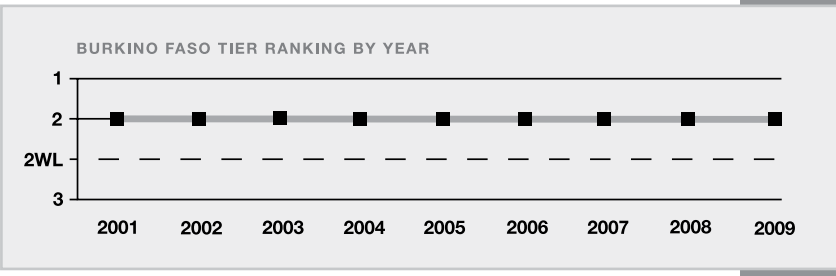
years' imprisonment. Burkina Faso's Penal Affairs Officer reported that in 2008, the government arrested 40 child trafficking suspects, 16 of whom were cleared of all charges and released, and 11 of whom were prosecuted, convicted, and given sentences of one to 12 months' imprisonment. Five of these traffickers were given sentences of far less than one years' imprisonment. Four traffickers received sentences of six months which the court considered completed at the time of sentencing due to lengthy pre-trial detention since 2007. An additional 13 suspects are awaiting trial. The government collaborated with international donors and NGOs to conduct anti-trafficking training for 165 lawyers, magistrates, security personnel, social workers, civil society activists, and local vigilance committee members throughout the country.

Protection

The Government of Burkina Faso demonstrated solid efforts to protect trafficking victims over the last year. Due to limited resources, the government did not provide services directly to victims. When government authorities identified victims, however, they ensured that they received access to necessary services by referring them to NGOs and international organizations. The Burkinabè government reported that between January and December 2008, its security forces and regional anti-trafficking surveillance committees intercepted approximately 691 Burkinabè and foreign child trafficking victims, 438 of whom were boys and 153 of whom were girls. Two hundred forty-five of these children were being trafficked from Burkina Faso to neighboring West African countries, while three of these were being trafficked to Sudan. The remaining children were victims of internal trafficking within Burkina Faso. All of these children received care at one of 23 transit centers jointly funded by the government and UNICEF. In 2008, the government contributed over $54,000 to these centers. Assisted by donor-funding, government personnel helped to supervise the rehabilitation of 190 trafficking victims and helped to provide their families with micro-credit programs. After victims receive care at transit centers, the government coordinates the repatriation of foreign nationals with counterparts in the victims' countries of origin, processes these victims' travel documents, and collaborates with donors to ensure a safe return. Burkina Faso is a party to the ECOWAS-ECCAS 2006 anti-trafficking agreement and plan of action, through which officials in Burkina Faso in 2008 cooperated with counterparts in nearby countries to intercept and repatriate 248 West African child trafficking victims, including 51 girls. Police do not exhibit any systematic effort to identify trafficking victims among women and girls in prostitution. The government does not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. Nationals of ECOWAS states, including trafficking victims, however, may legally reside and work in Burkina Faso. Government officials encourage victims to assist in trafficking investigations or prosecutions.

Prevention

The Government of Burkina Faso continued trafficking prevention efforts over the last year. Government-operated media broadcast anti-trafficking and child labor radio and television programs, films, theater, and debates, often in collaboration with NGOs and reportedly targeting over 300,000 people during the year. In collaboration with NGOs and international organizations, the government held workshops and seminars for civil society groups and government officials on child trafficking, primarily on prevention, protection, rehabilitation, and reintegration. The government made a financial contribution to these workshops. The national action plan against trafficking, which the government adopted in 2007, has yet to be implemented due to lack of funding. In the last year, the National Anti-Trafficking Committee met twice. The government made no discernable efforts to reduce demand for forced and child labor in the country. The government took some steps to reduce demand for commercial sex acts in Burkina Faso by closing a number of brothels in Ouagadougou in July 2008.

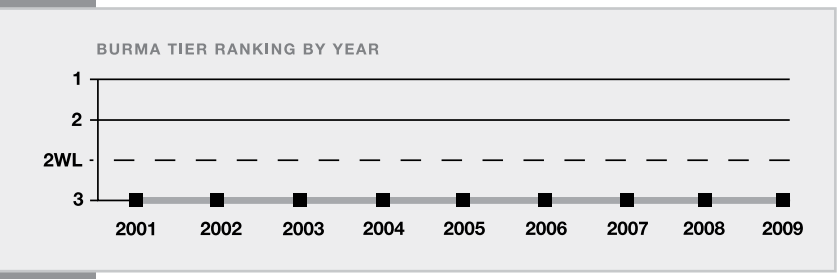


BURMA (Tier 3)

Burma is a source country for women, children, and men trafficked for the purpose of forced labor and commercial sexual exploitation. Burmese women and children are trafficked to Thailand, the People's Republic of China (PRC), Bangladesh, India, Pakistan, Malaysia, and South Korea for commercial sexual exploitation, domestic servitude, and forced labor. Some Burmese migrating abroad for better economic opportunities wind up in situations of forced or bonded labor or forced prostitution. Burmese children in Thailand are subjected to conditions of forced labor as hawkers, beggars, and for work in shops, agriculture, fish processing, or other small-scale industries. Women are trafficked to China for forced marriage and to Malaysia and China for commercial sexual exploitation. Men and women are trafficked to Thailand and Malaysia for forced labor. Some trafficking victims transit Burma from Bangladesh to Malaysia, and from the PRC to Thailand and beyond.

Trafficking within Burma is a significant phenomenon. Villagers from rural areas move to urban centers and economic hubs along the borders with Thailand and China for labor in industrial zones and agricultural

estates, and are trafficked into conditions of forced labor and commercial sexual exploitation. Trafficking in girls for the purpose of prostitution persisted as a major problem, particularly in urban areas. Burma is a destination country for child sex tourism. Government and military use of forced labor remained widespread, reportedly targeting members of ethnic minority groups. Urban poor and street children in Rangoon and Mandalay are at risk of involuntary conscription as child soldiers by the Burmese junta. Thousands of children are forced to serve in Burma's national army as desertions of men in the army rise. Some children were threatened with jail if they did not agree to join the army. Poor villagers in rural regions must provide *corvee* labor on demand as a tax imposed by authorities. Ethnic insurgent groups also used compulsory labor of adults and engaged in the unlawful recruitment of child soldiers. After Cyclone Nargis devastated Burma in May 2008, there were anecdotal reports of trafficking of cyclone victims to other parts of Burma and to neighboring countries. There was also a dramatic increase in the number of unverified reports of forced labor, including of children, and trafficking in persons after the cyclone. The military junta's gross economic mismanagement, human rights abuses, and its continued widespread use of forced labor are among the top causal factors for Burma's significant trafficking problem.



In some areas, including in particular the international trafficking of women and children for commercial sexual exploitation, the Government of Burma is making significant efforts. Available data indicated an increase in law enforcement efforts in 2008, a considerable increase in budget allocation for anti-trafficking activities, and the establishment of three anti-trafficking police units. Overall, however, serious problems remain, and in some areas, most notably in the area 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. Specifically, military and civilian officials remain directly involved in forced labor and the unlawful conscription of child soldiers, with reported cases of child soldiers increasing annually. Furthermore, the regime has not yet adequately addressed the phenomena of trafficking for commercial sexual exploitation and labor exploitation within the country.

Recommendations for Burma: Criminally prosecute military and civilian officials responsible for forced labor and the conscription of child soldiers; improve efforts to cease the practice of forced labor of Burmese citizens by civilian and military entities; continue to increase prosecutions and convictions for internal trafficking; continue collaboration in addressing forced labor and sex trafficking with international NGOs and international organizations in a transparent and accountable manner; complete development and implementation of formal victim identification and referral procedures to identify victims of trafficking; undertake additional initiatives to prevent trafficking, such as instituting a public awareness campaign to warn at-risk populations of the dangers of trafficking; and focus more attention on internal trafficking of females for commercial sexual exploitation.

Prosecution

The Burmese junta demonstrated a degree of progress to combat transnational trafficking throughout the past year. There were limited efforts to investigate or prosecute cases of internal trafficking. While the government administratively punished perpetrators of some trafficking crimes, criminal punishment remained weak. 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. Military recruitment of children under 18 is prohibited by Armed Forces Notification number 13/73 from 1974, but the military has not criminally prosecuted under the Penal Code those who recruit child soldiers, instead reportedly sanctioning them with administrative penalties. The government also failed to criminally punish civilian or military perpetrators of forced labor. Laws prohibiting child prostitution were also not enforced effectively. The Burmese junta rules arbitrarily through its unilaterally imposed laws, but rule of law is absent, as is an independent judiciary that would respect trafficking victims' rights and provide fair justice. The Burmese regime reported that it investigated and prosecuted 127 cases of trafficking, identifying and convicting 342 suspected traffickers in 2008. However, court proceedings are not open and lack due process for defendants. In the past, data claimed to represent trafficking in persons issues has often included individuals caught trying to leave Burma without permission. While the Burmese regime has been known to conflate irregular migration with trafficking, leading to the punishment of consensual emigrants and those who assist them to emigrate, during the reporting period, the police made some efforts to exclude smuggling cases from human trafficking figures. If persons are internally trafficked for labor by a high-level official or well-connected individual, the police can be expected to self-limit their investigations, even if no political pressure has been overtly employed. Burmese law enforcement officers joined PRC counterparts to jointly investigate 11 cross-border trafficking cases. The

Ministry of Home Affairs continued to maintain that there was no complicity of regime officials in trafficking; however, corruption among local government officials was widespread, and officials frequently engage in corrupt practices with impunity. During the year, the regime reported two officials were prosecuted for their involvement in trafficking cases, and sentenced to three years in prison. The Ministry of Labor in 2008 issued licenses to 108 companies to recruit workers for overseas jobs. Since 2008, the Ministry of Labor cancelled the licenses of 14 companies for legal violations. In 2008, the ILO Liaison Officer accepted 64 formal complaints and submitted all of them to the Burmese government for action. In 2008, the government did not criminally prosecute any cases of forced labor; instead, it dismissed one civilian administrative official who subjected others to forced labor, reprimanded seven others, and reprimanded 21 military officials for subjecting others to forced labor. Three of the 64 cases referred by the ILO are still pending.

Protection

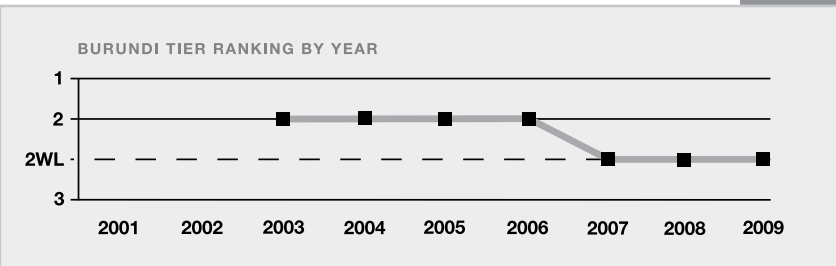
The Burmese regime made some efforts to protect repatriated victims of cross-border sex trafficking, but exhibited limited efforts to protect victims of forced labor and internal sex trafficking exploited within Burma's borders. Over the past year, the Burmese government reportedly assisted 232 victims, 133 of whom were identified and repatriated by the Thai government, 98 of whom were identified and repatriated by PRC authorities, and one who was identified by Jamaican authorities. The government reportedly identified 14 Chinese women and girls who were being trafficked into Thailand for sexual exploitation. The Burmese regime does not have in place formal victim identification procedures to identify victims of trafficking among vulnerable groups. In forced labor cases, victims were sometimes harassed, detained, or otherwise penalized for making accusations against the officials who subjected them into forced labor. In the past, the junta has filed charges against those who assist claimants of forced labor, including their legal counsel and witnesses, though no such cases were reported during the year. Such harassment and punishment discourages others from coming forward to report abuses. Burmese and foreign trafficking victims stayed in government-run shelter facilities for up to one month before being returned to their home communities. The regime does not provide legal assistance to victims. The government encourages internationally trafficked victims to assist in investigations and prosecutions. The government extended for an additional year the 2007 Supplementary Understanding on Forced Labor, which establishes a mechanism for forced labor complaints and provides protections for those who reported cases to the ILO. In 2008, the junta showed some cooperation with international organizations on the issue of the military's conscription of children, resulting in the return of 21 children to their families. However, the regime did not permit UNICEF access to children who were released for follow-up purposes. Although the recruiting officers were sanctioned with administrative punishments, the military has not criminally prosecuted the perpetrators of child soldier recruitment under applicable Burmese law.

Prevention

The government increased efforts to prevent international trafficking in persons, but made only limited efforts to address the trafficking that occurs within the country's borders. The National Police conducted 238 awareness campaigns reaching over 25,000 people. The Burmese junta reported that it significantly increased spending in 2008 on anti-trafficking efforts, including prevention, educational awareness, funding of additional anti-trafficking police, and protection efforts. Police officials established three new anti-trafficking units, including two in the Irrawaddy Delta in an attempt to deter trafficking cases. The government also established an anti-trafficking office within the Border Liaison Office along the Burma-China border in Kachin State. During the year, the government worked with an NGO and the UN to train officials on differences between smuggling and trafficking, and about Burma's trafficking law and its enforcement. The Ministry of Home Affairs in collaboration with an international organization conducted awareness raising campaigns at bus terminals, targeting drivers, merchants, ticket sellers, and local police. The government posted billboards and notices at hotels aimed at tourists to warn about trafficking.

BURUNDI (Tier 2 Watch List)

Burundi is a source country for children trafficked for the purposes of child soldiering, domestic servitude, and commercial sexual exploitation. The rebel faction National Liberation Force (FNL) remained the only armed group not to have fully implemented a ceasefire agreement with the government, and it continued to unlawfully recruit and exploit children as fighters, manual laborers, and logistical support throughout the majority of the reporting period; the FNL appeared to cease child recruitment in early 2009 after the commencement of the formal demobilization process. Generally, child soldiers and other children were identified, separated from the adults at the demobilization camps and pre-assembly areas, and returned to their homes early to mid-2009. FNL rebels reportedly forced



rural populations to perform uncompensated labor, such as transporting supplies or weapons, during the reporting period. Some Burundian children are also trafficked within the country for domestic servitude and commercial sexual exploitation. While there is little evidence of large-scale child prostitution, "benevolent" older females offer vulnerable younger girls room and board within their homes, and eventually push them into prostitution to pay for living expenses; extended family members reportedly also financially profit from the commercial sexual exploitation of young relatives residing with them. Male tourists from Oman and the United Arab Emirates exploit Burundian girls in prostitution; parents reported six cases of such liaisons to the police during the reporting period. Burundian girls are also trafficked to Kenya, Malawi, and Uganda for commercial sexual exploitation. Human trafficking of Burundian adults and children with albinism to Tanzania for the forcible removal of body parts may occur; so-called Tanzanian traditional healers seek various body parts of persons with albinism for traditional medical concoctions commonly purchased to heal illness, foster economic advancement, or hurt enemies.

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. Despite these overall significant efforts, the government did not show evidence of progress in prosecuting human trafficking offenses and punishing trafficking offenders over the last year; therefore, Burundi is placed on Tier 2 Watch List.

Recommendations for Burundi: Utilize the anti-trafficking provisions of the newly passed criminal code amendments to prosecute and convict trafficking offenders; establish an official process for law enforcement and social welfare officials to interview potential trafficking victims and refer them for assistance; take steps to remove children trafficked into prostitution and domestic servitude and provide them with protective services; launch a nationwide anti-trafficking public awareness campaign; and provide training on human trafficking to new police and border guards.

Prosecution

The government's anti-trafficking law enforcement efforts were limited during the reporting period. Article 241 of the Burundian Constitution prohibits slavery and its criminal code outlaws forced labor and kidnapping. During the November 2008 legislative session, the National Assembly approved amendments to the criminal code that, among other things, prohibit human trafficking and prescribe sentences of five to ten years' imprisonment; the amendments do not, however, provide a clear definition of human trafficking. The draft amendments were subsequently considered by Burundi's Senate, and signed into law by the president in April 2009. The revised criminal code, however, prescribes no explicit penalties for forced labor or slavery, and penalties of five to 10 years' imprisonment for kidnapping. Sex trafficking crimes can be punished using statutes on brothel-keeping and pimping, which prescribe penalties of one to five years' imprisonment. The existing penalties are sufficiently stringent but not commensurate with those prescribed for other serious offenses. Nevertheless, there were no investigations, prosecutions, or convictions for trafficking under these statutes during the reporting period. The National Police's Brigade for the Protection of Women and Children provided counseling for girls detained for engaging in prostitution before releasing them to their parents. Additionally, after receiving citizen complaints, it investigated house-based brothels where children were allegedly exploited; there was no known punishment of brothel operators during the reporting period. Victims' families lodged three cases of forced prostitution with police in 2008; the investigations are pending.

Protection

The government provided minimal assistance to trafficking victims during the reporting period. Fighting between the government and the FNL intensified in April 2008, making negotiations for the release of child soldiers increasingly urgent yet difficult. The Executive Secretary of the National Commission for Demobilization, Reinsertion and Reintegration played a prominent role in the negotiations. As a result, 220 child soldiers were identified at the Randa "dissident" camp in May 2008 and released to officials from the United Nations, the African Union, and the Government of Burundi. With UNICEF funding, the Commission's staff provided medical check-ups for children suffering from physical and psychological trauma and conducted searches for their families; the former child soldiers were reunited with their families in June and July after parents signed a discharge form. The government attempted to follow up on the status of demobilized children, but was hindered by a lack of resources to operate outside of Bujumbura, where the majority of these demobilized child soldiers now reside. The government did not, however, undertake programming to care for or rehabilitate female children associated with the FNL. There are currently no children at Randa or Buramata "dissident" camps for rebel elements seeking demobilization, but the existence of children in Rubira, the FNL assembly area, was reported during 2008.

The government did not, however, provide protective services to victims of any other category of human trafficking during the reporting period, or show evidence of implementing procedures to identify such victims of trafficking or refer them to organizations that provide protective services. The government did not encourage victims to participate in investigations or prosecutions of trafficking offenders, nor did it ensure that victims were not inappropriately incarcerated or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked.

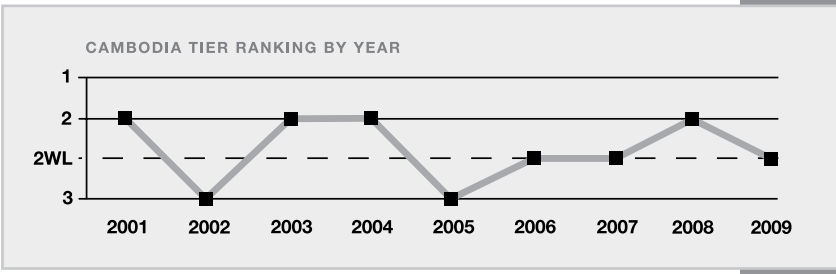
Prevention

The government's efforts to prevent trafficking remained lackluster. A poor understanding of human trafficking among government officials, particularly the police, continued to be an impediment to effective intervention. In June 2008, the government sent officials from the Ministry of Justice, the Supreme Court and the National Crime Bureau to Dar es Salaam for a meeting of regional security and judicial officials to draft a Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa. The Ministry of Labor conducted no child labor inspections or investigations in 2008. During the year, the Ministry of National Security and Human Rights, in conjunction with the National DDR Commission and with production assistance from an international NGO, sponsored radio spots that aired four times each week to educate citizens about topics such as human trafficking and violence against women. The government did not undertake efforts to reduce demand for commercial sex acts during the reporting period. The pre-deployment training for four battalions of Burundian peacekeepers participating in the African Union's Mission to Somalia, provided by two foreign governments, included a curriculum that created awareness and discouraged acts of trafficking and sexual exploitation. Burundi has not ratified the 2000 UN TIP Protocol.

CAMBODIA (Tier 2 Watch List)

Cambodia is a source, transit, and destination country for men, women, and children trafficked for the purpose of commercial sexual exploitation and forced labor. Women and girls are trafficked to Thailand and Malaysia for exploitative labor as domestic workers and forced prostitution. Some Cambodian men migrate willingly to Thailand and Malaysia for work and are subsequently subjected to conditions of forced labor in the fishing, construction, and agricultural industries. Cambodian men and women repatriated from Malaysia report experiencing conditions of forced labor after migrating there for work with the assistance of Cambodian labor recruitment companies. Cambodian children are trafficked to Thailand and Vietnam to beg, sell candy or flowers, or shine shoes. Parents sometimes sell their children into involuntary servitude to serve as beggars, into brothels for commercial sexual exploitation, or into domestic servitude. Within Cambodia, children are trafficked for forced begging, waste scavenging, salt production, brick making, and quarrying.

In Cambodia, a significant proportion of female victims of trafficking for prostitution are ethnic Vietnamese, some of whom were born in Vietnam. Some Cambodian and ethnic Vietnamese women and girls are trafficked internally to areas in Phnom Penh, Siem Reap, and Sihanoukville for forced prostitution in brothels and karaoke bars. NGO and media reports indicated that internal sex trafficking of women and girls from ethnic minority groups and of ethnic Vietnamese is an increasing problem. The sale of virgin girls continues to be problematic in the country, with foreign (mostly Asian) and Cambodian men paying $800 to $4,000 to have sex with virgins. Cambodia is a destination country for foreign child sex tourists, with increasing reports of Asian men traveling to Cambodia in order to have sex with underage virgin girls. Some Cambodian women who migrated to Taiwan as a result of brokered international marriages may have been subsequently subjected to conditions of forced prostitution or forced labor.



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. Despite these overall efforts, the government did not show evidence of progress in convicting and punishing human trafficking offenders – including complicit public officials – and protecting trafficking victims; therefore, Cambodia is placed on Tier 2 Watch List. After enactment of a law that included anti-trafficking provisions in February 2008, the government obtained the convictions of 12 trafficking offenders and initiated 71 trafficking prosecutions over the last year, a significant decrease from 52 convictions obtained during the previous reporting period. The government also failed to prosecute and convict officials involved in trafficking-related complicity, despite a high prevalence of trafficking-related corruption in Cambodia. Efforts to protect and assist victims did not improve during the reporting period, and victims continued to be detained and punished for acts committed as a direct result of being trafficked, including for prostitution. During 2008, there were reports of prostituted women being detained and physically abused by police and Ministry of Social Affairs Veterans and Youth Rehabilitation (MOSAVY) officials.

Recommendations for Cambodia: Train law enforcement and other government officials to place greater emphasis on enforcing the human trafficking provisions in the February 2008 law; significantly improve the number of prosecutions, convictions, and punishments of trafficking offenders; substantially improve efforts to prosecute, convict, and criminally punish public officials complicit in trafficking; hold labor recruiting agencies criminally responsible for labor trafficking induced by fraudulent recruitment; improve interagency cooperation and collaboration, particularly between government officials and law enforcement officers working on trafficking; increase efforts to proactively identify victims

of trafficking among vulnerable groups such as foreign women and children arrested for prostitution; institute procedures to ensure that victims are not arrested, incarcerated, or otherwise punished for acts committed as a direct result of being trafficked; 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 demonstrated uneven law enforcement efforts to combat trafficking during the last year. The February 2008 law on the Suppression of Human Trafficking and Commercial Sexual Exploitation covers a wide variety of offenses with 12 out of its 30 criminal articles explicitly addressing human trafficking offenses. Cambodian law prohibits all forms of trafficking and prescribes penalties that are sufficiently stringent and commensurate with penalties for other grave crimes, such as rape. Under the new law, the government initiated 71 prosecutions of human trafficking offenders during the reporting period. Because the new law covers a wide range of offenses, not all government officials have appeared to distinguish between the law's articles on trafficking offenses and non-trafficking crimes such as prostitution, pornography, and child sex abuse. As a result, law enforcement has focused on prostitution-related crimes, and many police, courts, and other government officials appear to believe that enforcing all prostitution articles of the law contributes to efforts to combat trafficking. Following the passage of the law, Cambodian police conducted numerous raids on brothels, and detained a large number of women in prostitution, while failing to arrest, investigate or charge any large number of persons for human trafficking offenses. Moreover, the detained females in prostitution may have included some trafficking victims, though police made few attempts to identify, assist, or protect them. The Phnom Penh Municipal Court handed down convictions of 11 trafficking offenders and initiated prosecutions of 22 offenders in 2008, compared to 52 convictions in 2007. During the reporting period, some Cambodian courts charged trafficking offenders with less serious offenses that carry shorter punishments. The Cambodian police reported that they arrested 41 trafficking perpetrators during the reporting period. However, police did not always follow through on NGO investigations into entertainment establishments in Phnom Penh, Siem Reap, and Sihanoukville allegedly involved in trafficking. Some observers continued to report the general inability of law enforcement and other government officials to act on trafficking leads. The Ministry of Interior provided training to some police officers on the new Law on the Suppression of Human Trafficking and Sexual Exploitation. There were reports of Cambodian migrant workers falling victim to trafficking due to the exploitative conditions in destination countries, such as Malaysia. The government did not report any prosecutions or convictions of labor recruitment companies that were allegedly involved in labor trafficking. From April 2008 to November 2008, the government banned all marriages of Cambodians to foreigners out of concern that some Cambodian women were vulnerable to trafficking, and subsequently implemented new regulations in an attempt to prevent trafficking through international marriages.

Corruption is pervasive in Cambodia and it is widely believed that many individuals, including police and judicial officials, are both directly and indirectly involved in trafficking. Some local police and government officials are known to extort money or accept bribes from brothel owners, sometimes on a daily basis, in order to allow the brothels to continue operating. Citing a lack of evidence, the Phnom Penh Municipal Court in September 2008 dismissed the case of the former President of Cambodia's Appeals Court, who had been removed from her position in 2007 for reportedly accepting $30,000 for the release of two brothel owners who had been previously convicted for trafficking offenses. The brothel owners were later re-arrested and remain in jail. The former Appeals Court President has since been appointed to a staff-level government position and remains under investigation. During the reporting period, two immigration police officers were removed from their positions for corruption and it remains unclear if they were allowed to assume other positions. There were no officials prosecuted or convicted for trafficking-related complicity.

Protection

The Government of Cambodia did not improve efforts to protect victims of trafficking during the reporting period. The government did not operate trafficking shelters or provide any specialized assistance to trafficking victims. The government continued to refer victims to NGO shelters, but did not itself offer further assistance. Vietnamese victims are the only known foreign victims in Cambodia, and they are provided temporary residence in NGO shelters with legal, educational, and counseling services while awaiting repatriation, although there are a limited number of NGO shelters with the ability to provide proper care for Vietnamese victims, due to a lack of foreign language capabilities. While some of the detained females in prostitution were assisted by NGOs, others were reportedly turned over by police to brothel owners or parents, and subsequently returned to brothels. There were also reports that some police officers and guards working at the two Ministry of Social Affairs Veterans and Youth Rehabilitation (MOSAVY) rehabilitation centers raped, beat, and extorted women rescued in the raids. The Law on the Suppression of Human Trafficking and Sexual Exploitation contains no provisions to protect trafficking victims in general. Victims were encouraged by police to participate in investigations and prosecutions of traffickers, though conditioning by brothel owners and pimps, as well as credible fears of retaliation from traffickers, and police corruption in some cases continue to hinder victim testimony. Police, court officials, and judges often failed

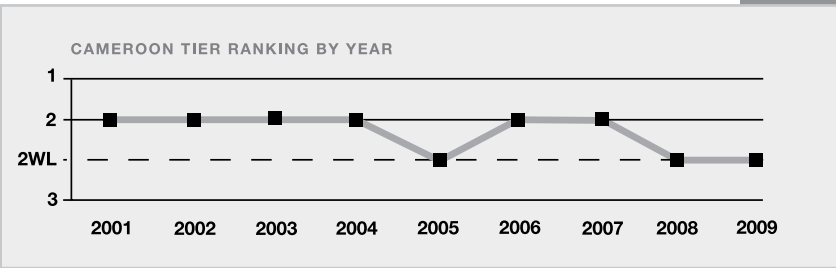
to separate victims from perpetrators during raids, detention, and trials. Foreign pedophiles sometimes succeeded in paying off victims or their families to cease cooperation with law enforcement or NGOs. The government did not provide witness protection to victims, including those participating in the prosecution of their traffickers. In a Sihanoukville trafficking case, a suspected pedophile and his girlfriend – a suspected trafficker – were released from prison on bail, and subsequently threatened the families of the victims and demanded the victims be returned to them. Although victims had the opportunity to file civil suits and seek legal action against their traffickers, most did not have the resources to do so. In 2008, MOSAVY placed 101 Cambodian victims who reportedly had been trafficked to Thailand at a jointly-operated MOSAVY-IOM Transit Center in Poipet. MOSAVY reported that a total of 505 victims of sex trafficking were referred to them by local police; according to UNIAP sources, many of these 505 individuals were women voluntarily in prostitution, and not trafficking victims.

Prevention

The Government of Cambodia demonstrated limited efforts to prevent trafficking over the last year. The government conducted some public awareness campaigns aimed at reducing the significant demand for child prostitution generated by Cambodian and other Asian pedophiles. In March 2008, the National Task Force on trafficking launched a nationwide anti-trafficking campaign and a national dialogue on trafficking via public forums in five provinces across Cambodia that continued into July 2008. The forums also served to inform communities of the new Law on the Suppression of Human Trafficking and Commercial Sexual Exploitation, forms of trafficking, and new trafficking trends. The Ministry of Tourism continued collaboration with an NGO on advertisements in tourist brochures warning of the penalties for engaging in child sex tourism, and also continued to hold workshops for hospitality industry owners and staff on how to identify and intervene in cases of trafficking and commercial sexual exploitation of children by tourists. The government secured the convictions of six foreigners who sexually abused Cambodian children, though during the year, there were two reported cases of prison sentences of foreign pedophiles being suspended, including one Russian pedophile who fled the country while on bail after spending six months in pre-trail detention. Cambodian forces participating in peacekeeping initiatives abroad received training on trafficking in persons prior to deployment.

CAMEROON (Tier 2 Watch List)

Cameroon is a source, transit, and destination country for women and children trafficked for the purposes of forced labor and commercial sexual exploitation. Most victims are children trafficked within the country, with girls primarily trafficked for domestic servitude and sexual exploitation. Both boys and girls are also trafficked within Cameroon for forced labor in sweatshops, bars, restaurants, on tea and cocoa plantations, in mines, and for street vending and possibly for forced begging. Authorities report that within the country some parents loan their child for monetary compensation for forced labor in domestic service, street vending, or prostitution. Children are trafficked to Cameroon from Nigeria, Chad, the Central African Republic, Congo, Benin, and Niger for forced labor in agriculture, fishing, street vending, and spare-parts shops. Children from Mali are trafficked to Cameroon by religious instructors for forced begging. Cameroon is a transit country for children trafficked between Gabon and Nigeria, and from Nigeria to Saudi Arabia. It is a source country for women transported by sex trafficking rings to Europe, primarily France, Germany, and Switzerland. Reports indicate that traditional religious leaders may subject individuals to hereditary slavery practices rooted in ancestral master-slave relationships in some northern chiefdoms.



The Government of Cameroon does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall efforts, the government did not show evidence of progress in prosecuting and punishing trafficking offenders or protecting victims; therefore, Cameroon is placed on Tier 2 Watch List. While Cameroon pursued some trafficking investigations, the government reported no prosecutions or convictions and victim protection efforts remained weak.

Recommendations for Cameroon: Increase efforts to prosecute and convict trafficking offenders; educate police, judges, lawyers, and social workers about the law against child trafficking; finalize and enact the draft law criminalizing the trafficking of adults; investigate reports of hereditary slavery in the Northern Province; and develop and implement formal procedures through which law enforcement and victim protection officials may systematically identify trafficking victims among vulnerable populations and refer them for care.

Prosecution

The Government of Cameroon demonstrated minimal efforts to combat trafficking through law enforcement

means during the last year. Cameroon does not prohibit all forms of trafficking, though it criminalizes child trafficking and slavery through its 2005 Law Combating Child Trafficking and Slavery, which prescribes a penalty of 20 years' imprisonment – a punishment that is sufficiently stringent. Article 2(3) of Cameroon's Labor Code prohibits forced labor, prescribing an inadequate penalty of $100 to $3,000 in fines. The government's 2006 draft law prohibiting trafficking has yet to be finalized and approved. Penal Code Article 346 criminalizes procuring, aiding, facilitating, or profiting from the prostitution of a child less than 16 years of age. This article prescribes a punishment of one to ten years' imprisonment and a fine, which is sufficiently stringent and commensurate with penalties for rape. The government did not report any prosecutions or convictions of trafficking offenders during the year, though it reported that it investigated three trafficking cases, one of which was conducted jointly with Beninese authorities, and arrested one suspect in September 2008. Three suspects arrested in January 2008 for allegedly trafficking seven children have not yet been prosecuted. A suspect arrested in December 2007 for trafficking a child who died in his custody remains out on bail. A Yaounde court in 2008 held hearings on six additional trafficking cases derived from arrests made in 2007; the cases remain pending in the court system. The government did not investigate traditional leaders in the Northern Provinces suspected of keeping hereditary servants in conditions of involuntary servitude. The Ministry of Justice in November 2008 opened a pilot data center as part of its effort to develop a computerized system for the collection of trafficking crime data. The database is expected to be operational by 2012. In October 2008, the National Commission on Human Rights and Freedoms jointly funded with the UN an anti-trafficking seminar for law enforcement officers and magistrates on strategies for investigating and prosecuting trafficking offenses.

Protection

The Government of Cameroon demonstrated weak efforts to protect trafficking victims over the last year. The government did not operate trafficking victim shelters, but rather referred victims to NGOs providing shelter and other victim services. The government reported that its nine centers for vulnerable children and additional centers for street children were accessible to trafficking victims. Authorities did not follow systematic procedures for identifying trafficking victims among vulnerable populations, such as street children, women in prostitution, and illegal immigrants. As a result, some victims may have been inappropriately incarcerated or fined for unlawful acts committed as a direct result of being trafficked. Officials identified 18 suspected trafficking victims during the year and provided care to 15 of them at a government center for abandoned and orphaned children until Beninese officials repatriated them to Benin. The government referred one trafficking victim to his country's consulate in Cameroon and another to an NGO for care. In September 2008, Cameroonian officials cooperated with Nigerian counterparts to repatriate a 12-year-old Nigerian girl who had been trafficked to Cameroon for forced domestic labor. The government encouraged victims to assist in trafficking investigations and prosecutions, though as noted earlier, there were no reported prosecutions during the year. The government provided foreign victims with temporary residency status until they were repatriated. It did not, however, provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution.

Prevention

The Government of Cameroon continued its efforts to prevent trafficking during the year. To commemorate the Day of the African Child in June 2008, Cameroon organized a children's National Assembly session at which child Parliamentarians passed a resolution calling for the creation of structures to care for trafficking victims. Government radio and television broadcast anti-trafficking messages. The Cameroonian government briefed troops on anti-trafficking issues and related norms of behavior before they were deployed on international peacekeeping missions. In collaboration with the ICRC, the government also organized seminars for military and police leadership to keep them updated on these international anti-trafficking norms. Cameroon has not finalized or adopted its draft national plan of action against trafficking. An existing inter-ministerial anti-trafficking committee did not meet during the past year. The government made no discernable efforts to reduce demand for forced labor or demand for commercial sex acts during the year.

CANADA (Tier 1)

Canada is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Canadian women and girls, many of whom are aboriginal, are trafficked internally for commercial sexual exploitation. Foreign women and children, primarily from Asia and Eastern Europe, are trafficked to Canada for commercial sexual exploitation, but victims from Africa, Latin America, and the Caribbean also have been identified. Many trafficking victims are from Thailand, Cambodia, Malaysia, Vietnam, China, South Korea, the Philippines, Russia, and Ukraine. Asian victims tend to be trafficked more frequently to Vancouver and Western Canada, while Eastern European and Latin American victims are trafficked to Toronto, Montreal, and Eastern Canada. NGOs report that Canada is a destination country for foreign victims trafficked for labor exploitation; some labor victims enter Canada legally but then are subjected to forced labor in agriculture, sweatshops, or as domestic servants. A significant number of victims, particularly South Korean females, transit

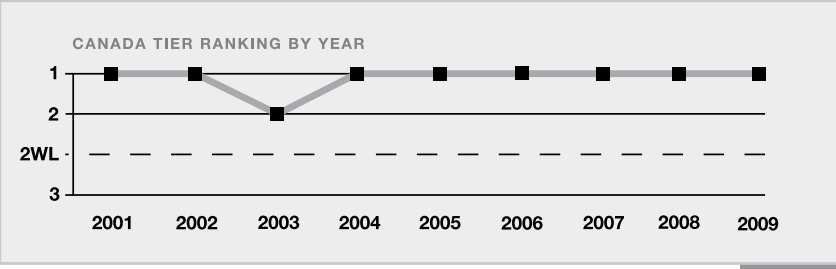
Canada en route to the United States. Canada also is a source country for child sex tourists, who travel abroad to engage in sex acts with minors. Canada is reported to be a destination country for sex tourists, particularly from the United States.

The Government of Canada fully complies with the minimum standards for the elimination of trafficking. During the past year, the Canadian government maintained strong victim protection and prevention efforts, and demonstrated modest progress in prosecuting and punishing trafficking offenders, securing five trafficking-specific convictions during the past year. Law enforcement personnel, however, reported difficulties with securing adequate punishments against offenders.

Recommendations for Canada: Intensify efforts to investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders; increase use of proactive law enforcement techniques to investigate trafficking cases, including allegations of labor trafficking; increase efforts to investigate and prosecute Canadians suspected of committing child sex tourism crimes abroad; provide greater protection and services for foreign trafficking victims; improve coordination among national and provincial governments on law enforcement and victim services; and improve data collection.

Prosecution

The Government of Canada demonstrated progress in law enforcement actions against human traffickers last year, securing the convictions of five offenders under specific human trafficking provisions of the Criminal Code passed in 2005, marking the first convictions under these newer sections of the law. Section 279.01 of the Canadian Criminal Code prohibits most 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 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. 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, punishable by up to five years in prison. Section 279.04(a) defines "exploitation" for purposes of the trafficking offenses as conduct which reasonably causes a victim to provide a labor or service because they believe their safety, or the safety of a person known to them, is threatened. Provincial governments secured the convictions of five offenders under trafficking-specific laws during the reporting period, obtaining sentences ranging from two to eight years' imprisonment. An additional 12 anti-trafficking prosecutions were pending before provincial courts as of late April 2009, involving 15 accused offenders. This compares to 2007, when provincial governments obtained the convictions of three defendants for trafficking-related crimes under other laws; and 2006, when provincial governments achieved five trafficking-related convictions. While the majority of cases prosecuted in 2008 involved domestic sex trafficking, the government reported ongoing investigations of cases involving forced labor crimes and sex trafficking crimes involving foreign victims. NGOs criticize the government's law enforcement investigation efforts for not being proactive, particularly in terms of searching for victims and trafficking activity, especially in the labor exploitation context, since many foreign victims appear to enter Canada legally and are seldom identified when passing through immigration. Moreover, Canada's law enforcement efforts reportedly suffer from a lack of coordination between the national government, and provincial and local authorities, which prosecuted most human trafficking cases. Last year the Royal Canadian Mounted Police (RCMP) maintained anti-trafficking training efforts, and there were no reports of trafficking-related complicity by Canadian officials.



Protection

The government maintained protections for trafficking victims during the reporting period. Victim support services in Canada are generally administered at the provincial level. While each province or territory provides services for crime victims, including trafficking victims, they follow different models, sometimes leading to an uneven provision of services. However, most jurisdictions provided access to shelter services, short-term counseling, court assistance, and specialized services, such as child victim witness assistance and rape counseling. Canada funded domestic NGOs, in addition to a national Victim's Fund, which made money available to NGOs to fill in gaps in services for crime victims, including trafficking victims. Some NGOs and faith-based organizations have urged greater government support for trafficking victims, arguing that they have provided most victims, especially foreign trafficking victims, with shelter and services without government assistance. Undocumented foreign trafficking victims in Canada may apply for a temporary resident permit (TRP) to remain in the country. Fifteen trafficking victims received TRPs last year. During a 180-day reflection period, immigration officials determine whether a longer residency period of up to three years

should be granted. Victims also may apply for fee-exempt work permits. TRP holders have access to essential and emergency medical care, dental care, and trauma counseling. However, some NGOs report difficulties with foreign trafficking victims securing TRPs and gaining access to services; some foreign trafficking victims reportedly elected to apply for refugee status instead of a TRP, claiming more secure benefits and an immigration status with which immigration officials appeared more familiar. Victims' rights are generally respected in Canada, and victims are not penalized for crimes committed as a direct result of being trafficked, though some NGOs have reported that some foreign trafficking victims have been arrested and deported without first being identified as victims. Canadian authorities encourage but do not require trafficking victims to participate in investigations and prosecutions of trafficking offenders. The government provided formal court assistance, in addition to the use of closed circuit television testimony and other victim-sensitive approaches to facilitate victims furnishing evidence. The provinces of Quebec, Ontario, British Columbia, and Manitoba have established witness protection programs, but data is not available on the number of trafficking victims who have utilized this service. Law enforcement, immigration, and consular officials receive specialized training to identify trafficking victims.

Prevention

The government maintained strong anti-trafficking prevention efforts last year. The RCMP continued to conduct widespread awareness-raising activities, reaching approximately 4,000 civil society members, in addition to distributing anti-trafficking materials to law enforcement. The federal government partnered with the Canadian Crime Stoppers Association to launch a national awareness campaign encouraging the public to report suspected cases of human trafficking to a national toll-free hotline. The government funded a national charitable organization to pursue leads about suspected child predators on the Internet. The federal government provided a grant to the Assembly of Manitoba Chiefs to combat trafficking of aboriginal women and children. The Canadian immigration agency 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 as to recipients of "exotic dancer" visas — which have been used to facilitate trafficking in the past — to inform them of their rights. Last year Canadian officials issued 14 exotic dancer permits, down from 15 in 2007 and 22 in 2006.

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. Since 1997, approximately 110 formal charges have been filed against Canadians suspected of sexually exploiting children in foreign countries. Last year the Canadian government obtained the convictions of two offenders for sexually abusing young orphans in Haiti; the defendants were sentenced to two and three years' imprisonment. Canada's Department of Foreign Affairs distributes a publication entitled "Bon Voyage, But…" to warn Canadians traveling abroad about penalties under Canada's child sex tourism law. The federal Interdepartmental Working Group on Trafficking in Persons is coordinating with British Columbia's Office to Combat Trafficking In Persons, the Vancouver Police, and the Vancouver Olympic Committee to incorporate anti-trafficking measures into the Olympics' broader security plan. The RCMP has six regional human trafficking awareness coordinators across the country including one based in Vancouver responsible for maintaining relationships with law enforcement and other partners. The RCMP recently updated its outreach and awareness materials, and is providing a human trafficking tool-kit to law enforcement officers across the country. Canada's Department of National Defense follows NATO policy on combating trafficking in persons, and provides anti-trafficking information to Canadian military forces prior to their deployment on international peacekeeping missions.

THE CENTRAL AFRICAN REPUBLIC (Tier 2 Watch List)

The Central African Republic (CAR) is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. The majority of victims are children trafficked within the country for sexual exploitation, domestic servitude, forced ambulant vending, and forced agricultural, mine, market, and restaurant labor. To a lesser extent, children are trafficked from the CAR to Cameroon, Nigeria, and the Democratic Republic of Congo (DRC), for the same purposes listed above. Children may also be trafficked from Rwanda to the CAR. In addition, rebels conscript children into armed forces in the northwestern and northeastern regions of the country. Unable to survive as hunters and gatherers because of depleted forests, Pygmies are subjected to forced agricultural labor by Central African villagers. Authorities in the CAR have a limited awareness of trafficking, and none of the nation's young, but developing, civil society organizations has an anti-trafficking focus. No comprehensive trafficking analysis has been conducted and little concrete data exists. A study released in 2008 by UNICEF and the Government of the CAR on violence linked to child labor, however, reveals that forced child labor is widespread. In addition, a 2005 UNICEF study on child sexual exploitation found over 40 sex trafficking cases in Bangui and four of the country's provinces. UN reports in the last year indicate that self-defense militias, some of which are supported by the government, recruited child soldiers.

The Government of the Central African Republic does not fully comply with the minimum standards for

the elimination of trafficking; however, it is making significant efforts to do so, despite extremely limited resources, internal conflict, and instability caused by unrest in neighboring Sudan, Chad, and the DRC. The government demonstrated its nascent commitment to combating trafficking through law enforcement means by securing the convictions of three men for trafficking a three-year-old girl. In collaboration with UNICEF, the government collected data on violence linked to child labor and released a study in 2008 indicating a significant incidence of forced child labor in the country. Despite these overall significant efforts, the government did not show evidence of progress in enacting its 2006 draft law against trafficking – which has yet to be presented to the National Assembly – or in protecting victims of trafficking; therefore, the CAR is placed on Tier 2 Watch List.

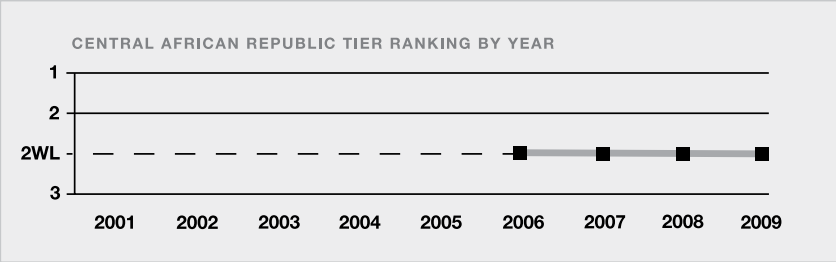
Recommendations for the CAR: Pass and enact the 2006 anti-trafficking law; develop procedures through which police and social workers may identify trafficking victims among vulnerable populations – such as females in prostitution, abandoned and street children, and Pygmies – and train police and social workers to implement these procedures; end the practice of jailing children who are victims of sex trafficking; provide care to children in commercial sexual exploitation and forced labor, in collaboration with NGOs and the international community as appropriate; and increase overall efforts to educate the public about the dangers of trafficking.

Prosecution

The Government of the CAR demonstrated some increased law enforcement efforts to combat trafficking during the last year. Central African law does not prohibit all forms of trafficking in persons. A 2006 draft comprehensive anti-trafficking law awaits Cabinet approval before being sent to the National Assembly for vote. In January 2009, the government enacted Labor Code Articles seven and eight which prohibit forced labor and bonded labor, prescribing a sufficiently stringent penalty of five to 10 years' imprisonment. The Central African Penal Code criminalizes the procurement of individuals less than 15 years old for prostitution, prescribing penalties of one to five years' imprisonment and/or a fine. These penalties are sufficiently stringent and commensurate with those prescribed for rape, although a fine alone would not be. In 2008, using kidnapping laws, the government convicted a Nigerian man to two years' imprisonment for attempting to sell a three-year old Guinean girl in 2007. The perpetrator's two accomplices were sentenced to one year and six months' imprisonment, respectively. Due to budget limitations, the government does not provide specialized anti-trafficking training to government officials on how to investigate and prosecute trafficking cases. Labor inspectors and other law enforcement officials report that they lack the resources to address trafficking crimes.

Protection

The Government of the CAR continued weak efforts to protect trafficking victims over the last year. Government officials continued to travel with UNICEF into the interior of the country to identify, rescue, and demobilize child soldiers conscripted by rebels. Due to a paucity of resources, the government does not operate a trafficking victim shelter. The government refers destitute children older than four to local NGOs for care; some of these children could be trafficking victims. Otherwise, the government did not report referring any trafficking victims to NGOs for care. Two NGOs reported that the Ministry of Social Affairs sometimes provided training on general youth issues, but could not confirm that this included trafficking. In December 2008, the Minister of Defense assisted UNICEF's efforts to release children from a self-defense militia conscripting child soldiers. The Ministry put UNICEF in contact with the militia leader, who agreed to cooperate with UNICEF to release children. The Central African government did not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. The government does not implement formal procedures to identify trafficking victims among vulnerable populations such as abandoned children, street children, or females in prostitution. In some cases, police jail children found in prostitution for up to a month and then released them, rather than providing them with rehabilitation and reintegration care. The government does not encourage victims to assist in trafficking investigations or prosecutions.



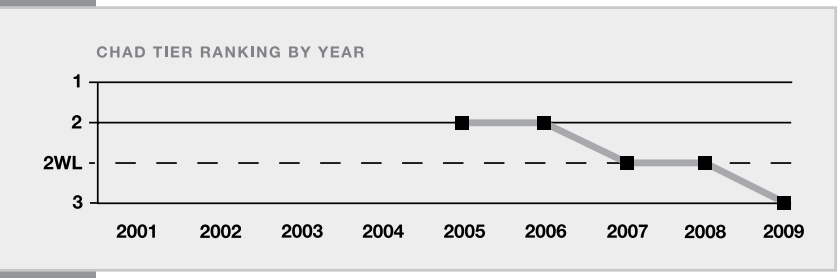
Prevention

The Government of the CAR continued modest efforts to prevent trafficking during the reporting period. The government released the results of a joint government-UNICEF study on violence associated with child labor in the CAR. The Ministry of Statistics assisted in analyzing the data collected. The government established an Inter-Ministerial Committee to Combat Child Exploitation during the last year. In June 2008, as part of its African Children's Day celebration, the government conducted awareness-raising activities about trafficking through television and radio broadcasts. In October 2008, the CAR government participated in a three-day seminar hosted by with the Central African Human Rights Observatory and a foreign donor entitled "Raising Awareness of the New Forms of Slavery in the CAR." The event produced

the "Bangui Declaration" of recommendations to the government and other stakeholders for the eradicating of trafficking in the country. The government lacked funding to implement a national action plan to prevent child sexual abuse, including trafficking, that it had adopted in 2006. A second anti-trafficking action plan adopted in 2007 also remains unimplemented. The government did not take any measures to reduce the demand for commercial sex acts.

CHAD (Tier 3)

Chad is a source, transit, and destination country for children trafficked for the purposes of forced labor and commercial sexual exploitation. Most trafficked children are subjected to domestic servitude, forced begging, forced labor in cattle herding, fishing, and street vending, and for commercial sexual exploitation. A 2005 UNICEF study on child domestic workers, including those in domestic servitude, in Ndjamena found that 62 percent were boys. Young girls sold or forced into marriage are forced by their husbands into domestic servitude and agricultural labor. Chadian children are also trafficked to Cameroon, the Central African Republic, and Nigeria for cattle herding. Children may also be trafficked from Cameroon and the Central African Republic to Chad's oil producing regions for sexual exploitation. The Chadian National Army, Chadian rebel groups, and village self-defense forces conscript Chadian child soldiers. Sudanese children in refugee camps in eastern Chad are forcibly recruited into armed forces by Sudanese rebel groups, some of which are backed by the Chadian government.



The Government of Chad does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Although the Chadian government faces resource constraints, it has the capacity to conduct basic anti-trafficking law enforcement efforts, yet did not do so during the last year. It showed no results in enforcing government policy prohibiting recruitment of child soldiers. Civil conflict and a heavy influx of Sudanese and Central African refugees continued to destabilize the country.

Recommendations for Chad: Pass and enact its draft law prohibiting child trafficking and criminalize the trafficking of adults; increase efforts to prosecute and punish trafficking offenders under related laws; fulfill June 2008 promises to the UN to release child soldiers and allow inspections of Chadian army camps; collaborate with NGOs and international organizations to care for trafficking victims; and increase efforts to raise awareness about trafficking.

Prosecution

The Government of Chad demonstrated insufficient efforts to combat trafficking through law enforcement means during the reporting period. While Chadian law does not prohibit all forms of trafficking in persons, Title 5 of the Labor Code prohibits forced and bonded labor. While the prescribed penalty for this crime, a find of approximately $325-$665, is considered significant by Chadian standards, it fails to prescribe a sufficient penalty of incarceration. The 1991 Chadian National Army Law also prohibits the Army's recruitment of individuals below the age of 18. A joint government-UNICEF plan to develop by 2007 a Child Code of laws that includes anti-trafficking provisions has proceeded slowly since 2004. The government did not report any prosecutions or convictions for trafficking offenses during the year. In June 2008, nine suspected traffickers were arrested, all of whom were later released. In June 2008, and the deputy prefect of Goundi arrested an additional six village chiefs suspected of selling children as cattle herders. The suspects were released after paying a fine. In 2008, a UNICEF study on children trafficked for cattle herding reported that the government had not taken legal action against an employer of a child cattle herder who died as a result of the employer's abuse. A local newspaper reported that two children were rescued after being found in chains and forced to beg by a religious leader in Massaguet. The government has taken no legal action against the teacher. Media sources, however, indicated that in 2008, the government arrested a mother and father for selling their six-year girl into domestic servitude. To date, the parents have not been prosecuted. The judiciary remained crippled by the small number of judges in the country – only 150 – and their lack of basic technology to record and process cases through the criminal justice system. Law enforcement officials and labor inspectors also reported that they lack the basic means, such as transportation, to investigate trafficking cases. Some local authorities in Mandoul use intermediaries to recruit child herders, some of whom are trafficking victims. Although officials have raised the problem with the Ministry of Justice, the government has not initiated any investigations into this alleged complicity.

Protection

The Government of Chad demonstrated weak efforts to protect trafficking victims during the last year. The government did not operate shelters for trafficking victims due to limited resources. Although the government has a formal system in place through which government officials may refer victims to NGOs or international organizations for care, it provided no information on the number of victims it referred to such organizations last year. The government provided some of the materials

for specific vocational training projects, such as tools for carpentry, as part of a UNICEF trafficking victim vocational training program. In response to a June 2008 visit from the UN Special Representative for Children in Armed Conflict, the Chadian government pledged to release more than 60 children who had been unlawfully conscripted for service in armed groups and who were in detention and agreed to inspections of its Army's camps to ensure that children were not being exploited. UNICEF access to Chadian Army camps and detention centers has been limited, however, and no children have been demobilized since November 2008. However, UNICEF reported that in 2008, prior to November, it demobilized 56 children. The government contributed some funding to a safe house used in UNICEF's child soldier demobilization effort. The government did not provide legal alternatives to the removal of foreign victims to countries where they faced hardship or retribution. Rescued victims were not inappropriately incarcerated or fined for unlawful acts committed as a direct result of being trafficked.

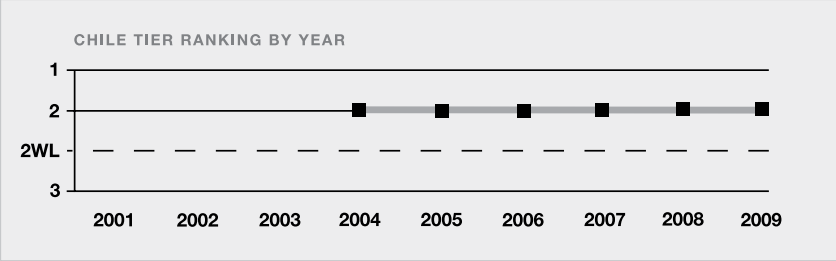
Prevention

The Government of Chad took some steps efforts to raise awareness of trafficking during the last year. In June 2008, on the Day of the African Child, the government collaborated with NGOs and international organizations by contributing some funding to raise awareness about children trafficked for forced cattle herding. During the last year, the government radio broadcast campaigns to educate parents about religious teachers who exploit their students for their labor. The Ministry of Social Action annually updates its action plan with recommended activities to combat trafficking. The government and UNICEF co-released a report in 2008 on the worst forms on child labor, including trafficking, in Chad. A 2005 Ministry of Justice order to bring Chadian law into conformance with international child labor norms has not progressed to the Presidency for signature. The Chadian government did not take steps to reduce the demand for forced labor, including the demand for conscripted child soldiers, or the demand for commercial sex acts. Chad has not ratified the 2000 UN TIP Protocol.

CHILE (Tier 2)

Chile is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and labor trafficking. Within the country, many victims are Chilean women and girls who respond to false job offers and subsequently are subjected to forced prostitution. Chilean women and girls also are trafficked for involuntary prostitution and labor exploitation to neighboring countries such as Argentina, Peru, and Bolivia, as well as Western Europe. Foreign women from Argentina, Bolivia, Peru, Colombia, and Paraguay, in addition to Asian countries such as China, are lured to Chile with fraudulent job offers and subsequently coerced into prostitution or domestic servitude. Foreign victims of labor trafficking, primarily from Bolivia, Peru, Colombia, Ecuador, and China, have been identified in Chile's mining and agricultural sectors. Trafficking victims, including children, are lured to Chile with false promises of pay and benefits. Some Chinese nationals are consensually smuggled through Chile en route to Mexico, Brazil, and the United States; some fall victim to human trafficking.

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. Last year, the government maintained law enforcement, protection, and prevention efforts to combat human trafficking. Chilean authorities, however, reported difficulties with prosecuting certain trafficking crimes – particularly allegations of labor trafficking and the internal trafficking of adults – due to statutory gaps in Chile's anti-trafficking laws, in addition to overcoming challenges with securing stringent punishments against trafficking offenders.



Recommendations for Chile: Enact anti-trafficking legislation to prohibit all forms of human trafficking; intensify law enforcement efforts against trafficking offenders, especially labor trafficking offenders; and continue to strengthen victim protection efforts, particularly for foreign trafficking victims.

Prosecution

The Government of Chile maintained law enforcement efforts against traffickers during the reporting period. Chilean law does not prohibit all forms of human trafficking, though it criminalizes transnational movement of persons for commercial sexual exploitation through Article 367 of its penal code. Penalties prescribed under this statute range from three to 20 years of imprisonment, depending on whether aggravated circumstances exist. Such penalties are sufficiently stringent and are commensurate with those for other grave crimes, such as rape. In practice, however, because sentences of less than five years are often suspended in Chile, and the minimum penalty for rape is five years and a day, individuals convicted of rape typically receive jail time whereas trafficking offenders often do not. The government's anti-trafficking statutory framework does not criminalize labor trafficking or the internal trafficking of adults; law enforcement officials report difficulties with investigating and prosecuting these allegations. Anti-

trafficking legislation, originally proposed in 2002, passed the Senate in June 2008, and is now being reviewed by the Senate's Human Rights and Constitutional Commissions. Between April and December 2008, the government opened 104 trafficking-related investigations, and obtained 10 convictions with sentences ranging from fines to 30 months' imprisonment. Two convictions involved the fraudulent recruitment of Chilean women into prostitution in Spain. In 2008, the government increased anti-trafficking training, and the public prosecutor's office held an international summit in Santiago to promote international cooperation on anti-trafficking law enforcement. There were no reports of government complicity with trafficking activity.

Protection

The Government of Chile maintained efforts to assist trafficking victims over the last year. The government provides child victims of sex trafficking with specialized services, and furnished nearly $2 million in such assistance at 14 centers nationwide last year. These non-residential centers had capacity to assist 684 children and adolescents, and they referred victims to NGO shelters when necessary. For adults, the government operated a witness protection program which assisted sex trafficking victims, in addition to victims of other abuses and violent crime. Adult trafficking victims are referred to NGOs and shelters, where they can receive medical care, psychological counseling, and support. Police are trained to utilize victim-sensitive interviewing techniques such as two-way mirrors so victims can identify a suspected exploiter without fear of retribution, and video-recording equipment to minimize multiple victim interviews. Chilean authorities encouraged victims to assist in the investigation and prosecution of their traffickers. Foreign sex trafficking victims may remain in Chile during legal proceedings against their exploiters, and can later apply for residency status. These victims may still face deportation to their country of origin once legal proceedings are finished, if they are not granted residency status. The government does not have a formal system of identifying trafficking victims among vulnerable populations, such as prostituted women. Foreign labor trafficking victims usually are not identified as trafficking victims or provided with assistance before being deported. The government provides funding to anti-trafficking NGOs, and works with foreign governments and IOM to ensure the safe repatriation of victims.

Prevention

The government increased prevention efforts during the reporting period by conducting anti-trafficking education and outreach campaigns through a variety of media. The government also continued awareness-raising projects with NGOs and international organizations. Through law enforcement efforts targeting "clients" of child prostitution, the government endeavored to reduce demand for commercial sex acts, convicting and sentencing five defendants for purchasing sex with a minor. The government also conducted a public awareness campaign, called "There is No Excuse," warning how commercial sex with a minor is a crime in Chile. Chilean troops departing for international peacekeeping duties attended mandatory pre-deployment training on trafficking in persons and human rights. The government made no discernable efforts, however, to prevent labor trafficking.

CHINA (Tier 2 Watch List)

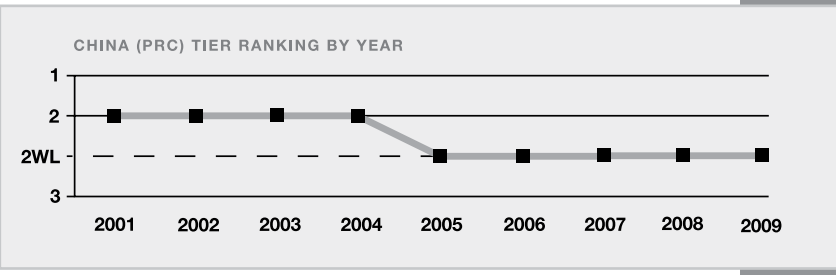
The People's Republic of China (PRC) is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. Although the majority of trafficking in the PRC occurs within the country's borders, there is also considerable trafficking of PRC citizens to Africa, other parts of Asia, Europe, Latin America, the Middle East, and North America. Women are lured through false promises of legitimate employment and forced into commercial sexual exploitation largely in Taiwan, Thailand, Malaysia, and Japan. PRC women and men are smuggled throughout the world at great personal financial cost and then forced into commercial sexual exploitation or exploitative labor to repay debts to traffickers. Women and children are trafficked to China from such countries as Mongolia, Burma, North Korea, Russia, Vietnam, and Romania for purposes of forced labor, marriage, and sexual slavery. There were new reports that Vietnamese men are trafficked to China for forced labor and ethnic Hmong girls and women from Vietnam trafficked for forced marriages in China. Some women from Tibet were trafficked to Indonesia for forced prostitution. Some North Koreans seeking to leave their country enter northeastern China and are subsequently subjected to sexual servitude or forced labor. North Korean women are often sold into forced marriages with Chinese nationals, or forced to work in internet sex businesses. Some experts and NGOs suggested trafficking in persons has been fueled by economic disparity and the effects of population planning policies, and that a shortage of marriageable women fuels the demand for abducted women, especially in rural areas. While it is difficult to determine if the PRC's male-female birth ratio imbalance, with more males than females, is currently affecting trafficking of women for brides, some experts believe that it has already or may become a contributing factor.

Forced labor remained a serious problem in penal institutions. This was mainly the product of administrative decisions, rather than the result of due process and conviction. Many prisoners and detainees in reeducation through labor facilities were required to work, often with no remuneration. Some children are abducted for forced begging and thievery in large cities. There were numerous confirmed reports of involuntary servitude of children, migrant workers, and abductees in China. In April 2008, a Chinese newspaper uncovered an extensive child forced labor network in Guangdong

province that reportedly took thousands of children as young as seven years old from poor rural areas of Sichuan province, populated largely by the Yi minority, to work in factories in southeastern China. According to the report, the children were sold in labor markets to factory owners, and forced to work 10 hours a day, seven days a week, for as little as 30 cents per hour. These children were found near Dongguan, where in total over 500 children from Sichuan were discovered working in a factory in June 2007. In October 2008, a Chinese blogger exposed publicly several cases of child labor in Wuhan factories, and reported that the factories had evaded detection by receiving advance warning of pending labor inspections. Under the government-sanctioned work-study programs, elementary schools supplied factories and farms with forced child labor under the pretext of vocational training. Students had no say in the terms and conditions of their employment, and little to no protection from abusive work practices. Conditions in this program included excessive hours with mandatory overtime, dangerous conditions, low pay, and involuntary pay deductions. The Xinjiang provincial government forced thousands of local students to labor through "work-study" programs in order to meet yearly harvesting quotas. Overseas human rights organizations alleged that government-sponsored labor programs forced Uighur girls and young women to work in factories in eastern China on false pretenses and without regular wages. During the year, international media reported over 300 children, many of them from Xinjiang, were laboring in a shoe factory in eastern China as a part of a government labor transfer program. The group included many Uighur girls, whose families were reportedly coerced and in some cases threatened by government officials to participate in the program using fake or swapped identification cards provided by the government. Additionally, authorities in Xinjiang reportedly continued to impose forced labor on area farmers in predominantly ethnic minority regions. In recent years, organized criminal networks have become more sophisticated at cheating and abducting migrant workers, including abduction by anesthetizing the often unsupervised children of migrant worker parents.

Experts believe that the number of Chinese trafficking victims in Europe is growing dramatically, where large informal economies create a "pull" for exploitable labor. While some Chinese enter Europe legally and overstay their visas, others are smuggled in and work as domestic servants, and in underground sweatshops. Some trafficking victims are exploited in the sex trade. Teenage girls from China are trafficked into the UK for prostitution, and Chinese children are reportedly trafficked into Sweden by organized criminal networks for forced begging elsewhere in Europe. In February 2009, seven Chinese sex trafficking victims were rescued in Ghana, having been forced into prostitution by Chinese traffickers who had promised them jobs as waitresses.

The Chinese government 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 Chinese government didi not demonstrate progress in combating human trafficking from the previous year, particularly in terms of punishment of trafficking crimes and the protection of Chinese and foreign victims of trafficking; therefore China is placed on Tier 2 Watch List. Forced labor, especially forced child labor, remains a serious problem in the country. Despite substantial resources, during the reporting period, the government did not make efforts to improve victim assistance programs. Protection of domestic and foreign victims of trafficking remains insufficient. Victims are sometimes punished for unlawful acts that were a direct result of their being trafficked – such as violations of prostitution or immigration/ emigration controls. The Chinese government continued to treat North Korean trafficking victims as unlawful economic migrants, and routinely deported them back to horrendous conditions in North Korea. Additional challenges facing the Chinese government include the enormous size of its trafficking problem and corruption and complicity in trafficking by some local government officials. Factors that continue to impede progress in anti-trafficking efforts include tight controls over civil society organizations, restricted access of foreign anti-trafficking organizations, and the government's systemic lack of transparency.



Recommendations for China: Revise anti-trafficking laws and the National Plan of Action to criminalize and address all forms of labor and sex trafficking in a manner consistent with international standards; significantly improve efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders, including public officials complicit in trafficking; increase efforts to address labor trafficking, including prosecuting and punishing recruiters and employers who facilitate forced labor and debt bondage, and provide protection services to victims of forced labor; continue to increase cooperation with foreign governments on cross-border trafficking cases; adopt proactive procedures to identify victims of trafficking among vulnerable groups, such as migrant workers and foreign women and children arrested for prostitution; increase efforts to protect and rehabilitate both sex and labor trafficking victims; provide foreign victims with legal alternatives to removal to countries in which they may face hardship or retribution; conduct a campaign to reduce the demand for forced labor and

commercial sex acts; and adhere to its obligations as party to the 1951 Refugee Convention and its 1967 Protocol, including by not expelling North Koreans protected under those treaties and by cooperating with UNHCR in the exercise of its functions.

Prosecution

China's domestic laws do not conform to international standards on trafficking; China's definition of trafficking does not prohibit non-physical forms of coercion, fraud, debt bondage, involuntary servitude, forced labor, or offenses committed against male victims, although some aspects of these crimes are addressed in other articles of China's criminal law. China's legal definition of trafficking also does not automatically regard minors over the age of 14 who are subjected to the commercial sex trade as victims. While Article 244 of China's Criminal Code bans forced labor by employers, the prescribed penalties of up to three years' imprisonment or a fine under this law are not sufficiently stringent. Additionally, Chinese law does not recognize forms of coercion other than abduction as constituting a means of trafficking. Based on China's limited definition of "trafficking," and the government's conflation of human smuggling and trafficking offenses, the Ministry of Public Security (MPS) reported investigating 2,566 potential trafficking cases in 2008. Law enforcement authorities arrested and punished some traffickers, but a lack of transparency and due process, as well as a paucity of trafficking-specific law enforcement data inhibits an accurate assessment of these efforts. Several foreign governments reported a lack of cooperation by Chinese authorities in transnational trafficking cases involving foreign trafficking victims in China. During the year, the government did not provide the United Nations with data on prosecutions, convictions, or sentences of traffickers. Consequently, China was not among the 155 countries covered by the UN's Global Report on Human Trafficking released in February 2009. Government efforts described as addressing human trafficking were aimed at sex trafficking during the reporting period. In November 2008, police in Fujian province reportedly discovered a trafficking case involving 18 Vietnamese women who had been trafficked to Yunnan, Guangxi and other provinces in China for marriage. Also in Fujian, in December 2008, police arrested 10 members of a criminal gang accused of having trafficked 10 female sex workers to men in isolated villages for approximately $800 to $1,200 each. In Guizhou Province, official media reported that 29 defendants were convicted for trafficking more than 80 female victims for forced marriage, and the main defendant was sentenced to death. According to official media, police in Xinjiang Uighur Autonomous Region rescued 746 children from trafficking gangs which had kidnapped and forced them into pick-pocketing. The Xinjiang Public Security Bureau reported that 177 suspects were arrested.

Reported incidents in 2008 involving forced and child labor reflect continuing legal and administrative weaknesses in China's anti-trafficking enforcement. Subsequent to the April 2008 discovery of a massive child labor market in Southeast China, the Dongguan local government claimed that it found no evidence of large-scale child labor during its raids on over 3,600 work sites in two days. Nonetheless, raids led to the rescue of at least 167 children, according to local police sources. Despite the discovery of child laborers and reports that some minors were raped by factory operators, the government did not criminally or administratively prosecute or convict any employers for any labor offenses. The Guangdong provincial government subsequently denied earlier reports and retracted police statements, claiming that police had found only six underage workers, none of whom had been raped or abducted. In a child labor case in Wuhan, authorities announced a crackdown on child labor in small-scale workshops in Wuhan, but there was no further reporting on the story. There were continued reports of local officials' complicity in trafficking, including by providing advance warning of pending labor inspections and brothel raids. The Chinese government has not demonstrated concerted efforts to investigate, prosecute, and punish government officials for complicity in human trafficking.

Protection

China continued to lack adequate victim protection services throughout most the country. There continued to be no dedicated government assistance programs for victims of trafficking. China has an inadequate number of shelters to assist trafficking victims, and regularly returns trafficking victims to their homes without access to counseling or psychological care. Most of the existing shelters are temporary, not exclusive to trafficking victims, and provide little or no care to repatriated victims. Provincial women's federation offices provide counseling on legal rights, rehabilitation, and other assistance to trafficking victims. Local governments continue to rely on NGOs and international organizations for technical and material support to identify victims and provide victim protection services. The government continues to obstruct the independent operation of NGOs and international organizations that provide assistance on trafficking issues. Trafficking victims were generally repatriated involuntarily without any rehabilitation assistance. There was no reported protection or rehabilitation provided to the 167 children rescued from factories near Dongguan. The government has not provided any assistance to the Chinese sex trafficking victims identified in Ghana, who face threats and retaliation from their traffickers if they return to China. The Chinese government continues to lack systematic procedures to identify trafficking victims, including victims of sex trafficking, among those it arrests for prostitution, in order to refer them to organizations providing services and to ensure that they are not inappropriately penalized for unlawful acts committed as a result of being trafficked. The All-China Women's Federation (ACWF), a quasi-government entity,

reported that ongoing problems required intervention to protect trafficking victims from unjust punishment. MPS officials stated that repatriated victims of trafficking no longer faced fines or other punishment upon their return, but authorities acknowledged that Chinese and foreign victims sometimes are sentenced or fined because of police corruption, the lack of capacity to identify trafficking victims, or provisions allowing for the imposition of fines on persons traveling without proper documentation. Some border officials are trained by MPS to identify potential victims of trafficking. In October 2008, 200 Burmese women were arrested and jailed in China for immigration violations; they had allegedly been smuggled into the country under the pretext of finding work and were reportedly sold and forced to marry Chinese men. Reports suggest that many of the women were deported to Burma, while others were expected to serve three-month prison sentences for violating Chinese immigration laws. The Ministry of Civil Affairs began working with IOM on an IOM-funded training module for the identification, protection, and reintegration of trafficking victims. The government does not provide foreign victims with legal alternatives to removal to countries in which they may face hardship or retribution. Some trafficking victims have faced punishments in the form of fines for leaving China without proper authorization.

In the year leading up to the 2008 Beijing Summer Olympic Games, Chinese authorities stepped up efforts to locate and forcibly repatriate North Korean refugees in China – including trafficking victims – in violation of their commitments to the humane treatment of refugees under international law. China continues to treat North Korean trafficking victims solely as illegal economic migrants and reportedly deports a few hundred of them each month to North Korea, where they may face severe punishment. Chinese authorities continue to limit UNHCR's access to North Korean refugees in China. The lack of access to UNHCR assistance and constant fear of forced repatriation by Chinese authorities leaves North Korean refugees more vulnerable to human traffickers.

Prevention

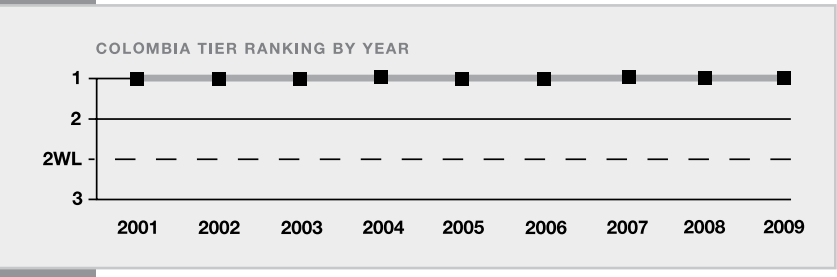
China made some effort to prevent trafficking in persons during the reporting period. In light of the size of China's trafficking problem, however, more needs to be done. Targeted public awareness campaigns, run by the All-China Women's Federation (ACWF), continued to disseminate information on trafficking prevention and focused on reaching young female migrant workers. ACWF also continued to identify model communities that protected women's rights, offered legal and psychological assistance for victims of domestic violence and trafficking, and made available shelters for vulnerable women. Government agencies, associations, and youth organizations continued to run hotlines for victims of trafficking-related crimes, including forced child labor. Hotlines for migrant workers whose rights had been violated were also continued in 15 provinces. Provincial governments in Yunnan, Sichuan, and Guangxi continued their own prevention campaigns, including radio broadcasts, brochures, performances, poster shows, and targeted campaigns to spread the word among Chinese women of the dangers of trafficking and how to avoid becoming a victim. In Beijing, the government held an anti-trafficking publicity campaign on International Women's Day to raise public awareness of human trafficking and to publicize prevention measures. The national government has not addressed two policies that may create vulnerabilities to trafficking: the birth limitation policy that contributes to a gender imbalance that some believe has led to bride trafficking in the Chinese population, and the unevenly implemented *hukou* (household registration) system that controls the movements of internal migrants. During the reporting period, China issued implementation guidelines for its 2008 National Plan of Action to define roles and responsibilities of relevant agencies, and provincial action plans were developed in four provinces. The Ministry of Public Security (MPS) held training courses for approximately 2,000 police officers in 10 provinces on anti-trafficking measures, as well as training on combating cross-border trafficking. Police officers responsible for anti-trafficking measures participated in anti-trafficking and victim protection training courses overseas, and MPS co-hosted training sessions with counterparts in Vietnam and Burma. The government did not take any noticeable measures during the reporting period to reduce the demand for forced labor, commercial sex acts, or child sex tourism. Chinese forces participating in peacekeeping initiatives abroad have not been implicated in trafficking while overseas, but did not receive specific training on trafficking in persons prior to deployment. China has not ratified the 2000 UN TIP Protocol.

COLOMBIA (Tier 1)

Colombia is a major source country for women and girls trafficked to Latin America, the Caribbean, Western Europe, Asia, and North America, including the United States, for purposes of commercial sexual exploitation and involuntary servitude. Within Colombia, some men are trafficked for forced labor, but trafficking of women and children from rural to urban areas for commercial sexual exploitation remains a larger problem. Individual cases of forced marriage, domestic servitude, and forced begging have been reported. Groups at high risk for internal trafficking include displaced persons, poor women in rural areas, and relatives of members of criminal organizations. Continued armed violence in Colombia has displaced many communities, making them vulnerable to human trafficking. Guerillas and paramilitary groups forcibly recruit children as combatants; the government estimates that nearly 6,000 children may be exploited under such conditions.

Members of gangs and organized criminal networks force their relatives and acquaintances, and displaced persons – typically women and children – into conditions of forced prostitution and forced labor, including work in the illegal drug trade. Colombia also is a destination for foreign child sex tourists, particularly coastal cities such as Cartagena and Barranquilla. Migrants from South America and the PRC transit Colombia en route to the United States and Europe; some may be trafficking victims.

The Government of Colombia fully complies with the minimum standards for the elimination of trafficking in persons. During the reporting period, the government increased law enforcement actions against trafficking offenders, and improved coordination of anti-trafficking cases by launching an anti-trafficking operations center to direct assistance to victims and follow through with investigation of their cases.



Recommendations for Colombia: Dedicate more resources for victim services; increase efforts to encourage victims to assist with the prosecution their traffickers; expand efforts to assist and repatriate the large number of Colombians trafficked overseas; institute formal measures to identify trafficking victims among vulnerable populations; and continue to raise public awareness about the dangers of human trafficking, particularly among young women seeking jobs abroad.

Prosecution

The Government of Colombia increased law enforcement efforts against trafficking offenders during the reporting period. Colombia prohibits all forms of trafficking through its anti-trafficking statute, Law 985, which prescribes minimum punishments of 13 to 23 years' imprisonment. Such punishments are sufficiently stringent and commensurate with other serious crimes, such as rape. In 2008, Colombian authorities initiated 159 anti-trafficking investigations, 20 prosecutions, and achieved 16 convictions, sentencing trafficking offenders to periods of imprisonment ranging from 4.5 to 14 years. Such results compare to 182 investigations, 44 prosecutions, and six convictions reported for 2007. The government cooperated with foreign governments to repatriate trafficking victims and investigate trafficking cases in Argentina, Bolivia, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Venezuela, Trinidad and Tobago, Japan, Singapore, the Philippines, and the United States. The government received no confirmed reports of trafficking-related corruption during the reporting period.

Protection

The government improved victim protection efforts by launching an interagency anti-trafficking operations center to direct assistance to victims, coordinate and track criminal investigation and prosecution of their cases, and collect nationwide information and statistics about trafficking crimes. The government appropriated $150,000 to open the operations center in June 2008, and it assisted 58 victims between June and December 2008. However, most victims were reluctant to assist in the prosecution of their traffickers due to fear of reprisals or lack of awareness of their status as victims of a serious crime. Government-funded services for adult trafficking victims remained limited during the reporting period; NGOs and international organizations provided the bulk of victim assistance, particularly shelter services. The government did not appear to employ a formal mechanism for identifying trafficking victims among vulnerable populations within the country, such as displaced persons or prostituted women. In conjunction with IOM, UNODC, and the anti-trafficking operations center, the government trained consular officials to recognize and assist potential Colombian trafficking victims abroad. Consular officials assisted 22 Colombians trafficked overseas during the reporting period. However, victim services overseas are limited to consular districts with at least 10,000 Colombian residents, and are not likely to be available to victims trafficked to isolated locations, such as in the Caribbean, Asia, and Europe. At home, Colombian law enforcement authorities encourage victims to assist with the investigation and prosecution of their traffickers. There were no reports of victims being jailed or otherwise penalized for unlawful acts committed as a direct result of being trafficked. According to IOM, while there is no specialized legal mechanism whereby the Colombian government offers a visa or temporary residence status to foreign trafficking victims, the Ministry of Interior and Justice can provide assistance to vulnerable or threatened individuals on a case-by-case basis.

Prevention

The government improved prevention efforts against human trafficking by launching a widespread education campaign entitled "The Next Victim Could Be You" in October 2008. The campaign included TV commercials, radio spots, and print advertising featuring a popular Colombian television personality. In conjunction with the anti-trafficking operations center, the government operated a national call center, which received 645 calls during the reporting period. Most calls were citizen requests for information relating to job offers overseas, though 38 suspected trafficking cases from the call center were referred to police for investigation. In an effort to reduce demand for commercial sex acts, the government in 2008 targeted and provided information to tourism

industries in 23 Colombian cities to prevent commercial sexual exploitation. No other government campaigns to reduce demand for commercial sex acts were visible during the reporting period, nor were there any discernable efforts to reduce demand for forced labor.

CONGO, DEMOCRATIC REPUBLIC OF THE (Tier 2 Watch List)

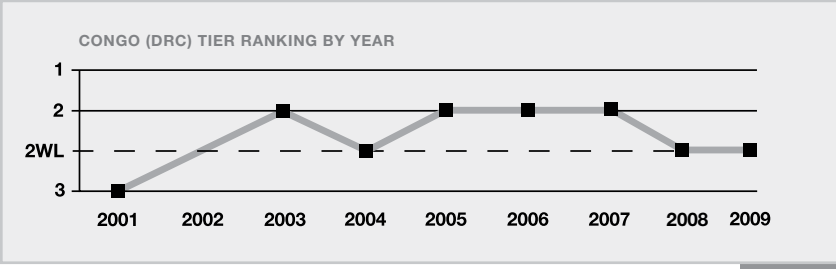
The Democratic Republic of the Congo (DRC) is a source and destination country for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. Much of this trafficking occurs within the country's unstable eastern provinces and is perpetrated by armed groups outside government control. Indigenous and foreign armed militia groups, notably, the Democratic Forces for the Liberation of Rwanda (FDLR), the National Congress for the Defense of the People (CNDP), various local militia (Mai-Mai), and the Lord's Resistance Army (LRA), continued to abduct and forcibly recruit Congolese men, women, and children to serve as laborers, porters, domestics, combatants, and in sexual servitude. CNDP recruiters, fraudulently promising high-paying employment, enlisted Congolese men and boys from Rwanda-based refugee camps, as well as Rwandan adults and children from towns in western Rwanda, for forced labor and forced soldiering in the DRC.

An unspecified number of children remain with the 81st and 85th non-integrated Congolese national army (FARDC) brigades under the control of Colonel Philemon Yav and Colonel Samy Matumo, respectively. FARDC elements frequently force men in North Kivu province to carry looted goods or to participate in the construction of military facilities; those who resist are sometimes killed. During the past year, a number of children in Ituri were forced to abandon their studies to work for the army. A number of policemen in eastern DRC reportedly 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.

During the year, the Ugandan terrorist rebel organization, Lord's Resistance Army (LRA), intensified its operations in areas in and near the DRC's Orientale Province, abducting at least 750 people, mostly children, between September 2008 and January 2009 in the DRC, Central African Republic, and southern Sudan to serve as domestics, porters, soldiers, and in sexual servitude. An estimated 300 women and children remain captive with the LRA in DRC's Garamba National Park; some Congolese captives were taken into southern Sudan.

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. In North and South Kivu Provinces, armed groups and FARDC troops reportedly use threats and coercion to force men and children to mine for minerals. Congolese girls are forcibly prostituted in brothels or informal camps – including in markets and mining areas – by loosely organized networks, gangs, and madams. Congolese women and children are trafficked internally for domestic servitude and, in smaller numbers, to South Africa, Republic of the Congo, and European nations, such as Norway, for sexual exploitation. Some members of Batwa, or pygmy groups, are subjected to conditions of involuntary servitude in agriculture, mining, and domestic work in eastern DRC.

The Government of the Democratic Republic of the Congo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Some advances were noted during the reporting period, particularly the enactment of the Child Protection Code, the conviction of an army major – among others – for illegally recruiting children, and the launch of a public awareness campaign against the illegal recruitment of child soldiers. Despite these significant efforts, the government did not show evidence of progress in prosecuting and punishing sex trafficking and labor trafficking offenders, demobilizing conscripted child soldiers from its army, or providing protective services for the vast majority of trafficking victims; therefore, the Democratic Republic of the Congo is placed on Tier 2 Watch List. 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 military lacked the capacity to demobilize armed groups or adequately prevent the trafficking violations committed by members of its own forces. The country's criminal and military justice systems, including the police, courts, and prisons, were practically nonexistent after years of war; there were few functioning courts or secure prisons in the country.



Recommendations for the Democratic Republic of the Congo: Increase efforts to prosecute and punish trafficking offenders, particularly those who conscript child soldiers, utilize forced labor, or control children in prostitution; punish military and other law enforcement

personnel found unlawfully using local populations to perform forced labor or mine for minerals; in partnership with NGOs or religious entities, ensure the provision of short-term protective services to children who are trafficking victims; and work with concession holders to educate mine operators and workers about the illegality of utilizing forced labor.

Prosecution

The Congolese government made concerted efforts to address the illegal conscription and use of child soldiers by armed groups and government forces through prosecutions and convictions during the reporting period. It demonstrated, however, minimal efforts to bring to justice those committing other types of trafficking crimes. The government lacked judicial presence in many areas of the country where human trafficking occurs, and remained hamstrung by a critical shortage of magistrates, clerks, and lawyers. Existing laws do not prohibit all forms of labor trafficking; however, the July 2006 sexual violence statute, Law 6/018, specifically prohibits and prescribes penalties of 10 to 20 years' imprisonment for sex trafficking, child and forced prostitution, and pimping. The Child Protection Code, Law 09/001, enacted in January 2009, criminalizes and prescribes penalties of five to 20 years' imprisonment for child trafficking and commercial sexual exploitation. It also specifically prohibits the recruitment and use of children by the armed forces, armed groups, and the police. The aforementioned penalties prescribed by both laws are sufficiently stringent and commensurate with penalties prescribed for other serious crimes.

In March 2009, Bukavu police arrested a nightclub owner for allegedly prostituting 10 girls and seven boys in his facility; he was remanded to prison to await formal charges. In April 2008, the Bukavu Military Court sentenced FARDC Major Bwasolo Misaba to five years in prison for conscripting children between the ages of 10 to 14 and illegally using them in military ranks. This is the DRC's second conviction of a national army officer for illegally recruiting children to be in the armed forces. In March 2009, the Kipushi Military Tribunal sentenced Kynugu Mutanga (a.k.a. *Gédéon*) to death for crimes against humanity, including illegal child conscription. Seven of his co-defendants received sentences ranging from seven to 10 years' imprisonment for their complicity in these crimes, 11 received lesser sentences, and five were acquitted. In July 2008, Congolese military magistrates and the UN Mission to the DRC (MONUC) staff traveled to Orientale Province on a third joint investigative mission to record testimonies of atrocities committed by local Mai-Mai militias; substantial evidence of forced labor of local populations was collected. Kisangani military authorities apprehended five Mai-Mai members for their alleged involvement, but have not set a trial date. Bedi Mubuli Engangela (a.k.a. *Colonel 106*), a former Mai-Mai commander suspected of insurrection and war crimes, including the illegal conscription of children, remains in detention at Malaka Prison in Kinshasa; a trial date for commencement of his prosecution has not been set. These notable efforts notwithstanding, the government's capacity to apprehend, convict, or imprison traffickers remained weak. Commander 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. "Captain Gaston," an armed group commander allegedly responsible for the mid-2006 murder of an NGO child protection advocate, remained at large during the reporting period; his January 2007 arrest warrant has not been executed. Corrupt officials siphoned meager financial resources available to government agencies responsible for combating human trafficking, further disabling the government from pursuing training, capacity building, or victim assistance.

Protection

The government offered minimal protection to trafficking victims during the reporting period. NGOs provide nearly all of the shelter, legal, medical, and psychological services available to trafficking victims. Under the National Disarmament, Demobilization, and Reintegration Plan (PNDDR), 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 MONUC, identifies, separates out, and transports any identified children to NGO-run centers for temporary housing and vocational training; between 2,200 and 3,000 children were demobilized from armed groups through this process in 2008. A sharp increase in child soldier demobilization took place after the signing of a January 2009 agreement between the FARDC and the CNDP, resulting in the demobilization of 223 child soldiers during the first week of the agreement's implementation. Some FARDC elements essentially outside government control continued during the reporting period to harass, arrest, and physically mistreat children formerly associated with armed groups, including potential trafficking victims; minors detained for child soldiering were generally released quickly if discovered by the MONUC or NGOs. The FARDC lacked sufficient command and control to compel many FARDC commanders, much less militia commanders, with child soldiers serving under them to comply with standing orders to release them.

In December 2008, the Governments of the DRC, Uganda, and Southern Sudan launched a joint military operation against the LRA in the DRC's territory. The operation is ongoing, but as of this Report's writing, it had rescued 346 people, including 127 Congolese, Ugandan, and Sudanese children.

Although the national government did not address forced labor in the mining sector, provincial Ministry of Education offices in Mbuji Mayi, Bunia, and Lubumbashi

coordinated with NGOs to reintegrate children working in mines into the formal education system. In April 2008, Katanga's provincial Ministries of Interior and Labor opened the *Kasapa* residential "welcome center" in Lubumbashi to provide street children, including trafficking victims, with protective services and educational programming; the center is fully funded by the provincial government. Although the Ministry of Labor is responsible for investigating forced child labor and it employs 10 inspectors in Katanga's mining region, the ministry did not conduct any forced child labor investigations in 2008. Government officials recognize the growing problem of child prostitution in the DRC, though authorities have yet to take concrete action against it. In September 2008, Bukavu child protection police trained 12 brothel and nightclub owners regarding the prohibition against utilizing minors to perform sexual services. The government did not employ procedures for proactively identifying victims of trafficking among vulnerable groups, and it lacked formal procedures for referring victims to protective services. The government is not known to encourage 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.

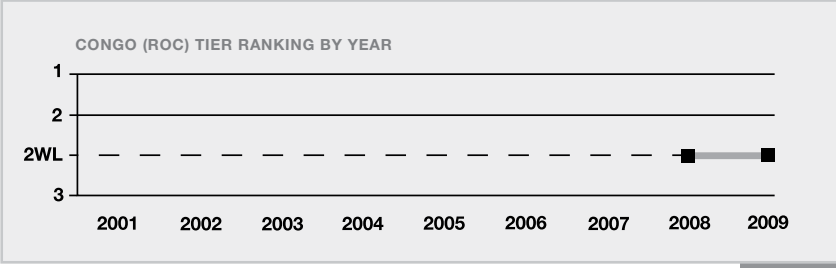
Prevention

While the government initiated awareness raising efforts against the conscription of child soldiers during the year, it made no significant efforts to prevent other forms of trafficking. To raise the awareness of child soldiering issues among Congolese military and political leaders, the UEPN-DDR held events in Kinshasa, Goma, and Bukavu in June 2008 as part of a campaign of zero tolerance for the use of child soldiers. For the general public residing in these same locations, UEPN-DDR produced sketches, public service announcements, and debates broadcasted by six radio and television stations in July and August. The agency also sent field teams on awareness-raising missions to 23 sites throughout South Kivu, North Kivu, Katanga, and Equateur Provinces. The government did not take any known measures during the reporting period to reduce the demand for commercial sex acts.

CONGO, REPUBLIC OF THE (Tier 2 Watch List)

The Republic of the Congo (ROC) is a source country for children trafficked within its borders for the purposes of forced labor and commercial sexual exploitation, as well as a destination country for children trafficked from other African countries for the same purposes. Within the ROC, boys and girls are trafficked from rural areas, primarily from the Pool Region, to Point Noire and Brazzaville for forced street vending and domestic servitude. Girls are trafficked from rural areas primarily to Brazzaville, but also to Pointe Noire, for commercial sexual exploitation. Transnationally, children are trafficked from other African countries to Pointe Noire for domestic servitude, forced market vending, and forced labor in the fishing industry. The majority of these victims are girls and most are from Benin, although some are also trafficked from Mali, Guinea, Togo, Senegal, and Cameroon. The Beninese Consulate in Brazzaville has estimated that 1,800 Beninese children may be subjected to domestic servitude in the ROC. UNICEF reported that young girls, lured by promises of jobs in the ROC or onward voyages to France, Canada, and South Africa, are trafficked from the Democratic Republic of the Congo (DRC) to Brazzaville for organized prostitution. Children may be trafficked to the ROC from the DRC for forced commercial activities, such as street vending, domestic servitude, tailoring, hairdressing, and food service.

The Government of the ROC 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. Despite these efforts, the government did not show evidence of progress in anti-trafficking law enforcement efforts and in the protection of trafficking victims; therefore, the Republic of the Congo is placed on Tier 2 Watch List. In late April 2009, the government enacted the Child Protection Code, which contains provisions prohibiting child trafficking. Since 2003, the ROC has struggled to recover from six years of civil conflict that crippled its institutions, ravaged its economy, and rendered its children more vulnerable to being trafficked.



Recommendations for the ROC: Train law enforcement officials to identify traffickers and arrest them under relevant laws; and train social workers and law enforcement officials to identify trafficking victims among vulnerable populations and to refer them to foreign government consulates, foster families, international organizations, faith-based groups, or NGOs for care.

Prosecution

The Government of the ROC demonstrated weak law enforcement efforts to combat trafficking during the last year. The ROC does not prohibit all forms of trafficking. Penal Code Article 344 criminalizes the pimping of children, however, prescribing penalties of from six months' to two years' imprisonment and a fine, punishments that are neither sufficiently stringent nor commensurate with those prescribed for rape. The government reported no trafficking prosecutions

or convictions under related laws in the last year. In January 2009, two girls from the ROC, ages six and 16, arrived with fraudulent travel documents into Paris on a flight from Brazzaville. The girls were accompanied by two other young girls from Kinshasa, but no parent or guardian accompanied the four children. The Government of the ROC is neither investigating on its own nor collaborating with French officials to determine whether this case involved child trafficking. On April 30, 2009, a Child Protection Code that includes provisions against child trafficking was passed by Parliament. Between April and August 2008, the government collaborated with UNICEF to conduct several training workshops about this law for Central African government officials and representatives from the Consulates of Benin, Togo, and the DRC. The government contributed the training sites and personnel to assist with logistics.

Protection

The ROC government continued poor efforts to protect trafficking victims over the last year. The government neither operates a trafficking victim shelter nor collaborates with NGOs to provide rescued victims with food, shelter, or other assistance. The government has not yet developed formal procedures through which police and government social workers may identify trafficking victims among vulnerable populations, such as street children, child laborers, illegal immigrants and women in prostitution. As a result, victims may be inappropriately incarcerated or otherwise penalized for unlawful acts committed as a direct result of being trafficked. The ROC government reported rescuing an unknown number of trafficking victims during the year. Government staff worked with UNICEF, the NGO Action Against Trafficking of West African Children, and other civil society groups, to help repatriate victims back to their African home countries, particularly Benin. The government did not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. The government did not encourage victims to assist in trafficking investigations or prosecutions.

Prevention

The Government of the ROC made limited efforts to prevent incidents of trafficking during the reporting period. A plan of action against trafficking in Point Noir, which the government developed with UNICEF over the past three years, was finalized in 2008. With funding from UNICEF, the government helped implement the plan in May 2008 in Point Noire by providing sites for UNICEF-conducted trafficking awareness training. One workshop, hosted by the Ministry of Health, educated local NGOs about trafficking. Additional workshops raised awareness among Central African and foreign government representatives and resulted in the creation of an anti-trafficking working group headed by the Ministry of Health and consisting of law enforcement officials, local community leaders, and representatives from the Consulates of Benin, Togo, and the DRC. The government has not taken measures to reduce the demand for forced labor or commercial sex acts in the ROC. The ROC has not ratified the 2000 UN TIP Protocol.

COSTA RICA (Tier 2)

Costa Rica is a source, transit, and destination country for women and children trafficked for the purpose of commercial sexual exploitation. To a lesser but increasing extent, Costa Rica is a source, transit, and destination country for men, women, and children trafficked into forced labor, particularly in agriculture, construction, restaurant work, the fishing industry, and as domestic servants. Costa Rican women and children are trafficked within the country and to neighboring Central American countries, Mexico, and Japan for commercial sexual exploitation. Foreign women and girls from Nicaragua, the Dominican Republic, Guatemala, Colombia, Russia, and Eastern Europe have been identified in Costa Rica as victims of forced prostitution. The government recognizes child sex tourism as 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. Young men from Nicaragua, as well as Chinese nationals, are trafficked to Costa Rica for forced labor. According to anecdotal reports, young indigenous Panamanians may be trafficked to Costa Rica for forced panhandling. Costa Rica serves as a transit point for foreign nationals trafficked to Mexico, Canada, the United States, and Europe.

The Government of Costa Rica does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the past year, the Government of Costa Rica approved national legislation to prohibit and punish all forms of human trafficking, and improved victim assistance and prevention efforts. However, effective law enforcement efforts to ensure that trafficking offenders are held accountable for their crimes remained lacking.

Recommendations for Costa Rica: Implement and enforce the new anti-trafficking law; intensify efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; provide greater assistance for victims; increase efforts to reduce consumer demand for commercial sex acts; and improve data collection for trafficking crimes.

Prosecution

The Government of Costa Rica improved law enforcement efforts against human trafficking during the reporting period. In February 2009, the Costa Rican Legislative Assembly approved legislation to amend Article 172 of the penal code to criminalize all forms of trafficking in persons. The new law establishes a penalty of six to 10 years' imprisonment for the movement of persons for the purposes of prostitution, sexual or labor servitude, slavery, forced work or services, servile marriage, begging, or other prohibited purposes; sentences may be increased to eight to 16 years' imprisonment under

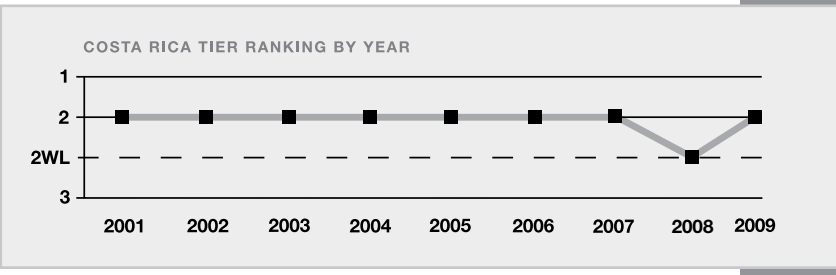
aggravated circumstances, such as when the victim is a minor or a trafficker uses means of deception, violence, intimidation, or coercion. The new legislation came into force in April 2009, and closed a statutory gap relating to the internal trafficking of adults. The penalties set forth in amended Article 172 are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Articles 376 and 377 of the penal code additionally prohibit child sex trafficking, prescribing penalties of two to four years' imprisonment. During 2007, the latest period for which official statistics are available, the government opened nine investigations into suspected transnational human trafficking, and secured two convictions against offenders. However, the government continued to suffer a low conviction rate on trafficking cases, as seven of the nine trafficking suspects were acquitted. In May 2008, the national judicial police formed a four-person smuggling and trafficking unit, which opened two investigations of international trafficking organizations; however, the unit's effectiveness appeared hampered by unclear reporting lines to prosecutorial counterparts and lack of a dedicated budget. Moreover, it remained unclear which law enforcement entities had the lead in investigating and prosecuting internal human trafficking cases. The government significantly increased anti-trafficking training for law enforcement and public officials in 2008, training nearly 1,000 police, immigration agents, and health workers. The government increased regional cooperation by assisting neighboring countries on anti-trafficking investigations and hosting a large regional conference to share "best practices." No confirmed allegations of trafficking-related corruption were investigated or prosecuted, though NGOs reported instances of street-level police collusion with traffickers.

Protection

The Costa Rican government improved victim assistance during the reporting period, though the overall availability of services remained limited. Trafficking victims can access basic care at government shelters for women and children. Shelter care is not available for men. The government relied on NGOs and international organizations to provide specialized care for trafficking victims, though the government provided limited funding for an NGO providing care for sex trafficking victims. In June 2008, the government's anti-trafficking committee established an "immediate attention" protocol to identify and refer trafficking victims, on an emergency basis if necessary, to NGOs and other sources of assistance. The government generally did not penalize victims for unlawful acts committed as a direct result of being trafficked. Officials treated some foreign adults as illegal migrants, however, and deported them without taking adequate measures to determine if they were trafficking victims. The government employed no formal procedures for identifying trafficking victims among vulnerable populations, such as prostituted women. Costa Rican law did not provide temporary residency status for foreign trafficking victims, though foreign nationals were eligible for work permits or refugee status; the government granted refugee status to a trafficking victim for the first time last year. The government also can issue a special visa to foreign trafficking victims who assist with the investigation and prosecution of their traffickers, efforts which Costa Rican authorities encouraged.

Prevention

The government increased prevention efforts during the reporting year, launching an awareness-raising campaign entitled "Don't Let Them Lie to You" in October 2008, directed at families and young people across the country. The government dedicated $25,000 in funding for the widespread media effort, supplementing the assistance of UNICEF and other international organizations. The government's anti-trafficking coordinating committee significantly stepped up activities last year, hiring an attorney to assist with drafting anti-trafficking legislation consistent with international standards. The government sponsored campaigns to reduce demand for commercial sex acts with minors by warning potential foreign "clients" of child prostitution that they will be prosecuted in Costa Rica. In 2007, the latest period for which official statistics are available, the government opened 99 investigations of suspects paying for commercial sex acts with minors, achieving three convictions of exploiters. By the end of 2008, approximately 240 tour companies in Costa Rica had signed a conduct code against the commercial sexual exploitation of children. Public awareness of human trafficking crimes appeared to be growing in Costa Rica, though some officials tended to view it as a transnational, and not a domestic, phenomenon.

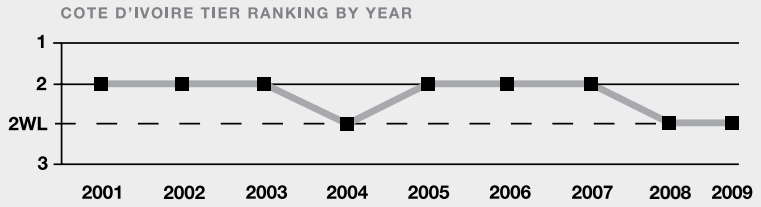


COTE D'IVOIRE (Tier 2 Watch List)

Cote d'Ivoire is a source, transit, and destination country for women and children trafficked for forced labor and commercial sexual exploitation. Trafficking within the country is more prevalent than transnational trafficking, and the majority of victims are children. Within Cote d'Ivoire, women and girls are trafficked primarily for domestic servitude, restaurant labor, and sexual exploitation. A 2007 study by the Government of Germany's foreign aid organization found that 85 percent of females in prostitution in two Ivoirian districts

were children. Boys are trafficked within the country for agricultural and service labor. They are also trafficked from Ghana, Mali, Burkina Faso, Benin, Togo, and Ghana to Cote d'Ivoire for forced agricultural labor, including work in the cocoa sector. Boys from Guinea are trafficked to Cote d'Ivoire for forced mining, from Togo for forced construction labor, from Benin for forced carpentry work, and from Ghana and Togo for forced labor in the fishing industry. Women and girls are trafficked to and from other West and Central African countries for domestic servitude and forced street vending. Women and girls are trafficked from other West African countries, most notably from Ghana, Nigeria, and Burkina Faso, to Cote d'Ivoire for commercial sexual exploitation. Women are trafficked from and through Cote d'Ivoire to Europe for sexual exploitation.

The Government of Cote d'Ivoire does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government's law enforcement efforts to address trafficking increased with the conviction of sex traffickers over the last year. Despite these efforts, the government did not demonstrate progress over the last year in prosecuting traffickers of children for prostitution or forced labor; therefore, Cote d'Ivoire is placed on Tier 2 Watch List.



Recommendations for Cote d'Ivoire: Increase efforts to investigate, prosecute, and convict traffickers; develop systematic procedures for identifying trafficking victims among women and girls in prostitution; step up efforts to educate government officials about trafficking, particularly child sex trafficking; intensify efforts to provide care to trafficking victims by making available funds allocated for construction of victim shelters; ensure that trafficking victims are not penalized for acts committed as a direct result of being trafficked.

Prosecution

The Government of Cote d'Ivoire demonstrated increased efforts to address trafficking though law enforcement during the reporting period. Ivoirian law does not prohibit all forms of trafficking. However, Penal Code Article 378 prohibits forced labor, prescribing a sufficiently stringent penalty of one to five years' imprisonment and a fine of approximately $800 to $2,200. Penal Code Article 376 criminalizes entering into contracts that deny freedom to a third person, prescribing a sufficiently stringent punishment of five to 10 years' imprisonment and a fine. Penal Code Articles 335 to 337 prohibit recruiting or offering children for prostitution, prescribing penalties of one to 10 years' imprisonment and a fine, which are sufficiently stringent and commensurate with penalties prescribed for rape. Ivoirian law does not criminalize the trafficking of adults for commercial sexual exploitation. Conscription of children for armed conflict is prohibited by Article 2 of the military code. The government's 2007 draft law prohibiting child trafficking and child labor awaits approval by the National Assembly, but the Assembly's mandate ended in December 2005 and new legislative elections have not yet been held.

From April to July 2008, Ivoirian police investigated three trafficking cases and sent one suspected trafficker to a tribunal for prosecution. The suspect was released without being charged. A different suspect arrested in April 2008 for trafficking two Beninese children for construction labor in the housing industry was also released without being formally charged. In October 2008, the UN Operation in Cote d'Ivoire reported that a Beninese man allegedly forced five children from Benin to work long hours on cocoa plantations and in restaurants in Vavoua. Officials from the Forces Nouvelles (FN), which carried out the 2002 rebellion and remain in control of some areas of the country, arrested and placed him in prison. When the man agreed to pay the equivalent of $1,600 to house and eventually repatriate the victims, the FN released him. The government reported that in 2008, it obtained the convictions of four Nigerien nationals who had trafficked women from Niger and Nigeria to Cote d'Ivoire for sexual exploitation. The court imposed penalties of 12 to 36 months' imprisonment and fines on the convicted traffickers. The government did not report any prosecutions of individuals subjecting children to trafficking in prostitution or in the cocoa sector.

Police reported quarterly raids on brothels. Officials reported that in two cases during the year, police questioned women in prostitution to identify whether they were trafficking victims. NGOs reported that law enforcement officials continued to exploit women in prostitution, sometimes threatening to arrest foreign women without documentation if they refused to engage in sex. During the year, Ivoirian police conducted a joint investigation with Ghanaian authorities to pursue a Ghanaian trafficker who had taken two Togolese children into Cote d'Ivoire. The government also paid to lodge judges who attended a donor-funded anti-trafficking training course.

Protection

The Ivoirian government did not fully protect victims of trafficking during the last year. There are no government shelters for victims. Victims are referred to NGOs and international organizations for care. While the government allocated $600,000 to build centers in its 2007 – 2009 national action plan against the worst forms

of child labor and child trafficking, it has not yet made funds available to begin construction.

The government continued to operate community education centers and mobile schools for victims of child trafficking and the worst forms of child labor. The National Committee Against Trafficking also repatriated 25 child victims of trafficking to their home countries during the reporting period. The committee referred an additional 21 children to the NGO BICE (Bureau International Catholique de l'Enfance) for repatriation. There is currently no formal government program for Ivoirian nationals repatriated to Cote d'Ivoire, although the Ministry of Family (MOF) is occasionally called on to provide assistance. In September 2008, the MOF, in collaboration with UNICEF, published a manual detailing government procedures for providing care to child labor and trafficking victims.

The MOF is responsible for all aspects of foreign victim repatriation, including notifying the victims' consular offices or embassies, informing officials in the victims' home countries, contacting NGOs with the means to assist with shelter and repatriation, and organizing transportation expenses for victims and their escorts during the repatriation process. Once victims reach their country of origin, MOF representatives entrust them to government authorities.

Both the MOF and the National Police employed social workers to assist victims immediately upon their identification. During the year, however, police did not identify any children being prostituted in a brothel as trafficking victims, instead characterizing them as consensually in prostitution. The government systematically encouraged victims to assist in trafficking investigations and prosecutions. The government provided temporary residence permits to foreign victims from countries where they might face hardship or retribution. ECOWAS nationals, including trafficking victims, may legally reside and work in Cote d'Ivoire.

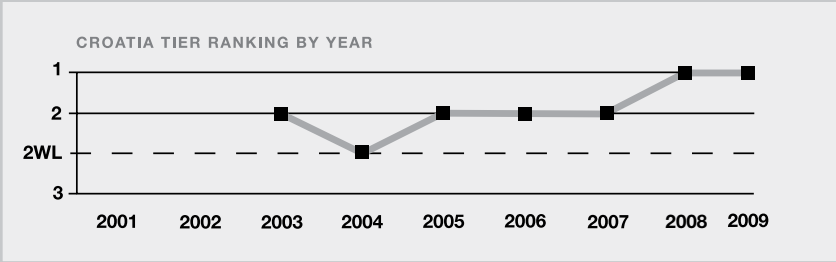
Prevention

The Government of Cote d'Ivoire demonstrated efforts to prevent trafficking during the reporting period. The MOF conducted awareness-raising campaigns to educate local government officials, community leaders, and members of anti-trafficking village committees about the problem. In June 2008, the MOF launched a donor-funded national awareness campaign against trafficking and child labor. The Ministry organized UNICEF and ILO-sponsored events, such as public conferences and a film for children. The government also published a study conducted jointly with private cocoa companies on the incidence of child labor and forced adult labor in its cocoa sector in June 2008. The study found the incidence of child labor exploitation to be significant.

During the year, the police reported that they took steps to reduce demand for commercial sex acts by raiding brothels, but did not follow systematic procedures in all cases to identify trafficking victims among females in prostitution. Cote d'Ivoire's 2008 budget allocated $4.3 million toward implementing all aspects of the national action plan against child trafficking and the worst forms of child labor; however, no funds were disbursed during the reporting period. The government did not take measures to insure that its nationals deployed abroad as part of peacekeeping missions do not engage in or facilitate trafficking. Cote d'Ivoire has not ratified the 2000 UN TIP Protocol.

CROATIA (Tier 1)

Croatia is a source, transit, and destination country for men, women and children trafficked across national borders for the purpose of sexual exploitation and forced labor. Croatian females are also trafficked within the country, and women and girls from Serbia, Bosnia and Herzegovina, and other parts of Eastern Europe are trafficked to and through Croatia for the purpose of sexual exploitation. Two other notable trends were seen in Croatia in 2008: an increase in the trafficking of men for the purpose of forced labor; and, for the first time, Croatia serving primarily as a destination, not largely as a transit country, for victims of trafficking for the purpose of sexual exploitation and forced labor. The seasonal migration of foreign women in prostitution to and from the Dalmatian coast during high tourist seasons continued to raise concerns about sex trafficking. In the past, cases were reported of children, including Roma, trafficked for purposes of sexual exploitation; however, no cases were reported in 2008.



The Government of Croatia fully complies with the minimum standards for the elimination of trafficking. In 2008, the government continued to increase punishment of convicted trafficking offenders. It generously funded NGOs providing assistance and shelter to trafficking victims, continued its comprehensive and proactive training efforts, and initiated new trafficking prevention and awareness raising projects.

Recommendations for Croatia: Expand efforts to detect trafficking victims among vulnerable populations such as women in prostitution and men in the agricultural sector; enhance prosecution efforts to increase convictions and continue to toughen sentences imposed on convicted traffickers; ensure the responsible repatriation of foreign victims; vigorously investigate possible trafficking within

high tourism sectors along the Croatian coastline; expand awareness efforts to educate clients about the demand for commercial sex acts and forced labor; and develop a unified database to increase coordination and information sharing among government bodies combating trafficking.

Prosecution

The Government of Croatia continued to make appreciable progress in prosecuting and punishing convicted trafficking offenders under its trafficking law in 2008. During the reporting period, there were no suspended sentences, and the harshest penalty to date – eight years' imprisonment – was imposed on a convicted trafficker. Croatia criminally prohibits trafficking offenses for sexual and labor exploitation through Criminal Provision 175 of its penal code. Prescribed penalties for all forms of trafficking are one to 10 years' imprisonment; penalties that are sufficiently stringent and are commensurate with those for rape. In 2008, the government investigated 15 suspected trafficking offenders – a decrease from 20 investigated in 2007 – and prosecuted 12 during the reporting period. Nine trafficking offenders were convicted and given sentences ranging from one to eight years, compared to 10 convictions obtained in 2007. In 2008, the government provided general anti-trafficking training to 2,372 police officers, and continued its "train-the-trainer" program involving 26 police officers training counterparts on ways to recognize and assist trafficking victims. In coordination with IOM and the British government, the government delivered training to an additional 27 border police. In December 2008, the government amended its criminal code to include a minimum mandatory sentence of five years for any state official's involvement in trafficking. However, there were no specific reports of trafficking-related complicity during the reporting period.

Protection

The Government of Croatia sustained generous funding to NGOs and its two anti-trafficking shelters for the protection and assistance of trafficking victims, totaling $161,912 in 2008. The government continued to emphasize a victim-centered approach in its official response to victim identification and protection; however in practice, it identified only seven victims during the reporting period, a decline from 15 in 2007. According to one Croatian NGO, some victims of forced prostitution are not recognized as victims of trafficking, and subsequently face punishment for prostitution-related offenses. The government made efforts to ensure that recognized trafficking victims were not penalized for unlawful acts committed as a direct result of their being trafficked. The government provides foreign victims with legal alternatives to their removal to countries where they may face hardship or retribution. In December 2008, the parliament amended the Criminal Procedure Act to give additional rights to victims of grave crimes, including victims of trafficking. In June 2008, the Ministry of Health and Social Welfare signed a cooperation agreement with two NGOs to delineate the responsibilities of each signatory in providing victim assistance. In some initial cases in 2008, the government repatriated victims by returning them to the border in a police vehicle, putting these victims at risk of re-trafficking; the government reported it has since remedied the problem. Croatia continued to implement, through the use of mobile teams, its national mechanism to proactively identify potential trafficking victims and refer them to service providers. Reportedly, border and immigration police routinely utilize instructions on interviewing illegal migrants who are suspected trafficking victims. The government actively encourages victim participation in trafficking cases; assistance was not conditional upon victim cooperation with law enforcement investigators.

Prevention

The Government of Croatia continued to show strong leadership and initiative in its trafficking prevention efforts during the reporting period. To address concerns about prostitution and sex trafficking during the tourist season along the Adriatic coast, the government trained 130 government and nongovernmental actors on assisting trafficking victims in Rijeka and Split in 2008. Recognizing the need for awareness raising within the tourist industry, the government organized a seminar for 40 tourism sector employees on identifying victims of trafficking. It conducted outreach activities with approximately 500 students and 40 children in orphanages to prevent their possible trafficking. Croatia produced and aired a nationwide television campaign in preparation for the June 2008 Soccer Cup alerting the public that individuals they see in prostitution and child labor may be victims of trafficking. The campaign's slogan was "Open your eyes, you can help, and possibly save a life," and was aimed at potential clients. In November and December 2008, the government conducted anti-trafficking training for 60 of its soldiers prior to their deployment to Afghanistan.

CUBA (Tier 3)

Cuba is principally a source of women and children trafficked within the country for the purpose of commercial sexual exploitation. Some Cuban children are reportedly pushed into prostitution by their families, exchanging sex for money, food, or gifts. Cuban nationals voluntarily migrate illegally to the United States, and there have been reports that some are subjected to forced labor or forced prostitution by their smugglers. The full scope of trafficking within Cuba is difficult to gauge due to the closed nature of the government and sparse non-governmental or independent reporting. State-run hotel workers, travel employees, cab drivers, and police steer some tourists to women and children in prostitution – including trafficking victims – though this appears to be on the decline.

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. It is difficult to assess the true extent of trafficking in Cuba. Observation and independent reports suggest that the Cuban government is taking steps to address the problem of child sex tourism, though this information cannot be verified. The government will not release information about anti-trafficking activities it may have engaged in during the past year, viewing U.S. attempts to engage officials on trafficking issues as politically motivated.

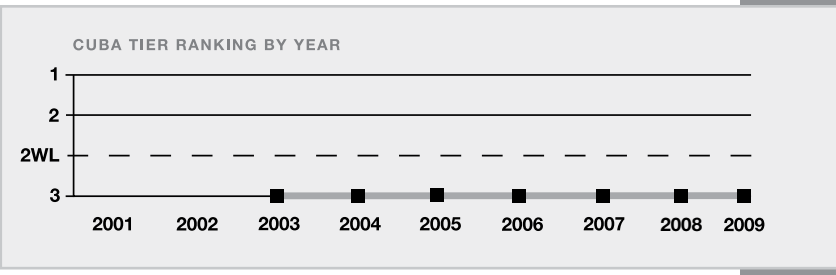
Recommendations for Cuba: Acknowledge that child sex trafficking in Cuba is a problem; provide greater legal protections and assistance for victims; develop procedures to identify possible trafficking victims among vulnerable populations; increase anti-trafficking training for law enforcement; and take greater steps to prevent the trafficking of children in prostitution.

Prosecution

Cuba prohibits most forms of trafficking activity through various provisions of its penal code. While prostitution for persons over the age of 16 is legal, Title III, First Section, Article 310, provides that using children under 16 in prostitution, corruption, pornographic acts or other illegal conduct may be punishable by from seven to 30 years' imprisonment or death. Article 316, on the selling of minors, bans internal and transnational trafficking in children under the age of 16 for forced labor, prostitution, trade in organs, and pornography, and prescribes penalties of four to 20 years' imprisonment. Articles 302 and 87 prohibit inducing an adult into prostitution and prescribe penalties of up to 20 years' imprisonment. All of these penalties are sufficiently stringent, and commensurate with those prescribed for other grave crimes, such as rape. Trafficking of adults for forced labor, however, is not prohibited under Cuban law. No official data relating to Cuban investigations, prosecutions, and convictions of trafficking offenders in 2008 or any other year has been made public. An NGO in Cuba reports that a number of Cubans were convicted for human trafficking in the past year, but the majority of the crimes appear to be alien smuggling without an element of exploitation. The government continued to assist the U.S. Coast Guard with investigating potential human trafficking cases within alien smuggling groups, particularly cases of illegal migrants forced to work for smugglers or drug gangs. Corruption remained a problem throughout the government. Reports continued of individual police officers accepting bribes and profiting from the commercial sex trade. No investigations or prosecutions of public officials have been confirmed.

Protection

Efforts by the Government of Cuba to aid trafficking victims were not officially reported over the last year, but appeared weak. Evidence suggests that victims are punished for unlawful acts committed as a direct result of their being trafficked. Although adult prostitution is legal in Cuba, police occasionally rounded up women and children in Cuba's sex trade and charged them with vague crimes such as "dangerousness" without attempting to identify trafficking victims among the detained persons. Adolescents found in prostitution were sent to either juvenile detention facilities or work camps emphasizing politicized rehabilitation. Personnel in most detention and rehabilitation centers which may house trafficking victims cannot provide adequate care, and conditions at some of these detention centers appear to be harsh. Trafficking victims who are not detained may access the limited services available through Cuba's health system. Two sexual abuse treatment centers run by the government with assistance from an NGO which provide advanced care and counseling to child sexual abuse victims and child witnesses are available to trafficking victims. Trained law enforcement and court personnel record videos of interviews and testimony, practices which could reduce children's court appearances in trafficking cases if they were to be so used. The centers' staff also provided specialized victim protection training to treatment professionals, police, prosecutors, and judges. The government did not show evidence of employing formal procedures to identify trafficking victims among vulnerable populations, such as people exploited in prostitution. Cuba claims to have a policy of encouraging victims of any crimes to participate in investigations and prosecutions, though there were no victims of trafficking known to be so encouraged during the reporting period. Cuba did not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. NGOs report that Cuban missions in foreign countries routinely refuse assistance to Cuban women who state they were forced to travel overseas and coerced into prostitution.



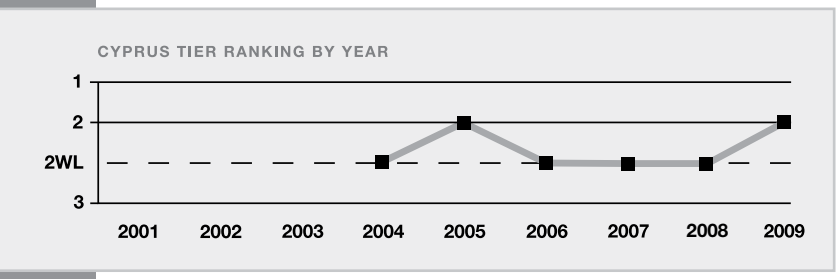
Prevention

The government does not acknowledge or condemn human trafficking as a problem in Cuba. No known information campaigns to prevent sex or labor trafficking took place during the reporting period. The government has taken steps to reduce demand for commercial sex acts by prosecuting child sex offenders. U.S. citizens and other foreign nationals are currently serving lengthy sentences in Cuba for sexual exploitation of a minor; in the one new case this year, a Cuban-American was arrested in March 2008 and charged with corruption of

minors, an offense usually involving sexual exploitation of children under 14. This case has not yet gone to trial. The government collects information on identified child sexual predators; immigration officials at ports of entry use this information to deny them entry to Cuba. Cuba has not ratified the 2000 UN TIP Protocol.

CYPRUS (Tier 2)

Cyprus is a destination country for a large number of women from Eastern Europe, the former Soviet Union, Russia, Latin America, and the Philippines trafficked for the purpose of commercial sexual exploitation. Recent trends indicate an increasing number of women trafficked to Cyprus from Latin America, Morocco, and Syria. Source countries for identified victims in 2008 include the Dominican Republic, Romania, Moldova, the Philippines, Uzbekistan, Syria, Russia, and Ukraine. Some trafficking for the purpose of labor exploitation also occurs. In 2008, most identified victims of sex trafficking were fraudulently recruited to Cyprus on three-month "artiste" work permits to work in the cabaret industry, on "barmaid work permits" to work in pubs, or on tourist visas to work in massage parlors disguised as private apartments. Some victims are trafficked through the area administered by the Turkish Cypriots into the Republic of Cyprus-controlled areas.



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. During the reporting period, the government undertook efforts to prevent trafficking by abolishing its "artiste" category work permit, launching a country-wide general awareness campaign, and dedicating significant resources to the protection and assistance of trafficking victims. Although these steps mark important progress, future assessments of the Cypriot government's anti-trafficking efforts will consider whether the government has demonstrated more vigorous prosecution efforts and convictions against traffickers to sufficiently punish and deter trafficking in Cyprus. Moreover, future assessments will look to whether the government has taken measures to prevent sex trafficking through misuse of the new "creative artist" and "performance artist" work permits or through an upsurge in issuances of "barmaid" work permits. The government should also implement public awareness campaigns specifically targeting "clients" that comprise the demand for sex trafficking victims.

Recommendations for Cyprus: Ensure safeguards are developed and enforced to restrict potential conduits for trafficking into Cyprus such as the "barmaid" work permits and the new "performing artist" and "creative artist" work permits; vigorously prosecute and seek convictions of trafficking offenders and officials complicit in trafficking; implement new training programs for prosecutors and judges to enhance the quality of trafficking prosecutions to ensure sufficient criminal punishments for traffickers; develop and launch a comprehensive demand reduction campaign specifically aimed at Cypriot clients of prostitution to educate them about the link between prostitution and trafficking; adopt, disseminate, and implement a practical guide outlining the identification and referral and protection of potential trafficking victims to all front-line responders; and demonstrate more consistency in providing financial support to victims.

Prosecution

The Government of Cyprus demonstrated moderate efforts to prosecute and punish trafficking offenders in 2008. The Government of Cyprus prohibits trafficking for the purpose of sexual exploitation and forced labor through Law 87 (I)/2007, which also contains protection measures for victims. Although the penalties prescribed for sex trafficking range up to 20 years' imprisonment, these penalties are not commensurate with those prescribed for other grave crimes, such as rape, for which the maximum sentence is life in prison. During the reporting period, police investigated and filed charges against 70 persons in 29 suspected trafficking cases, compared to 45 persons charged in 27 suspected trafficking cases filed in 2007. The government initiated prosecution in 21 of these cases in 2008, a slight increase from 17 cases initiated in 2007. However, only two of these 2008 cases were prosecuted to completion; both resulting in acquittals. Of the 31 cases of trafficking for sexual exploitation pending at the end of the previous reporting period, 11 remained in the prosecution phase, 10 resulted in acquittals, five were dismissed, one was suspended, and three remain under investigation. The government obtained only one conviction in 2008, resulting in a two-year sentence. This is a significant decline from eight convictions obtained during the previous reporting period. The Cypriot government in 2008 added an additional member to its three-person police anti-trafficking unit. A court acquitted three officers suspected of trafficking-related complicity in 2008; another case involving four officers remains pending.

Protection

The Government of Cyprus undertook significant efforts to protect trafficking victims in 2008. It continued to operate a shelter dedicated for trafficking victims and it provided victims with a minimum one-month reflection period to decide whether or not they want to cooperate

in criminal investigations. During the reporting period, the government allocated $132,000 in funding for victim assistance; it also dedicated $249,000 for the government shelter's operation, as well as $21,873 for an NGO-run shelter in Limassol. All victims are placed under the care of the Department of Social Welfare Services, which provided shelter and assistance to a total of 59 victims during the reporting period; six were victims of labor trafficking, two of whom were men. In 2008, police identified 41 new victims of trafficking. The government shelter housed 28 of these victims; the remaining victims were referred to the NGO shelter or stayed in private apartments. Victims who choose not to stay at the shelter are entitled to a rent subsidy and monthly allowance. The government encouraged victims to participate in investigations of trafficking offenders; 37 out of 41 victims identified agreed to assist law enforcement in 2008. The government did not penalize identified victims for unlawful acts committed as a direct result of their being trafficked. It provided legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution, as the law provides for the granting of asylum or refugee status to anyone, including trafficking victims, when their lives or freedom would be threatened; however, during the reporting period no trafficking victims applied for such status.

Prevention

The Government of Cyprus significantly improved its efforts to prevent trafficking in 2008. In November 2008, the Council of Ministers took the decision to abolish the "artiste" work permit, a well-known conduit for trafficking, and this decision took effect in February 2009. During the reporting period, the government issued 1,906 "artiste" work permits, some of which were re-issuances. However, it issued 526 "barmaid" work permits in 2008, compared to 416 issued in 2007, raising the concern that the barmaid work permit has taken the place of the "artiste" work permit in facilitating sex trafficking to Cyprus. In December 2008, the government launched a public awareness campaign that included pamphlets and posters in government offices, colleges, airports, and supermarkets; billboards were placed on main streets and highways. This campaign, however, did not specifically address demand within the context of Cyprus, a measure urgently needed in the country. During the reporting period, the head of the police anti-trafficking unit gave regular lectures to educate new police recruits about trafficking.

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 primarily trafficked from countries in Eastern Europe for the purpose of commercial sexual exploitation. During the reporting period, the majority of the women who received "artiste" work permits in the "TRNC" were from Moldova and Ukraine. A smaller number included women from Kyrgyzstan, Georgia, Belarus, Uzbekistan, Tajikistan, the Philippines, Kenya, Romania, and Nigeria.

Authorities in the "TRNC" overwhelmingly deny that trafficking is a significant problem in the area, posing a significant challenge to assuring any protection for women from trafficking or the prosecution of their traffickers. "TRNC" 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." Awareness of trafficking somewhat increased, although the "TRNC" authorities provide no specialized training on trafficking; and authorities 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 grave crimes in the area administered by Turkish Cypriots, such as rape. "TRNC" authorities reportedly prosecuted nightclub owners and pimps on prostitution-related charges, but provided no statistics on these efforts. Although there are no specific reports of local authorities' complicity in trafficking, authorities likely tolerate such corruption due to a lack of anti-trafficking "legislation." Authorities reportedly hold the travel documents for foreign women in the cabaret industry in the "TRNC."

The "government" does not have specialized procedures in place to identify and refer trafficking victims or allocate any funding to anti-trafficking efforts, nor does it provide any specialized care or shelter for victims. Although prostitution is illegal in the "TRNC," nightclub employees are required to submit to weekly health checks for STD screening, suggesting tacit "government" condoning of its prostitution industry. If arrested on prostitution charges, a victim is most likely deported within 24 hours. "TRNC" authorities did not conduct any anti-trafficking awareness campaigns during the reporting period.

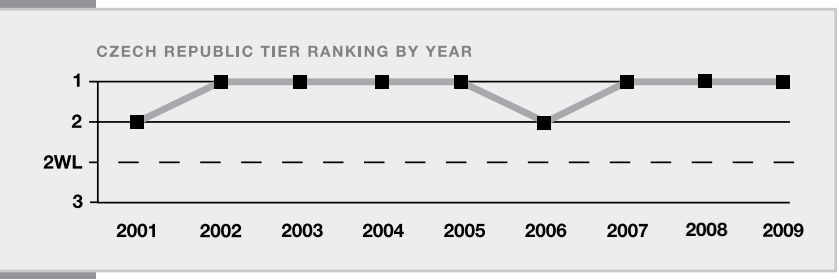
The "TRNC" does not fully comply with the minimum standards for the elimination of trafficking, and does not appear to be making significant efforts to do so. If the "TRNC" was assigned a formal ranking in this report, it would likely be Tier 3.

Recommendations for Turkish Cypriot authorities: Pass the draft "legislation" that specifically prohibits all severe forms of trafficking; provide training for "law enforcement" and other front-line responders on victim identification techniques; establish specialized protection and assistance services and shelter; and educate clients and the larger public about trafficking occurring within the cabaret industry.

CZECH REPUBLIC (Tier 1)

The Czech Republic is a source, transit, and destination country for women from Slovak Republic, Ukraine, Russia, Romania, Belarus, Moldova, Bulgaria, Mongolia, and Brazil trafficked to the Netherlands, Denmark, the United Kingdom, Switzerland, and Germany for the purpose of commercial sexual exploitation. The Czech Republic is a destination for men and women trafficked from Ukraine, Russia, Moldova, Belarus, China, Vietnam, Mongolia, and Brazil for the purpose of labor exploitation. Roma women are trafficked within the country and abroad for forced prostitution.

The Government of the Czech Republic fully complies with the minimum standards for the elimination of trafficking. In 2008, the government provided $450,000 in funding for its domestic anti-trafficking programs, including more than $280,000 for victim assistance. The government also maintained strong victim assistance and protection efforts, including the funding of safe repatriations for 10 trafficking victims during the reporting period.



Recommendations for the Czech Republic: Demonstrate increased efforts to prosecute, convict, and punish labor trafficking offenders with imprisonment; increase the use of Section 232a of the criminal code to ensure convicted traffickers receive higher penalties for both sex and labor trafficking offenses; increase the number of victims referred for assistance by law enforcement personnel; and continue strong prevention and awareness efforts to reduce the demand for commercial sex acts.

Prosecution

The government sustained its solid law enforcement efforts over the previous year. The Czech Republic prohibits trafficking for the purposes of commercial sexual exploitation and forced labor through Sections 232a, 216, and 204 of its criminal code, and punishments prescribed under these statutes range from two to 15 years' imprisonment. These punishments are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. Prosecutors often use section 204 of the criminal code to prosecute traffickers. In 2008, police conducted 81 investigations – including 10 labor trafficking investigations – and prosecuted 110 persons for trafficking offenses, compared to 11 investigations and 121 individuals prosecuted in 2007. The government convicted 64 trafficking offenders during the reporting period, down from 78 convicted offenders in 2007. Only 28 percent – 18 out of 64 traffickers convicted in 2008 – served time in prison, compared to 23 out of 78 traffickers convicted in 2007 who subsequently served time in prison. In 2008, 16 traffickers were sentenced to one to five years' imprisonment, and two traffickers were sentenced to five to 12 years' imprisonment.

Protection

The government continued its impressive efforts to protect and assist victims over the reporting period. The government provided $283,000 to NGOs to provide victim care in 2008; as a result, NGOs were able to provide approximately 76 victims with government-funded comprehensive assistance and shelter, compared to 75 victims assisted in 2007. The government also funded the repatriation of nine foreign victims and one Czech national during the reporting period. Foreign victims were granted an automatic 60-day period of reflection, during which time they received assistance while they decided whether to participate in criminal investigations. Victims were encouraged to assist in investigations and prosecutions; victims who cooperated with investigators were granted temporary residence and work visas for the duration of the relevant legal proceedings; 19 victims were granted temporary residency permits in 2008. Upon conclusion of the court proceedings, qualifying victims had the opportunity to apply for permanent residency; one victim was granted permanent residency in 2008, compared to three victims granted permanent residency in 2007. The government has a formal victim and identification mechanism; authorities referred 13 victims to NGOs for assistance during the reporting period. Victims were not fined or otherwise penalized for unlawful acts committed as a direct result of their being trafficked.

Prevention

The government sustained its trafficking prevention efforts during the reporting period. In 2008, the Ministry of Labor and Social Affairs worked with the Romanian government to help raise awareness about the dangers of trafficking among Romanians working in the Czech Republic; similar bilateral efforts were conducted with the governments of Moldova, Mongolia, Slovak Republic, Sweden, and Poland. The government continued funding a campaign aimed at reducing the demand for commercial sex acts among foreign tourists visiting the Czech Republic. The Czech Republic has not ratified the 2000 UN TIP Protocol.

DENMARK (Tier 1)

Denmark is primarily a transit and destination country for women and girls trafficked from Bulgaria, Romania, Latvia, the Czech Republic, Thailand, Brazil, Nigeria,

and other West African countries for the purpose of commercial sexual exploitation. Victims from Africa are trafficked to Denmark primarily through Italy and Spain. In 2008, authorities noted an increase in the number of potential child trafficking victims from Romania, Bulgaria, Lithuania, Guinea, Hungary, Algeria, and China to Denmark for the purpose of forced petty theft.

The Government of Denmark fully complies with the minimum standards for the elimination of trafficking. In 2008, the Ministry of Immigration started a pilot program with IOM to fund the safe repatriation of victims to their country of origin; three victims of trafficking participated in the program.

Recommendations for Denmark: Offer long-term legal alternatives to foreign victims' removal to countries where they face retribution or hardship to a greater number of identified trafficking victims; and conduct an awareness and prevention campaign focused on both sex and labor trafficking.

Prosecution

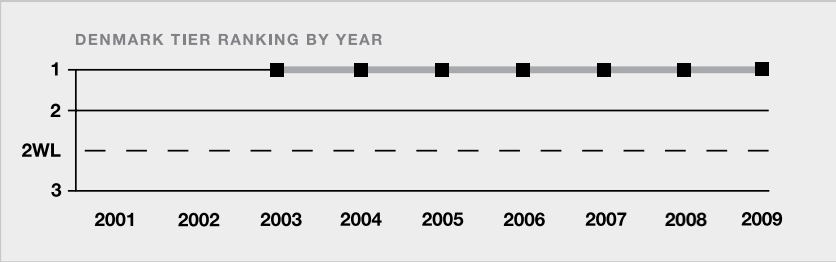
The Government of Denmark sustained its strong law enforcement efforts over the reporting period. Denmark prohibits trafficking for both sexual exploitation and forced labor through Section 262 of its criminal code, although prosecutors often use a prostitution procurement law to prosecute sex traffickers. Punishments prescribed for trafficking under section 262 extend up to eight years' imprisonment, are sufficiently stringent, and are commensurate with penalties prescribed for other grave crimes, such as rape. Police conducted a total of 34 trafficking investigations during the reporting period, the same number conducted in 2007. Authorities prosecuted 81 individuals for trafficking offenses, an increase from 52 trafficking cases prosecuted in 2007. In 2008, 19 trafficking offenders were convicted, including seven under the anti-trafficking statute and 12 under the procurement law; 31 trafficking offenders were convicted in 2007, including 10 under the anti-trafficking statute and 21 under the procurement law. All 19 trafficking offenders convicted in 2008 served some time in prison; none received suspended sentences. Sentences for convicted traffickers ranged from 12 to 42 months' imprisonment. In 2008, the National Police provided an updated trafficking reference manual to local districts.

Protection

Denmark sustained its victim assistance and protection efforts. Over the year, 72 victims received social, medical, and rehabilitative assistance. The government provided approximately $1.7 million in funding for NGOs providing victims with medical assistance, shelter, legal assistance, and rehabilitative counseling. All foreign victims were offered a reflection period of 30 to 90 days; 12 victims used the reflection period in 2008. Although police encouraged victims to participate in trafficking investigations, only one victim assisted authorities in 2008 and was permitted to stay in Denmark for the duration of the criminal proceedings, compared to three victims in 2007. One trafficking victim applied for and received asylum to remain in Denmark on the grounds that the victim faced hardship or retribution if returned to her country of origin.

Prevention

Denmark continued its trafficking prevention efforts during the reporting period. In August 2008, the government launched a campaign in schools called "Who is Paying the Price?" which is aimed at reducing the demand for commercial sex among young men. In 2008, the government partially funded an NGO to conduct an anti-trafficking awareness campaign in cinemas and in the media. In January 2008, the government funded a public service campaign alerting Danish nationals about the new law prohibiting sexual abuse of children overseas. The government continued to adequately monitor immigration patterns for evidence of trafficking.



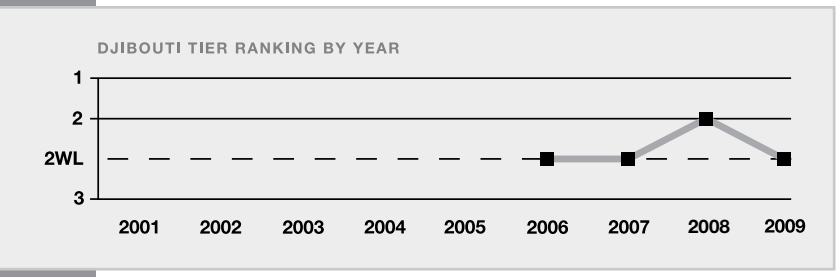
DJIBOUTI (Tier 2 Watch List)

Djibouti is a source, transit, and destination country for women and children trafficked for the purposes of commercial sexual exploitation and domestic servitude. 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 involuntary domestic servitude or commercial sexual exploitation after reaching Djibouti City or the Ethiopia-Djibouti trucking corridor. Others fall victim to human trafficking after reaching their destinations in the Middle East. Djibouti's large refugee population – comprised of Somalis, Ethiopians, and Eritreans – remains vulnerable to various forms of exploitation, including human trafficking. A small number of girls from impoverished Djiboutian families may engage in prostitution with the encouragement of family members or other persons engaged in prostitution. Prostitution in Djibouti occurs in apartments, brothels, and on the streets; members of foreign militaries stationed in Djibouti reportedly contribute to the demand for women and girls in prostitution, including trafficking victims. Polish authorities identified one female Djiboutian trafficking victim in 2008.

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

however, it is making significant efforts to do so. Despite these significant overall efforts, the government showed only limited evidence of progress in prosecuting specific human trafficking offenses and in raising public awareness of the crime; therefore, Djibouti is placed on Tier 2 Watch List.

Recommendations for Djibouti: Continue to enforce the anti-trafficking statute through the successful prosecution of trafficking offenders; launch a nationwide campaign to educate all levels of government officials and the general public on the issue of human trafficking; develop a plan for providing training on the anti-trafficking law and its provisions to law enforcement and social welfare officials, including judges, lawyers, police, immigration officers, and social workers; establish formal policies and procedures for government officials to proactively identify and interview potential trafficking victims and transfer them to the care, when appropriate, of local NGOs or international organizations; and establish mechanisms for providing increased protective services to trafficking victims, possibly through the forging of partnerships with NGOs or civil society organizations.



Prosecution

The Government of Djibouti made nascent efforts to bring trafficking offenders and migrant smugglers to justice during the reporting period. Law 210, "Regarding the Fight Against Human Trafficking," enacted in December 2007, covers both internal and transnational trafficking and prohibits all forms of trafficking in persons. It provides for the protection of victims regardless of ethnicity, gender, or nationality, and prescribes penalties of up to 30 years' imprisonment for trafficking offenders. These penalties are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. The Ministry of Justice reported its use of Law 210 during the reporting period to prosecute and convict illegal migrant smugglers and their accomplices, but it did not provide further information on such cases; it is unclear whether any of them involve human trafficking. Throughout the year, Djibouti's *Brigade des Moeurs* (Vice Police) conducted regular nighttime sweeps of the capital's bars and streets and preventatively detained an unknown number of Ethiopian and Somali minors suspected to be engaged in prostitution. The brigade reportedly detained their exploiters as well; specific information regarding the punishment of pimps was not provided.

Protection

With few resources itself and a very small pool of local NGOs, the government had few options for meeting the needs of children exploited in prostitution during the year. One NGO, in consultation with the Ministry of Women, continued to operate a drop-in day center for street children at risk of becoming victims of trafficking, prostitution, or other forms of exploitation. The Council of Ministers took no action in 2008 to ensure comprehensive care for victims as mandated under Article 18 of Law 210. After detaining children on suspicion of engaging in prostitution, police attempted to locate and meet with parents or other family members to discuss appropriate child protection; children were then released to the care of family members. As a last resort, Ethiopian and Somali children detained by police on suspicion of involvement in prostitution were housed in quarters at the Police Academy before deportation. In 2008, renovation began on several rooms at the academy to improve accommodations for these children. Police worked with the Ministry of Health's clinic and hospitals, as well as NGOs, to provide medical care to victims of child prostitution. No charges were filed against minors detained on suspicion of engaging in prostitution in 2008. The police began a study of the family situations of prostituted minors in 2008.

The government accommodated a growing number of asylum-seeking defectors from the Eritrean military during the reporting period. As of March 2009, the government and UNHCR registered 129 Eritrean military defectors – some of whom may be trafficking victims – as asylum-seekers after conducting joint interviews. The government has not yet developed a formal referral process to transfer trafficking victims to the care of NGOs, or a system for proactively identifying victims of trafficking among vulnerable populations. Authorities did not encourage victims to participate in investigations or prosecutions of traffickers.

Prevention

During the reporting period, the government did not launch an information campaign specifically targeted at raising public awareness of human trafficking. In an effort to prevent the forced labor and commercial sexual exploitation of Ethiopian and Somali illegal migrants in Yemen and Saudi Arabia, however, the state-run media published numerous stories on the dangers of illegal migration. In addition, the military regularly detained boats suspected to be smuggling African migrants to Yemen and imprisoned their operators. Article 16 of Law 210 requires the government to establish or support policies or programs to prevent human trafficking through awareness campaigns, training programs, and social and economic initiatives; no discernable progress was made in any of these areas during the reporting period. During the reporting period, the government invited IOM to open an office in Djibouti, and provided office space within the Ministry of Labor. In March 2009,

government officials began collaborating with IOM for an awareness campaign on the dangers of irregular migration, including the risk of becoming a trafficking victim. The government worked to reduce the demand for commercial sex acts by continuing to investigate child sexual exploitation cases and deploying a regular police vice squad. The government did not take any known measures in 2008 to reduce the demand for forced labor.

DOMINICAN REPUBLIC (Tier 2 Watch List)

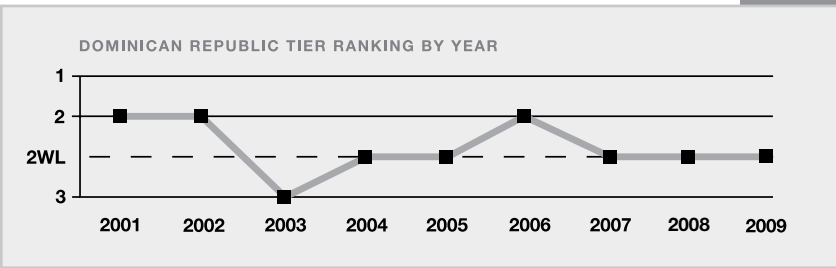
The Dominican Republic is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Dominican women are trafficked for commercial sexual exploitation to Argentina, Australia, Brazil, Costa Rica, Cyprus, Haiti, Jamaica, the Netherlands, Panama, Slovenia, Suriname, Switzerland, Turkey, and Venezuela. A significant number of women, boys, and girls are trafficked within the country for forced prostitution and domestic servitude. In some cases, parents push children into prostitution to help support the family. Child sex tourism is a problem, particularly in coastal resort areas, with child sex tourists arriving year-round from various countries, particularly Spain, Italy, Germany, Canada, and the United States and reportedly numbering in the thousands. Haitian nationals, including children, who voluntarily migrate illegally to the Dominican Republic may subsequently be subjected to forced labor in the service, construction, and agriculture sectors.

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 these overall significant efforts, the government did not show evidence of progress in prosecuting and punishing trafficking offenders including complicit officials; therefore, the Dominican Republic is placed on Tier 2 Watch List. The Dominican government increased its efforts to educate the public about the dangers of trafficking, improved its assistance to victims, announced a national plan to combat trafficking, and took some disciplinary action against lower-level officials suspected of complicity in trafficking activity.

Recommendations for the Dominican Republic: Intensify efforts to prosecute and punish trafficking offenders, especially public officials complicit in or facilitating human trafficking; increase investigations into potential labor trafficking situations; continue to increase victim assistance and shelter services; provide greater legal protections for undocumented and foreign trafficking victims; increase prevention and demand-reduction efforts; intensify efforts to identify and care for all trafficking victims; and continue to increase anti-trafficking training for government and judicial officials.

Prosecution

The government modestly increased law-enforcement efforts against some trafficking offenders, and began to investigate and punish lower-level public officials for complicity in trafficking activity over the last year. Dominican law prohibits all forms of trafficking through its comprehensive anti-trafficking Law 137-03, which prescribes penalties of up to 20 years' imprisonment. Such penalties are sufficiently stringent and commensurate with those prescribed for other grave offenses, such as rape. In 2008, the government continued several trafficking investigations. Since 2007, there have been no convictions on trafficking charges under Law 137-03, but the government made a greater effort during the year to differentiate between alien smuggling and human trafficking crimes, which are prohibited under the same law and are often confused. Although the Government initiated an investigation into press reports from 2007 that high-level officials were directly involved in the smuggling and trafficking of Chinese nationals, it demonstrated no progress on this investigation during 2008. Lack of resources, corruption, and generally weak rule of law limit the government's ability to address trafficking issues, and allegations of official complicity in trafficking continued. No senior officials were investigated or prosecuted; since August 2008, however, 45 inspectors from the Migration Directorate were removed from their positions for possible involvement in trafficking. Five of these former inspectors are under active investigation and two are in preventative detention. Other lower-level officials have been suspended or disciplined. During the reporting period, the government cooperated with U.S. law enforcement agencies and contributed to an international case involving the trafficking of Dominican women to Switzerland. As many trafficking victims enter the island with legitimate documents through regular ports of entry, IOM and the Office of the Undersecretary for Consular and Migratory Affairs trained migration inspectors on detecting false and altered documents, inspection of travel documents and visas, detecting imposters, and differentiating between smuggling clients and trafficking victims.



Protection

The government improved its efforts to protect trafficking victims, although it continued to rely heavily on NGOs and international organizations for the bulk of shelter

and protection services offered to victims. The *Comite Inter-institucional de Proteccion a la Mujer Migrante,* in cooperation with the Ministry for Women and an NGO, offered victims legal and psychological assistance. The government contributed funds to a religious order which assisted trafficking victims at its refugee centers around the country. IOM also used these facilities to assist victims. An NGO operated *El Centro de Acogida*, a center for repatriated Dominican trafficked women, which provided medical and legal services, employment assistance, and continued education. Shelters for child trafficking victims were run by the *Consejo Nacional para la Ninez y la Adolescencia,* a government agency. The Dominican Criminal Procedure Code contains mechanisms for the protection of witnesses and victims, though these protections were largely limited to victims who were willing to testify in court proceedings. Victims' rights were generally respected once they were recognized as victims, and they were not typically jailed or penalized for unlawful acts committed as a direct result of being trafficked. Dominican authorities encouraged victims to assist with the investigation and prosecution of their traffickers. Victims without identity documents or in illegal status generally had difficulty accessing protective services. Out of a group of 14 trafficked Ecuadorian women, one remained in the Dominican Republic to help police with the investigation and prosecution of their traffickers. Victims and traffickers sometimes struck deals, usually via their attorneys, whereby victims received compensation from their traffickers in lieu of pursuing a criminal case. The government trained consular officials posted abroad to recognize and assist Dominican nationals trafficked overseas. The government did not provide foreign victims with clear legal alternatives to their removal, but even so it did not remove them to countries where they face retribution. In one case it provided long-term residency.

Prevention

The government continued to increase its prevention efforts during the year. The inter-agency National Commission Against Trafficking announced its national action plan in December 2008. The Prevention Unit of the Department of Alien Smuggling and Trafficking in Persons, working with the Ministries of Labor and Education, warned children at schools around the country of the dangers of alien smuggling, commercial sexual exploitation, and trafficking. The Attorney General, Migration Directorate, Navy, Secretary of State for Women, and *Programa Radial* also ran anti-trafficking information campaigns. Notices now posted in Santo Domingo's international airport list the penalties under Dominican law for the criminal offense of commercial sexual exploitation of children. Prostitution of adults is legal, though police raided brothels as a means to address demand for commercial sex acts with children and to look for underage girls engaging in prostitution. The government also made efforts to reduce demand for commercial sexual acts by prosecuting foreign pedophiles for sexually exploiting minors.

ECUADOR (Tier 2)

Ecuador is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. The majority of trafficking victims are believed to be children trafficked within the country from border and central highland areas to urban centers for commercial sexual exploitation, as well as for domestic servitude, forced begging, and forced labor in mines and other hazardous work. According to a recent government study, the main destination provinces for human trafficking include Pichincha, Guayas, Esmeraldas, and Manabi. Ecuadorian children are trafficked to Colombia, Venezuela, Chile, and the Dominican Republic for forced labor, particularly street begging, forced vending, and as domestic servants. Ecuadorian women are trafficked to Colombia, Peru, Venezuela, and Western Europe for commercial sexual exploitation. To a lesser extent, Ecuador is a destination country for the trafficking of Colombian and Peruvian women and girls for commercial sexual exploitation, particularly in border areas, the Amazon region, and cities such as Quito, Santo Domingo, and Esmeraldas. Ecuador is a transit country for Asian nationals to the Western Hemisphere; while some migrants consent to being smuggled through Ecuador, others fall victim to human traffickers along the way.

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. The government sustained strong law enforcement measures against sex trafficking offenders, in addition to victim assistance. However, the government's law enforcement efforts did not sufficiently address forced labor, sex trafficking crimes involving adults, or evidence of trafficking-related complicity of some local government officials. Moreover, the government's recent decision to lift its tourist visa requirement has resulted in a heavy influx of migrants into the country, some of whom may be trafficked.

Recommendations for Ecuador: Continue vigorous efforts to investigate and prosecute trafficking offenses – including forced labor – and convict and punish trafficking offenders, including public officials complicit in trafficking activities, particularly at the local level; increase anti-trafficking training for law enforcement and other government officials; increase raids on brothels that exploit underage children; and develop formal procedures for identifying trafficking victims among vulnerable populations, particularly adult women in prostitution and foreign migrants subject to high smuggling debts.

Prosecution

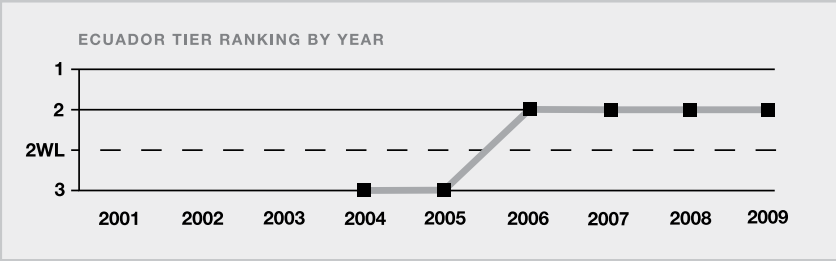
The government demonstrated strong but incomplete law enforcement efforts against trafficking in persons crimes last year. Ecuador prohibits all forms of human trafficking pursuant to a 2005 amendment to its penal code; trafficking for the purpose of labor exploitation carries a punishment of six to nine years'

imprisonment, and trafficking for sexual exploitation carries a penalty of eight to 12 years' imprisonment. Penalties for human trafficking may be increased, by aggravating circumstances, to a maximum of 35 years' imprisonment. Such penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes. During the reporting period, Ecuadorian authorities opened 85 trafficking cases across the country, and achieved convictions in 38 trafficking cases from previous years, securing sentences ranging from four to 12 years' imprisonment against offenders. Such results represent a substantial increase in efforts when compared to 2007, when the government opened 76 prosecutions and convicted five trafficking offenders.

Most cases during the current reporting period involved the inducement of children into prostitution or commercial sexual exploitation. A small number of prosecutions are related to labor exploitation, but do not appear commensurate to the incidence of forced labor in the country, particularly the large number of children exploited for forced begging and forced domestic work. Despite reports of trafficking-related corruption, particularly related to civil registry officials issuing false identity documents to Colombian minors, no investigations, prosecutions, or convictions of potentially complicit officials took place last year. According to Ecuadorian police, brothel owners commonly use false identity documents to exploit foreign children in prostitution, and to avoid criminal liability for immigration and trafficking violations in the event of a police raid. The government continued to train law enforcement personnel on anti-trafficking skills, and organized an international conference with neighboring countries on forced begging.

Protection

The Ecuadorian government committed additional resources to assist trafficking victims last year. The government ensured trafficking victims' access to legal, medical, and psychological services in victim care facilities, though available shelters for trafficking victims remained lacking in many parts of the country. The government funded NGOs to provide additional victim services, allotting $423,467 in resources for such efforts last year. Through its Victim and Witness Protection Program, the Public Ministry operated specialized anti-trafficking 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. Last year the government identified and assisted approximately 56 victims of trafficking; 12 victims accepted services from the Victim and Witness Protection Program. The government encouraged victims to assist with the investigation and prosecution of their traffickers. Law enforcement and social services personnel employed formal procedures to identify child victims of commercial sexual exploitation, but did not demonstrate adequate efforts for identifying adult trafficking victims among women exploited in brothels and other vulnerable populations. Authorities did not penalize 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, though foreign victims were not typically deported from the country.



Prevention

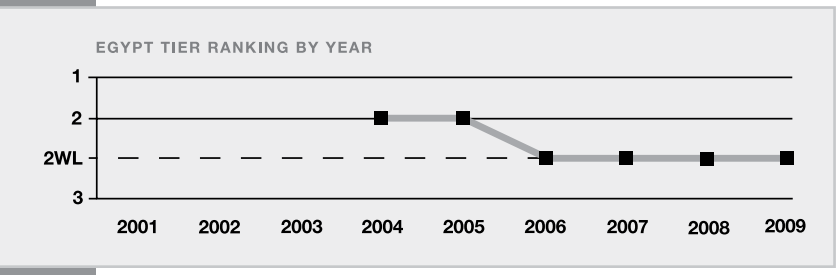
The Government of Ecuador sustained anti-trafficking prevention efforts last year. Senior government officials, including the president, condemned human trafficking in public speeches. The government continued anti-trafficking campaigns against forced child begging and child sex tourism, in addition to a media campaign warning "clients" that purchasing child prostitution is a punishable crime. The government, however, did not report other steps to reduce demand for commercial sex acts purchased from adults or forced labor of adults during the reporting period.

EGYPT (TIER 2 Watch List)

Egypt is a source, transit, and destination country for women and children trafficked for the purposes of forced labor and sexual exploitation. Some of Egypt's estimated one million street children – both boys and girls – are exploited in prostitution and forced begging. Local gangs are, at times, involved in this exploitation. Egyptian children are recruited for domestic and agricultural labor; some of these children face conditions indicative of involuntary servitude, such as restrictions on movement, non-payment of wages, threats, and physical or sexual abuse. In addition, wealthy men from the Gulf reportedly travel to Egypt to purchase "temporary 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. Child sex tourism is increasingly reported in Cairo, Alexandria, and Luxor. Young female Sudanese refugees, including those under 18, may be coerced into prostitution in Cairo's nightclubs by family or Sudanese gang members. Egypt is a transit country for women trafficked from Uzbekistan, Moldova, Ukraine, Russia, and other Eastern European countries to Israel for sexual exploitation; organized crime groups are involved in these movements.

The Government of Egypt does not fully comply with minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government enacted amendments to the Child Law prohibiting child trafficking, provided training for government officials on the use of these amendments, and began the prosecution of several alleged sex trafficking offenders. Despite these overall efforts, the government did not show adequate progress in advancing anti-trafficking law enforcement efforts over the last year; therefore Egypt is placed on Tier 2 Watch List. The government continues to lack formal victim identification procedures and protection services, and some victims of trafficking are punished for acts committed as a direct result of being trafficked. The government took minimal steps to combat the serious issues of child sex tourism and the involuntary domestic servitude of children or to raise awareness of trafficking among the general public.

Recommendations for Egypt: Substantially increase law enforcement activity against trafficking, including the growing problems of the involuntary domestic servitude of children and child sex trafficking; draft and enact legislation criminalizing all forms of human trafficking; institute and apply a formal victim identification procedure to ensure that trafficking victims are not punished or otherwise treated as criminals for acts committed as a direct result of being trafficked; provide in-kind or financial support to NGOs providing protection services to victims; and implement a comprehensive public information campaign to educate the public on the definition and dangers of trafficking.



Prosecution

Egypt made progress in punishing trafficking crimes during this reporting period. The Egyptian penal code does not prohibit all forms of trafficking; the Unified Labor Law does not define forced labor and there are no provisions against it. In June 2008, however, the government enacted amendments to the Child Law (No. 126 of 2008), which include provisions prohibiting the trafficking of children for commercial sexual exploitation and forced labor. These amendments prescribe sentences of at least five years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other grave crimes. The National Council on Childhood and Motherhood (NCCM) began drafting by-laws to guide enforcement of the amendments to the child protection law. The Anti-Prostitution Law of 1961 prohibits the use of coercion, threats, or abuse to induce a person into prostitution and the commercial sexual exploitation of those under 21 years old. Penalties prescribed for the above crimes range from one to seven years' imprisonment; these are also sufficiently stringent and commensurate with those prescribed for other grave crimes. Unlike other child laborers, however, child domestic workers are not protected under existing labor laws. In September 2008, the National Coordinating Committee to Combat and Prevent Trafficking in Persons began drafting a comprehensive anti-trafficking law.

Under the Child Law and the Anti-Prostitution Law, the Alexandria Public Prosecutor's Office commenced in March 2009 with the prosecution of two defendants suspected of kidnapping eight street children and forcing them to engage in prostitution with wealthy Egyptians and tourists from the Gulf States in exchange for money. Also in March, the South Giza Prosecutors Office initiated the prosecution of a man and his wife on charges of selling their three daughters into prostitution to tourists from the Gulf for $550 a week per child. The Egyptian government did not, however, report efforts to investigate or prosecute cases of the involuntary domestic servitude of children. The Public Prosecutor's office created and distributed a booklet on investigating and prosecuting trafficking cases to prosecutors working with children, and trained 125 prosecutors working on children's cases. In 2008, the NCCM trained 45 prosecutors and judges on human trafficking.

Protection

Egypt made minimal progress in protecting victims of trafficking during the reporting period. The Ministry of Social Solidarity continued to operate 19 drop-in centers for street children, women, and the disabled that may have provided care to trafficking victims in 2008; these centers, however, are only open during the day and do not provide comprehensive services for trafficking victims. In January 2009, the NCCM, in partnership with an international NGO, launched a day center in Cairo to rehabilitate abused street boys involved in forced begging or petty crime; to date, NCCM provided 25 boys with counseling, medical care, and literacy and computer classes, while the NGO operated the facility. In March 2009, the Alexandria Public Prosecutor's office transferred eight boys victimized by sex trafficking to the NCCM and the Ministries of Health and Social Solidarity for medical, psychological, and rehabilitation services. The NCCM operated a 24-hour hotline to respond to complaints of child abuse, though it lacks the capability to retain information on whether any of the calls received concerned trafficking. Specialized care for adults or foreign victims, including Sudanese women in forced prostitution, was not provided. Despite receiving training in victim identification, the government did not employ formal procedures to identify victims of trafficking and refer them to providers of care; as a result, trafficking victims, including street children and women arrested for

prostitution, were often treated as criminals rather than victims. In prisons or detention centers, law enforcement officers may have further mistreated these victims through verbal, physical, and sexual abuse. Foreign victims are not offered legal alternatives to removal to countries in which they may face hardship or retribution. The government does not actively encourage victims to assist in investigations against their traffickers.

Prevention

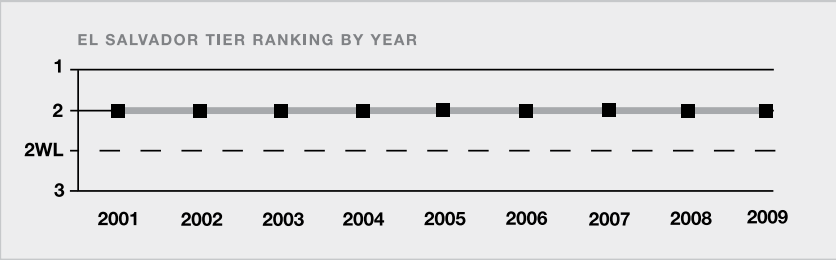
Egypt made minimal efforts to prevent trafficking in persons during the reporting period. The National Center for Criminological and Social Research officially began a comprehensive study on the scope of trafficking in Egypt. In November 2008, the National Council for Human Rights held a seminar and a roundtable discussion on human trafficking. During the second half of 2008, NCCM trained 107 social workers, 35 health inspectors, and 191 officials from various ministries on the Child Law's amendments and the UN TIP Protocol. The first lady's anti-trafficking advocacy during the reporting period led to a substantial increase in press coverage on the subject. Nonetheless, the government did not institute any public campaigns to raise awareness on trafficking. The government similarly made no discernible efforts to reduce the demand for commercial sex acts or to raise awareness of sex tourism. In March 2009, Giza Security arrested and criminally charged three men from the Gulf who had paid the parents of three young girls in order to sexually exploit the girls. There were no reports of the Egyptian government's efforts to provide anti-trafficking training for its troops before they deployed on international peacekeeping missions.

EL SALVADOR (Tier 2)

El Salvador is a source, transit, and destination country for women and children trafficked for the purposes of commercial sexual exploitation and forced labor. Most victims are Salvadoran women and girls trafficked within the country from rural to urban areas for commercial sexual exploitation, although some adults and children are trafficked internally for forced agricultural labor. The majority of foreign victims are women and children from Nicaragua, Honduras, Guatemala, Mexico, and Colombia who travel to El Salvador in response to job offers, but are subsequently forced into prostitution or domestic servitude. Some adults and children from neighboring countries are subject to forced labor in agriculture and apparel assembly. Salvadorans have been trafficked to Guatemala, Mexico, Belize, the United States, Spain, and Italy, for commercial sexual exploitation.

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 strong anti-trafficking prosecution, protection, and prevention activities, though it neglected to take adequate measures to protect adult trafficking victims and to confront trafficking-related corruption.

Recommendations for El Salvador: Continue to strengthen law enforcement efforts against trafficking offenders; investigate and prosecute, as appropriate, reports of forced labor and domestic servitude, as well as allegations relating to public officials who may be involved with trafficking activity; increase use of pro-active law enforcement techniques such as brothel raids to rescue victims; increase victim services and assistance, particularly for adults; and strengthen statutory penalties for trafficking-in-persons crimes.



Prosecution

The Government of El Salvador sustained solid law enforcement efforts against trafficking offenders 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. Sentences may be increased by one-third when the offense is accompanied by aggravated circumstances, such as when the victim is a child or the defendant is a public official. Such penalties are sufficiently stringent but do not appear commensurate with penalties prescribed for serious offenses such as rape, which carries a punishment of six to 20 years' imprisonment. Since passage of El Salvador's anti-trafficking statute in 2004, some prosecutors have elected to charge trafficking-related crimes under the country's rape statute in order to secure heavier mandatory sentences against offenders. In 2008, the government's dedicated anti-trafficking police and prosecutorial units brought charges in 15 cases of human trafficking, obtaining eight convictions with sentences ranging from four to 10 years' imprisonment. Such results compare with 46 prosecutions and five convictions secured in 2007. The majority of the government's law enforcement efforts focused on trafficking for the purpose of commercial sexual exploitation, though a smaller number of cases related to forced labor. During the reporting period, police conducted undercover trafficking investigations and acted on trafficking-related tips to execute raids on brothels and commercial sex sites. The government also cooperated with neighboring foreign governments on anti-trafficking investigations. Despite credible reports of public officials involved with trafficking activity, particularly in the Department of Chalatenango, no investigations or prosecutions of such officials were opened during the reporting period.

Protection

The Salvadoran government increased victim assistance last year. With international assistance, the government re-opened a dedicated shelter for trafficking victims in January 2008. The shelter houses approximately 20 child trafficking victims. The country's federal agency for children and adolescents, ISNA, also operated a national network of 11 shelters to provide secure housing, 24-hour medical attention, psychological counseling, and vocational workshops to victims of abuse, including trafficking victims. However, most government assistance and services were directed to child trafficking victims, and were not readily accessible to adult or male trafficking victims. NGOs noted that government support services typically cease once a victim leaves shelter care, and that trafficking victims could benefit from greater reintegration assistance. The government trained personnel, including consular officers, on identifying trafficking victims abroad; consular officials identified four trafficking victims during the reporting period. Domestically, Salvadoran authorities encouraged victims to assist with law enforcement efforts; 57 victims participated in the investigation and prosecution of their traffickers during the reporting period, though others did not do so due to social stigma or fear of reprisals from their traffickers. Victims generally are not charged, jailed, or penalized for unlawful acts committed as a direct result of being trafficked. The government does not provide a formal legal alternative to deportation to a country where a trafficking victim may face hardship or retribution, though law enforcement and social service officials may request residency status for a victim on a case-by-case basis.

Prevention

The Salvadoran government sustained anti-trafficking prevention efforts during the reporting period. The government ran information and education campaigns, and operated an anti-trafficking hotline. During the reporting period, the government trained more than 5,000 officials across the country on preventing human trafficking. Border agents received training to detect trafficking activity and irregular migration patterns, and referred identified trafficking cases for further police investigation. Salvadoran troops assigned to peacekeeping operations receive anti-trafficking training before deployment. No specific government efforts to reduce demand for commercial sex acts or forced labor were reported over the last year.

EQUATORIAL GUINEA (Tier 2 Watch List)

Equatorial Guinea has been primarily a destination for children trafficked for the purposes of forced labor and possibly for the purpose of sexual exploitation. Children are believed to be trafficked from nearby countries, primarily Nigeria, Benin, Cameroon, and Gabon for domestic servitude, market labor, ambulant vending, and other forms of forced labor, such as carrying water and washing laundry. Most victims are believed to be trafficked to Malabo and Bata, where a burgeoning oil industry created demand for labor and commercial exploitation. Women may also have been trafficked to Equatorial Guinea from Cameroon, Benin, other neighboring countries, and China for labor or sexual exploitation. In the last year, there was a report that women of Equatoguinean extraction were also trafficked to Iceland for commercial sexual exploitation.

The Government of Equatorial Guinea 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 provide anti-trafficking training to law enforcement officials and to maintain police stations in open air markets to monitor situations of child labor exploitation. The government has also publicly denounced human trafficking. Despite these efforts, the government did not show evidence of progress in prosecuting trafficking offenders or providing protection to victims; therefore, Equatorial Guinea is placed on Tier 2 Watch List. While the government has the financial resources to address trafficking, its efforts to combat trafficking remained weak, in part because of its crippled judiciary.

Recommendations for Equatorial Guinea: Make greater use of the country's 2005 anti-trafficking law and law enforcement and judicial personnel to investigate, prosecute, and convict trafficking offenders; train additional law enforcement officials and Conciliation Delegates to follow formal procedures to identify trafficking victims among child laborers, illegal immigrants, and women and girls in prostitution; establish a formal system for providing trafficking victims with assistance; cease deportation of any foreign trafficking victims from Equatoguinean territory without providing them with care and safe and voluntary repatriation; and increase efforts to raise public awareness about trafficking.

Prosecution

The Government of Equatorial Guinea demonstrated law enforcement efforts to combat trafficking during the reporting period. The government prohibits all forms of trafficking through its 2004 Law on the Smuggling of Migrants and Trafficking in Persons, which carries adequate prescribed penalties of 10 to 15 years' imprisonment. However, no human trafficking cases have yet been prosecuted under the relevant portion of this law. Police stationed at posts within open-air markets continued to monitor vendor activity for child labor explotiation, though during the reporting period, the government did not report any investigations or arrests of suspected trafficking violators. The government continued to fund anti-trafficking training seminars for police and navy officers provided by a foreign contractor. In the last year, the contractor has trained 590 additional

officers in specific anti-trafficking sessions included in a broader training program. The government distributed to law enforcement officials a wallet-sized checklist of steps to take when presented with any potential crime; the guidance is not specific to human trafficking crimes but was triggered by related concerns. The steps include identifying and investigating the crime, detaining the suspect, notifying appropriate officials, assisting the victims, and launching judicial action. In the last year, the government has instituted photograph and fingerprinting procedures at airports in Malabo and Bata, in order to aid identification and possible prosecutions in suspected trafficking cases.

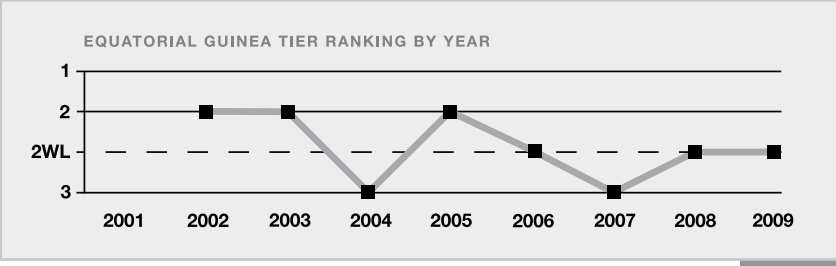
Protection

The Government of Equatorial Guinea demonstrated inadequate efforts to protect trafficking victims in the last year. The government has not yet implemented victim care shelters or other organized victim care mechanisms. Two proposed women's shelters, which the government has indicated will double as trafficking victims shelters, have not been constructed. The government did not employ formal procedures for identifying and providing care to trafficking victims. During the year, the government reported no cases in which it provided victims with care or collaborated with NGOs to provide victim assistance. Authorities reported that victims of cross-border trafficking are sometimes removed from Equatoguinean territory without being provided with any assistance. Along with posters for police stations and security checkpoints, the government distributed to law enforcement officials a wallet-sized checklist specifically addressing the needs of trafficking victims, including shelter, medical attention, clothing, food, translations services, a consular visit, and legal assistance. No systems have yet been put into place to provide victims with these services. During the year, the government reached out to a foreign donor to request technical assistance in developing a system for providing victim care.

The Ministry of Social Affairs has primary responsibility for providing care to destitute children in the country, but it did not have staff trained to care for trafficking victims during the last year. The ministry employs over 100 Conciliation Delegates, community workers who assist victims of abuse. In the course of their duties, these workers sometimes educate families about the dangers of child labor, but they did not employ procedures to identify trafficking victims among vulnerable populations. The government did not encourage victims to assist in trafficking investigations or prosecutions, nor, in the absence of cases, did it provide legal alternatives to the removal of foreign victims to countries where they may have faced hardship or retribution.

Prevention

The Government of Equatorial Guinea demonstrated some progress in raising awareness about trafficking. During the year, the president of Equatorial Guinea made two public announcements recognizing the need for increased counter-trafficking activity. The government took steps to reduce the demand for commercial sex acts, with law enforcement officials regularly visiting night clubs, hotels, and restaurants to monitor for illegal commercial sex activities.



ERITREA (Tier 3)

Eritrea is a source country for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. In connection with a national service program in which men aged 18 to 54 and women aged 18 to 47 provide military and non-military service, there have been repeated reports that some Eritreans in military service are used as laborers on some commanding officers' personal properties, as well as in the construction and agricultural sectors, functions outside the scope of the Proclamation of National Service (No. 82/1995). There are also reports that some national service workers are required to continue their service indefinitely, beyond the 18 months specified by law, with many required to serve in their positions for over 10 years. In 2007, approximately 40 national service workers were sent to hotels in the United Arab Emirates. Similar reports in 2008 maintained that the government sent national service employees to work in hotels in southern Sudan. The conditions of such service, including requirements that the workers migrate to other countries for work, go beyond those required of national service participants as outlined in Proclamation No. 82/1995. Reports concerning these workers also noted that, with the exception of a small stipend, pay for their work was remitted directly to the Eritrean government. The government remains complicit in conscripting children into military service.

Each year, large numbers of migrant workers depart Eritrea in search of work, particularly in the Gulf States, where some likely become victims of forced labor, including in domestic servitude, or commercial sexual exploitation. In 2008, six Eritrean women and two Eritrean girls were identified as victims of sex trafficking in Norway. 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.

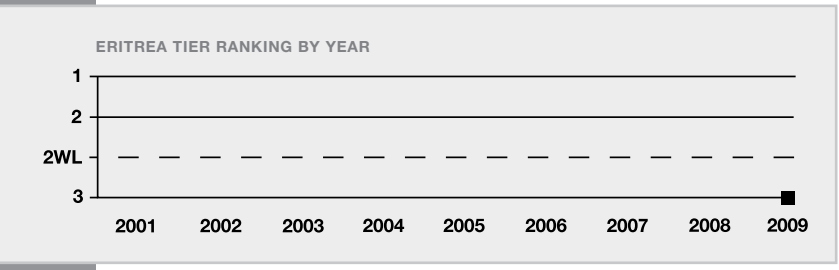
The Government of Eritrea does not fully comply with

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.

Recommendations for Eritrea: Take steps to curb abuses of Eritrean citizens in the national service program; pass and enforce a comprehensive anti-trafficking statute; provide education to all levels of government and the general public on the issue of human trafficking; and cease the unlawful conscription of children into military service.

Prosecution

The Government of Eritrea made no known progress in prosecuting and punishing trafficking crimes over the reporting period. Articles 605 and 607 of the Eritrean Criminal Code prohibit trafficking in women and young persons for sexual exploitation; procuring women and children to engage in prostitution is punishable by up to five years' imprisonment, which is not commensurate with punishments prescribed for other grave crimes. Forced labor and slavery are prohibited, except when authorized by law, under Article 16 of the ratified but suspended Eritrean Constitution, but there are no known laws or enabling proclamations specific to trafficking for labor exploitation. Proclamation 11/199 prohibits the recruitment of children under 18 years of age into the armed forces. The government did not publish information on investigations or prosecutions, if any, of human trafficking offenses during the reporting period.



Protection

The government did not appear to provide any significant assistance to victims of trafficking during the reporting period. 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 has 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 severely limited the number of foreign NGOs permitted to operate in the country; of the few remaining NGOs, none operated anti-trafficking programs. During the reporting period, the government operated a program to identify children involved in commercial sexual exploitation and reintegrate them with their families. Nearly 300 children engaged in prostitution received support through this program in 2007; the government did not make available similar information on the programs' accomplishments in 2008. 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 victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked.

Prevention

The government made no known efforts to prevent future incidences of trafficking during the reporting period. Eritrean media, all state-owned, made neither public announcements nor media presentations regarding human trafficking during the reporting period. There were no anti-trafficking education campaigns. However, the National Union of Eritrean Youth and Students actively warned the populace of the dangers of leaving the country, including the prospects of being sold into slave labor or sexual servitude. The National Confederation of Eritrean Workers carried out similar campaigns to alert workers of the dangers of entering a country illegally. Although the government does not publicly acknowledge human trafficking as a problem, an office exists within the Ministry of Labor to handle labor cases, including human trafficking; the accomplishments of this office during 2008 are unknown. Limited resources and a small number of inspectors impeded the ministry's ability to conduct investigations; the government did not provide information on the number of child labor inspections it carried out in 2008. The government is implementing a national plan of action on child labor that primarily focuses on integrating or reintegrating children with families, communities, and schools as a means of preventing child labor, or rehabilitating children engaged in child labor. The Ministry of Labor reportedly reviewed all applications for permits to grant passports and exit visas to legal migrant workers, and immigration agents closely monitored anyone entering or leaving the country. Eritrea has not ratified the 2000 UN TIP Protocol.

ESTONIA (Tier 2)

Estonia is a source country for the trafficking of women to Norway, the United Kingdom, and Finland for the purpose of forced prostitution. Estonian men were trafficked within the country for forced labor, specifically forced criminal acts and to Ukraine for forced labor in the construction industry.

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. During

the reporting period, Estonia took steps to improve victim assistance by approving a new victim identification model in January 2009 and demonstrated good coordination with regional counterparts on victim identification and repatriation. The government again increased its anti-trafficking budget – from $181,000 to $200,000 – and focused 75 percent of this funding on victim assistance. Although the Ministry of Justice reviewed the present criminal code and trafficking definition, the government did not amend the present criminal code to prohibit all forms of trafficking.

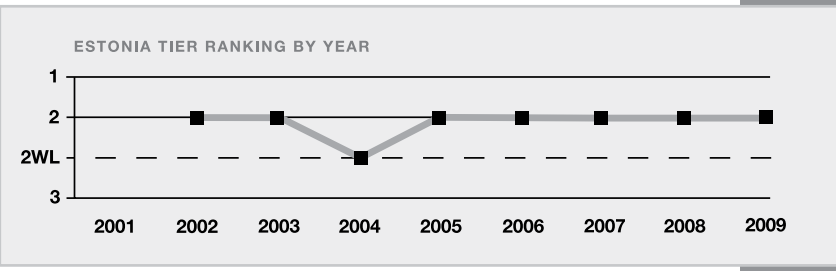
Recommendations for Estonia: Draft a trafficking-specific criminal statute that incorporates a definition of trafficking in persons in conformity with the UN TIP Protocol; implement the approved plan to establish formal procedures for identifying victims among vulnerable populations; and maintain efforts to train police to identify potential victims and refer them for assistance.

Prosecution

The Government of Estonia demonstrated adequate law enforcement efforts during the reporting period. Estonian law does not prohibit all forms of trafficking, though the criminal code does prohibit enslavement, abduction, procurement for prostitution, labor fraud, and a number of other trafficking-related crimes. The penalties prescribed for such acts range from five to 15 years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other grave crimes, such as sexual assault. During the reporting period, authorities conducted two trafficking investigations, compared to two investigations in 2007. Both traffickers convicted in 2008 were sentenced to time in prison; one for 18 months and one for 12 months, compared to sentences ranging from one to three years' imprisonment for the traffickers convicted in 2007. Over the year, the government extradited three Estonian nationals charged with human trafficking to Finland and law enforcement officials regularly exchanged information with counterparts from Sweden, Denmark, Norway, Finland, the United Kingdom, and Poland. In 2008, Estonian law enforcement officials also formed an information and best practice exchange network with Bulgaria, Sweden, and Romania.

Protection

Estonia continued to improve its victim assistance efforts during the reporting period. In 2008, the government provided approximately $150,000 in funding for trafficking victim assistance – an increase from $135,750 allocated in 2007 – including some funding for three trafficking-specific NGO-run shelters that provided assistance to 55 victims of trafficking in 2008. Three victims were repatriated during the reporting period, compared to six in 2007; the Ministry of Foreign Affairs (MFA) paid for the repatriation cost for one victim in 2008 and provided all three victims of trafficking in Estonia with information about services and assistance available to victims of trafficking within Estonia. The Ministry of Social Affairs contributed $5,000 to IOM for a victim assistance handbook for medical workers and others responsible for victim care. Foreign victims are eligible to apply for temporary residency for the duration of criminal investigations and legal proceedings; no victims applied for residency in 2008. Estonian authorities did not penalize victims for unlawful acts committed as a direct result of their being trafficked. Estonia encourages trafficking victims to participate in trafficking investigations and prosecutions. In January 2009, Estonian authorities approved a plan to establish formal procedures for identifying victims among vulnerable populations, such as women arrested for prostitution violations; however, the plan had not yet been implemented at the time of this report.



Prevention

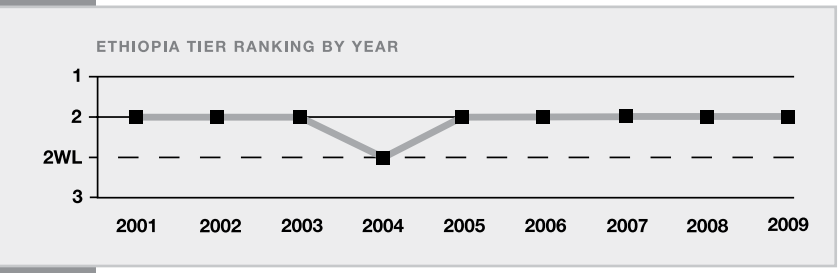
The Government of Estonia sustained trafficking prevention efforts in 2008. At least 21 police officers received trafficking prevention and victim assistance training provided by several government ministries and NGOs; however, no border guard officials received trafficking training in 2008. The government funded trafficking awareness seminars for approximately 441 schoolchildren from 39 schools and 129 adults and children from 10 orphanages. The MFA disseminated trafficking-related materials to participants at Estonia's annual tourism fair, attended by more than 23,000 people. The government did not conduct a public awareness campaign to reduce the demand for commercial sex acts.

ETHIOPIA (Tier 2)

Ethiopia is a source country for men, women, and children trafficked primarily for the purposes of forced labor and, to a lesser extent, for commercial sexual exploitation. Rural Ethiopian children are trafficked for domestic servitude and, less frequently, for commercial sexual exploitation and forced labor in agriculture, traditional weaving, gold mining, street vending, and begging. Young women from all parts of Ethiopia are trafficked for domestic servitude, primarily to Lebanon, Saudi Arabia, and the UAE, but also to Bahrain, Djibouti, Sudan, Syria, and Yemen. Djibouti, Egypt, and Somaliland are reportedly the main transit routes for trafficked Ethiopians. Some women are trafficked into the sex trade after arriving at their destinations. Small

numbers of men are trafficked to Saudi Arabia and the Gulf States for low-skilled forced labor. While the number of registered labor migration employment agencies rose from 36 to 90 between 2005 and 2008, the government significantly tightened its implementation of regulations governing these agencies over the same period. This resulted in an increase in trafficked Ethiopians transiting neighboring countries rather than traveling directly to Middle Eastern destinations.

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. While the Ethiopian government's ongoing efforts to provide pre-departure orientation to Ethiopian migrant workers and partner with a local NGO to detect cases of child trafficking within the country are notable, its limited capacity to prosecute trafficking crimes is a continued cause for concern. Police investigators remain unable to properly distinguish trafficking cases from those of other crimes or to conduct thorough investigations, and the judicial system routinely is unable to track the status of trafficking cases moving through the courts.



Recommendations for Ethiopia: Improve the investigative capacity of police and enhance judicial understanding of trafficking to allow for more prosecutions of trafficking offenders, particularly perpetrators of internal child trafficking; institute trafficking awareness training for diplomats posted overseas; engage Middle Eastern governments on improving protections for Ethiopian workers and developing a mechanism to refer trafficking victims for assistance; partner with local NGOs to increase the level of services available to trafficking victims returning from overseas; and launch a campaign to increase awareness of internal trafficking at the local and regional levels.

Prosecution

While the government sustained its efforts to prosecute and punish international trafficking offenders and initiated investigations of internal child trafficking during the reporting period, prosecution of internal trafficking cases remained nonexistent. In addition, law enforcement entities continued to exhibit an inability to distinguish human trafficking from smuggling, rape, abduction, and unfair labor practices. Articles 596 through 600 and 635 of Ethiopia's Penal Code prohibit all forms of trafficking for labor and sexual exploitation.

The Federal High Court's 11th Criminal Bench was established in late 2007 to hear cases of transnational trafficking, as well as any trafficking cases discovered in the jurisdiction of Addis Ababa. In June 2008, the court sentenced a man under Proclamation 104/1998 to 15 years' imprisonment and fined him $1,357 for illegally sending an Ethiopian woman to Lebanon where she was forced to work as a domestic servant and later thrown from a building by her employer. A second defendant received five years' imprisonment and a $452 fine for facilitating the same woman's trafficking for domestic servitude. In 2008, police at Addis Ababa's central bus terminal received 899 reports of internal child trafficking, an increase over the previous year. However, unlike prior reporting periods, the unit did not provide statistics on the number of cases referred to the prosecutor's office in 2008 or the status of cases referred to the prosecutor's office in the preceding year. Some local police and border control agents are believed to have accepted bribes to overlook trafficking.

Protection

Although the government lacks the resources to provide direct assistance to trafficking victims or to fund NGOs that provide victim care, police employ victim identification and referral procedures in the capital, regularly referring identified internal trafficking victims to NGOs for care. During the year, the Child Protection Units (CPUs) – joint police-NGO identification and referral units operating in each Addis Ababa police station – rescued and referred children to the CPU in the central bus terminal, which is dedicated exclusively to identifying and obtaining care for trafficked children. In 2008, this unit identified 899 trafficked children, 75 percent of whom were girls. It referred 93 trafficked children to NGO shelters for care and family tracing and reunified 720 children with parents or relatives in Addis Ababa and in outlying regions. Local police and officials in the regional administrations assisted in the return of the children to their home areas. The Addis Ababa city government's Social and Civil Affairs Department reunified an additional 46 children with their families in the capital and placed 40 children in foster care in 2008. During the year, police in Dessie Town, Amhara region replicated the CPU's social programs without international assistance. In July 2008, the government assisted IOM with the repatriation of Ethiopian trafficking victims from Dar es Salaam to their home regions. Ethiopian missions in Jeddah, Riyadh, and Beirut have offices that provide general services to the local Ethiopian community, including limited referrals for labor-related assistance. The Ethiopian government showed no sign of engaging the governments of these destination countries in an effort to improve protections for Ethiopian workers and obtain protective services for those who are trafficked. The government made no effort to interview returned victims about their experiences in the Middle East. Returned women rely heavily on the few NGOs that work with adult victims and psychological services provided by

the government's Emmanuel Mental Health Hospital. In 2008, there were no reports of trafficking victims being detained, jailed, or prosecuted for violations of laws, such as those governing immigration. While police encourage trafficking victims' participation in investigations and prosecutions, resource constraints prevent police from providing economic incentives to victims. In January 2009, the government passed the Charities and Societies Proclamation, which, among other things, prohibits foreign-funded NGOs from informing victims of their rights under Ethiopian law or advocating on behalf of victims; this proclamation may have a negative impact on Ethiopia's protection of trafficking victims.

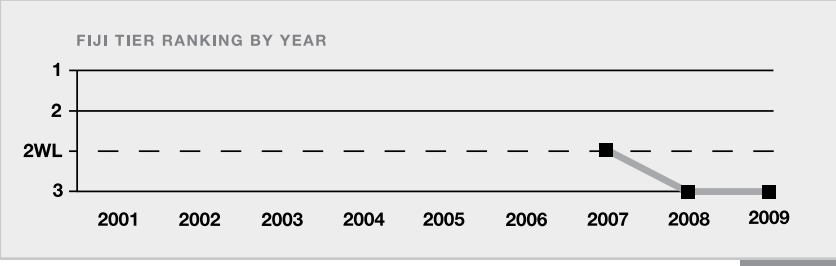
Prevention

Ethiopia's efforts to prevent international trafficking increased, while measures to heighten awareness of internal trafficking remained limited. In May 2008, after a series of deaths of Ethiopian maids in Lebanon, the government officially banned its citizens from traveling to the country; the ban remains in effect. During the reporting period, the Ministry of Labor and Social Affairs (MOLSA), employing two full-time counselors, provided 18,259 migrating workers with three-hour pre-departure orientation sessions on the risks of labor migration and the conditions in receiving countries. While these pre-departure preventative measures are commendable, they need to be matched by meaningful victim protection measures provided by the Ethiopian government in the countries to which the workers were destined. In addition, Private Employment Agency Proclamation 104/1998 governs the work of international employment agencies and protects Ethiopian migrant workers from fraudulent recruitment or excessive debt situations that could contribute to forced labor. These statutes prescribe punishments of five to 20 years' imprisonment, which are sufficiently stringent and exceed those prescribed for other grave crimes, such as rape. In 2009, an amendment to Proclamation 104/98 outlawing extraneous commission fees and requiring employment agencies to open branch offices in countries to which they send migrant workers was submitted to parliament for review. In January 2008, the Ministry of Foreign Affairs established a Women's and Children's Trafficking Controlling Department to collect data from Ethiopian diplomatic missions, NGOs, and police sub-stations on the status of migrant workers. Though this office has not yet issued its first report, in December it hosted an inter-ministerial discussion on child trafficking and labor abuse for mid-level government officials from the Ministries of Labor, Justice, and Women and Children's Affairs. During the year, state-controlled Ethiopian Radio aired IOM's public service announcements in four languages, as well as a program for listeners in Addis Ababa on the risk of trafficking through visa fraud. The Ministry of Education, in partnership with an NGO, revised primary school textbooks to include instruction on child labor and trafficking in the curriculum. Four teachers' training colleges in Southern Nations Nationalities Peoples' Regional State incorporated these topics in their teaching materials in 2008. The government did not undertake efforts to reduce demand for commercial sex acts during the reporting period. Before deploying Ethiopian soldiers on international peacekeeping missions, the government trained them on human rights issues, including human trafficking. Ethiopia has not ratified the 2000 UN TIP Protocol.

FIJI (Tier 3)

Fiji is a source country for children trafficked for the purposes of labor and commercial sexual exploitation, and a destination country for women from the People's Republic of China, Thailand, and India trafficked for the purposes of commercial sexual exploitation. Some women from the PRC and India who migrate voluntarily to Fiji for work have been in the past and may still be coerced into forced labor in sweatshops. Fijian boys and girls are subjected to commercial sexual exploitation by family members, other Fijian citizens, foreign tourists, and sailors on foreign fishing vessels. Staff at local hotels procure underage girls for commercial sexual exploitation by guests, while taxi drivers, nightclub staff, and relatives frequently act as facilitators. Some Fijian children are informally adopted - sent to live with and work for relatives or families living in or near schools – a tradition of child placement that sometimes leaves the child in an internal labor or sex trafficking situation.

The Government of Fiji does not fully comply with the minimum standards for the elimination of trafficking, and it is not making significant efforts to do so. Despite consistent and reliable reports from NGOs, international organizations, foreign governments, and individuals about trafficking in Fiji, especially the wide-spread exploitation of children in the commercial sex trade, the government has demonstrated no action to investigate or prosecute traffickers, assist victims, or participate in public awareness campaigns to prevent trafficking.



Recommendations for Fiji: Develop a national action plan for combating trafficking in persons; collaborate with civil society and international organizations to combat the sex trafficking of children and train law enforcement officers on victim identification and protection; significantly improve the record of prosecutions, convictions, and sentencing of trafficking offenders; develop and institute a formal procedure to proactively

identify victims of trafficking, especially among vulnerable groups such as homeless children and women or children found in prostitution; implement and support a visible anti-trafficking awareness campaign directed at clients of children in commercial sexual exploitation; and expand cooperation with international law enforcement entities to identify and prosecute Fijian residents, foreign visitors, and travel service providers involved in child sex trafficking and tourism.

Prosecution

The Government of Fiji demonstrated no significant efforts to combat trafficking in persons during the year. The government is limited in its ability to focus on combating trafficking in persons by an ongoing political and economic crisis; funding for police, immigration, and other institutions is generally inadequate. Fiji prohibits transnational sex and labor trafficking through its Immigration Act of 2003, which prescribes punishments that are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. The Government of Fiji reported no arrests, prosecutions, or convictions of trafficking offenders during the reporting period. The Immigration Directorate handed a fully-investigated case with elements of trafficking to the police for prosecution early in 2008. The police, however, did not advance the case to the prosecutor, and Immigration eventually deported the two suspected traffickers involved due to lack of detention funding. A Combined Law Agencies Group (CLAG) meets monthly to address law enforcement issues, including trafficking in persons. There is no evidence of government officials' complicity in trafficking.

Protection

The Government of Fiji did not demonstrate any significant efforts to protect victims of trafficking over the last year. The Government of Fiji's law enforcement, immigration, and social service personnel had no formal system to proactively identify victims of trafficking among high-risk persons with whom they come in contact, and the government did not identify any trafficking victims during the year. The government has not developed or implemented a process to refer identified victims to institutions that could provide short- or long-term care. Due to severe resource constraints, the government relied on NGOs or international organizations to provide protective services to victims. One NGO sheltered a number of female trafficking victims and their children throughout the year. The Government of Fiji did not actively encourage victim participation in the investigation of traffickers or sex tourists. The Fijian anti-trafficking law includes provisions to ensure that victims of trafficking are not penalized for unlawful acts committed as a direct result of their being trafficked.

Prevention

The Government of Fiji demonstrated no meaningful efforts to raise awareness about trafficking during the year. There were no visible measures undertaken by the government to reduce the demand for commercial sex acts and the government did not support any anti-trafficking information or education campaigns during the reporting period. Fijian laws, including those pertaining to trafficking in persons and sexual assault, apply to Fijians deployed abroad as part of peacekeeping missions. The Republic of Fiji Military Forces provided anti-trafficking training for soldiers in advance of their being deployed abroad on international peacekeeping missions. Fiji has not ratified the 2000 UN TIP Protocol.

FINLAND (Tier 1)

Finland is a transit and destination country for women and girls trafficked from Russia, Estonia, Lithuania, Latvia, Ukraine, Belarus, Moldova, the Caucasus, China, and Thailand to and through Finland to France, Sweden, Italy, Canada, Spain, and the United States for the purpose of commercial sexual exploitation. Finland is a destination country for men and women trafficked from China, Pakistan, and Bangladesh for the purpose of forced labor; victims are exploited in the construction industry, restaurants, and as domestic servants.

The Government of Finland fully complies with the minimum standards for the elimination of trafficking. In June 2008, the government formally updated its 2005 National Action Plan to Combat Trafficking in Human Beings; the new plan outlined various goals including developing support programs for repatriated victims and enhancing victim identification and referral training for law enforcement personnel, teachers, social workers, medical personnel, and others who may have contact with victims of trafficking. In January 2009, the government designated Finland's Ombudsman for Minorities to serve as the national coordinator on trafficking in persons in order to better gauge the scope of the trafficking problem within Finland and to assess the government's anti-trafficking progress.

Recommendations for Finland: Continue training sessions for prosecutors and judges on trafficking cases; improve the collection of anti-trafficking law enforcement data, including the number of investigations, prosecutions, convictions, and sentences given to convicted traffickers; and continue vigorously identifying and referring victims of trafficking for assistance.

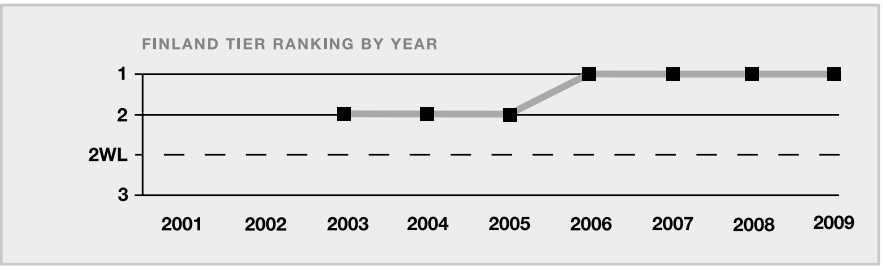
Prosecution

Finland sustained its solid law enforcement efforts during the reporting period. Law 1889-39 of the Finnish penal code prohibits all severe forms of trafficking and prescribes six years' imprisonment for convicted offenders, a penalty that is sufficiently stringent and commensurate with penalties prescribed for other grave crimes, such as rape. Related criminal statutes, such as kidnapping, procuring for prostitution, and child rape may also be used to prosecute traffickers. During the reporting period, police conducted nine

trafficking investigations, compared to 10 in 2007. In 2008, authorities prosecuted at least seven individuals for sex trafficking offenses and two for labor trafficking compared to 10 prosecutions for sex trafficking in 2007. In 2008, nine individuals were convicted for trafficking offenses– including two for labor trafficking – up from three in 2007. Seven convicted traffickers served time in prison; trafficking sentences ranged from nine to 66 months' imprisonment. Law enforcement officials worked with counterparts from Estonia, Sweden, and Russia on approximately 10 trafficking cases in 2008. The government extradited one non-Finnish citizen to another EU country on trafficking charges.

Protection

The Finnish government maintained its significant victim assistance efforts during the reporting period. It continued to provide direct shelter, rehabilitative assistance, and medical care to victims in addition to its provision of funding for NGO-run shelters. In 2008, law enforcement officials referred 13 victims to NGOs and government-run assistance centers; this is an increase from nine victims assisted in 2007. The government encouraged victims to assist in the investigation and prosecution of trafficking offenders and allowed victims to apply for temporary residency. The government did not penalize victims for unlawful acts committed as a direct result of being trafficked. Police and border guard officials use a series of written guidelines on victim treatment and referral developed by the Finnish Immigration Service.



Prevention

The government continued its trafficking awareness efforts in 2008. The government continued its demand reduction campaign targeted at Finns who travel abroad for sex tourism; the government again distributed brochures to thousands of visitors at a major annual travel fair warning that sex tourism is a crime. Authorities monitored immigration patterns and screened for trafficked applicants at ports of entry. Finnish troops deployed on international peacekeeping missions received intensive anti-trafficking training aimed at providing deployed forces with the ability to identify potential trafficking victims; there were no trafficking-related cases involving Finnish troops or government personnel deployed overseas in 2008.

FRANCE (Tier 1)

France is a destination country for women and girls trafficked for the purposes of sexual exploitation from Romania, Bulgaria, Albania, Nigeria, Sierra Leone, Cameroon, Malaysia, and other Asian countries. Men, women, and children continued to be trafficked for the purpose of forced labor, including domestic servitude, many from Africa. Often their "employers" are diplomats who enjoy diplomatic immunity, including those from Saudi Arabia. The government estimates that of the 15,000 to 18,000 women in France's commercial sex trade, the majority – possibly 10,000 to 12,000 – are likely victims of sex trafficking. The government identified 1,002 trafficking victims in 2007, of which 76 percent were foreigners. There is a significant number of Romanian minors in France, many of whom are vulnerable to trafficking. Many traffickers evade law enforcement detection by acquiring fake Sudanese passports to claim asylum or acquire fake Romanian passports to avoid visa requirements. The Committee Against Modern Slavery reported that there were 164 cases of forced labor in France in 2008.

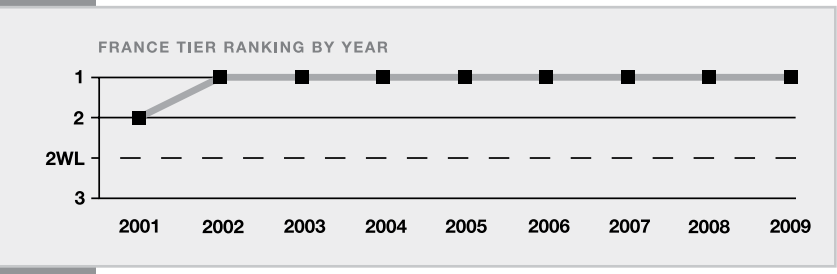
Reports continued of trafficking from Brazil to the French overseas territory of French Guiana. There are also a number of young women in prostitution from Haiti and the Dominican Republic in French Guiana, some of whom may be vulnerable to trafficking. There is evidence that some Chinese laborers in French Guiana may be in conditions of forced labor. French authorities there reported that they regularly investigate sex work cases to identify potential trafficking victims, though none have been identified.

The Government of France fully complies with the minimum standards for the elimination of trafficking. The French government took steps to improve its overall coordination on trafficking and provided training to improve identification and protection of trafficking victims.

Recommendations for France: Increase efforts to put to use France's anti-trafficking statute; enhance collection and compilation of law enforcement data on trafficking; ensure trafficking victims are not inappropriately penalized solely for unlawful acts as a result of being trafficked; establish a formal national referral mechanism and procedures for victim identification among vulnerable populations, such as those in prostitution, domestic and other labor sectors; follow through on plans to create 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 intensify investigations of potential trafficking cases in French Guiana and report on assistance provided to identified victims.

Prosecution

The Government of France demonstrated progress in its efforts to investigate, prosecute, convict, and sentence trafficking offenders. France prohibits trafficking for both sexual and labor exploitation through Article 225 of its penal code, which prescribes penalties that are sufficiently stringent and commensurate with those prescribed for rape. The Ministry of Interior dismantled 30 trafficking networks in France in 2008. The Ministry of Justice reported that 19 individuals were convicted in France under anti-trafficking laws in 2007, the latest year for which official prosecution data is available. All 19 were serving jail time of up to seven years. French officials continued to rely almost exclusively on anti-pimping provisions of the country's penal code to investigate and prosecute suspected sex trafficking offenses. They also prosecuted labor trafficking offenders under other statutes. During the reporting period, the government trained some 200 prosecutors to make better use of France's anti-trafficking law instead of relying primarily on anti-pimping laws to address sex trafficking offenses. In October 2008, the French government created a joint anti-trafficking unit with Belgian law enforcement counterparts, reportedly the first of its kind within the EU.



Officials in French Guiana reported two trafficking investigations in the territory during the reporting period, one involving the possible forced labor of Chinese victims and the other a sex trafficking case involving a Brazilian minor. There were no reported prosecutions or convictions of trafficking offenders in French Guiana during the reporting period.

Protection

The Government of France demonstrated progress in the protection of trafficking victims during the reporting period. In November, the Minister of Justice announced an additional $14.7 million in support for victim protection for 2009. The government provided training to law enforcement personnel to increase their identification of potential trafficking victims and created and distributed pocket-sized cards containing victim identification guidelines to border police and NGOs in 2008. In 2008, the French government continued implementation of its 2003 Domestic Security law that allowed for arrest and fining of potential sex trafficking victims for "passive solicitation." Out of 1,072 women in prostitution arrested for soliciting, 881 were foreigners and identified by the government as likely trafficking victims. The Government of France reported they were not charged or imprisoned; it is unknown whether or not the government referred them to service providers for assistance. NGOs and international experts continued to criticize the government's lack of a proactive approach to identifying trafficking victims. According to NGOs, including Amnesty International, trafficking victims are treated as offenders, arrested, and charged for soliciting prostitution, and foreign victims are likely deported. According to an Amnesty International report, some victims of trafficking have been accused of 'living off immoral earnings' alongside their traffickers. The government has challenged the report's findings. NGOs complained that the government did not employ systematic efforts to ensure victims access to shelter and services provided by NGOs through a formal referral process.

The national government and city of Paris continued to fund NGOs providing a network of services and shelter for trafficking victims. In cases in which victims were repatriated to their home country, the government worked with the relevant government to ensure safety and medical care. The French government provided witness protection services and issued one-year residency cards, which can be renewed every subsequent six months, to victims of trafficking who cooperated with authorities in the investigation and prosecution of traffickers. The national government did not provide data on the total number of victims given shelter and assistance or the number that received residence cards in 2008. NGOs claim that some trafficking victims who denounced their traffickers were never granted residency papers, or received very provisional residency permits and were offered no protection from retaliation. In 2008, Paris police reported issuance of 92 residency permits to undocumented migrants believed to have been victims of trafficking. The government provided funding to victims, including a monthly stipend of $464, as well as medical care, legal counsel, shelter, and psychological counseling. The Government of France formally assists trafficking victims seeking return to their countries of origin, though only five percent usually decide to do so.

The government made some progress on renewing a bilateral agreement with Romania to continue cooperation on the protection, return, and reintegration of Romanian unaccompanied minors, but has not yet ratified this 2007 agreement.

National and local authorities in French Guiana indicated a sensitivity to allegations that individuals have been forced into prostitution or in labor sectors, including illegal mining, but to date have identified only two possible cases of trafficking.

Prevention

The Government of France continued to fund trafficking prevention campaigns in association with NGOs during the reporting period, including an NGO awareness campaign aimed at reducing the demand for commercial

sex acts. In 2008, the government sponsored a nationwide conference to bring together law enforcement officials and NGOs to improve cooperation and communication in protecting victims and preventing trafficking. In December 2008, the government established a multi-disciplinary working group to create a national action plan on the protection of trafficking victims. The Central Office for the Repression of Trafficking in Persons continued to serve as the government's operational and political focal point on trafficking. The government provided all French military personnel with general training on trafficking during their basic training. There was also a three-week general training given to French military personnel before their deployment abroad for international peacekeeping missions.

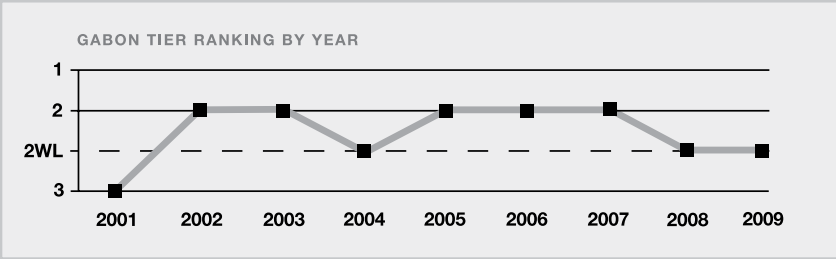
The government provided funding for an NGO to place several advertisements in French weekly and travel magazines warning possible sex tourists against engaging in sex with minors. In August 2008, authorities arrested and indicted a high school professor on charges related to child sex tourism committed in Burma and Thailand. In March 2009, two men were convicted in a French court on child sex tourism charges stemming from their acts in Cambodia and Thailand; the court handed them the maximum penalty of seven years in prison. Sex tourism from French Guiana to Oiapoque and other destinations in Brazil has been reported.

GABON (Tier 2 Watch List)

Gabon is a destination country for children and young adults trafficked for the purposes of forced labor and commercial sexual exploitation. Children are trafficked primarily by boat to Gabon from Benin, Nigeria, Togo, Guinea, and Mali, with smaller numbers coming from Sierra Leone, Burkina Faso, and Cameroon. Girls are primarily trafficked for domestic servitude, forced market vending, forced restaurant labor, and commercial sexual exploitation, while boys are trafficked for forced street hawking and forced labor in small workshops. Children reportedly are also trafficked to Gabon from other African countries for forced labor in agriculture, animal husbandry, fishing, and mining. Increasingly, young men and women are also trafficked from other African countries, primarily for domestic servitude, though also for sexual exploitation. Most victims arrive by boat and are trafficked to Libreville and Port Gentil, though victims are found in smaller towns as well. Reports also indicate that some indigenous Pygmies are subjected to slavery-like conditions, without effective recourse in the judicial system.

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. Gabon continued its efforts to intercept and assist trafficking victims. Despite these overall efforts, the government did not show progress in convicting trafficking offenders; therefore, Gabon is placed on Tier 2 Watch List.

Recommendations for Gabon: Increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; draft and enact legislation prohibiting the trafficking of adults; investigate reports of government complicity in trafficking; develop formal procedures to identify trafficking victims among females in prostitution; end the practice of placing victims in jail, even temporarily; and take steps to combat the forced labor of Pygmies.



Prosecution

The Government of Gabon continued minimal anti-trafficking law enforcement efforts over the last year, despite ample resources. Gabon does not prohibit all forms of human trafficking. It prohibits child labor trafficking through its 2004 Law 09/04 Preventing and Combating Child Trafficking, which prescribes penalties of five to 15 years' imprisonment and a $20,000 to $40,000 fine. Article 4, Title 1 of Law Number 3/94 criminalizes forced labor prescribing inadequate penalties of one to six months' imprisonment and a possible fine of $700 to $1,400. The procurement of a minor for the purpose of prostitution is prohibited under Penal Code Article 261, which prescribes two to five years' imprisonment and a fine, a penalty that is sufficiently stringent, though not commensurate with punishments prescribed for rape. Forced prostitution is prohibited by Law Number 21/63-94, which prescribes two to 10 years' imprisonment, a penalty that is sufficiently stringent and commensurate with those prescribed for rape. The government reported that, during the year, it arrested at least 12 suspected traffickers and induced 18 to pay the financial cost of repatriating victims. The government did not report any prosecutions or convictions of traffickers in the last year. Approximately 30 detained suspected traffickers arrested between 2005 and 2008 are slated to go before the next criminal tribunal, which only convenes three times annually. Police and gendarmerie anecdotally reported additional arrests for possible trafficking offenses, but because there is no centralized crime database, these reports could not be corroborated. In November 2008, the national police, the gendarmerie, and customs agents in Libreville collaborated in a joint operation to combat, among other crimes, child exploitation and child trafficking; data on the results of these efforts has yet to be released. Gabon's law enforcement efforts to combat trafficking continued to be crippled by inefficient trial proceedings and lengthy pre-trial detention. Officials report that cases remain

stalled because victims, whose testimony is required for trafficking prosecutions, were repatriated to their countries prior to trial. Although there were reports during the year that some government officials employed trafficked foreign children as domestic servants and that police and immigration officers facilitated trafficking, the government failed to investigate these allegations. During the year, the government contributed meeting sites and prepared presentations for a trafficking training for law enforcement officials funded by a foreign donor.

Protection

The Government of Gabon continued to protect some trafficking victims in the last year. Gabon operates three reception centers for destitute children, including trafficking victims – two in Libreville and one in Port Gentil – which provide shelter, medical care, and rehabilitation and reintegration services. The center in Libreville has a 24-hour nurse on staff, contracts a doctor, and provides psychosocial services. This is fully funded by the government, while the other two are financed jointly by the government and private donors. Child victims resided in these centers until arrangements were made for their repatriation, which the government required be funded by the victims' employers or guardians. Staff at the centers worked with foreign diplomatic missions to repatriate victims. Some victims were also placed in temporary foster care. When security forces found trafficking victims, they placed those under 16 years of age in government-operated shelters or temporary foster care, while older victims were referred to a Catholic NGO. Pursuant to an arrangement between Gabon and Nigeria, security officials referred Nigerian victims to the Nigerian Embassy in Libreville. The government reported assisting 92 child and 10 adult trafficking victims within the last year. Forty-two victims were repatriated with some assistance from UNICEF; four were placed in foster families in Gabon; and 10 were offered apprenticeships or internships and aid in finding lodging. Six child victims from Niger rescued in a March 2009 raid remain in a government shelter. Statistics on the remaining 40 victims are unavailable. Because security forces did not employ procedures to identify trafficking victims among individuals in prostitution, sex trafficking victims may have been inappropriately incarcerated or fined for unlawful acts committed as a direct result of being trafficked. The rights of labor trafficking victims are generally respected; on occasion they have been housed in jails overnight, in separate quarters from criminal detainees and not confined to cells. Gabon continued to operate its toll-free victim hotline in collaboration with UNICEF. The call center received an average of one to three calls daily and handled a total of 24 trafficking cases in the last year. The government covered the hotline's expenses, staffed it with government personnel, and housed it in a government-owned building. While in prior years, law enforcement officials did not interview victims for evidence at trial, authorities now solicited victims' testimony. The Justice Ministry reported that it collaborated with other government ministries to ensure that victims could remain in Gabon until the prosecution could make its case. The government provides a limited legal alternative – de facto temporary residency status – to the removal of foreign victims to countries where they face hardship or retribution, and does not deport trafficked children. During the year, Gabonese authorities identified and paid for the training of 45 new social workers in a UNICEF course covering victim rescue, care, and repatriation.

Prevention

The Government of Gabon demonstrated modest efforts to raise awareness of trafficking during the last year. The government launched trafficking awareness-raising campaigns targeting communities in cities, towns, and villages outside the capital. The campaigns, which consisted of community meetings, took place in five of the country's nine provinces. In collaboration with UNICEF, UNESCO, and a private corporation, the Gabonese government broadcast radio programs in one of the country's more remote areas to raise awareness in all sectors of the population, including law enforcement, on trafficking in persons and related issues such as sexual exploitation and child labor. The government's initial contribution to this ongoing effort was $40,000. With UNICEF assistance, Gabonese officials worked with their Beninese counterparts to develop a bilateral accord to cooperate in the repatriation of trafficking victims, though the agreement has not yet been finalized. In 2008, Gabon's Inter-ministerial Committee to Combat Child Trafficking collaborated with NGOs and international organizations to develop an anti-trafficking strategy. The committee was unable to implement the strategy, however, because of resource constraints and lack of coordination. The Committee, established in 2004, continues to lack offices and a clearly defined budget. The government did not take steps to reduce demand for commercial sex acts during the year. Gabon has not ratified the 2000 UN TIP Protocol.

THE GAMBIA (Tier 2)

The Gambia is a source, transit, and destination country for children and women trafficked for the purposes of forced labor and commercial sexual exploitation. Within The Gambia, women and girls and, to a lesser extent, boys are trafficked for commercial sexual exploitation, in particular to meet the demand of European child sex tourists, as well as for domestic servitude. Anti-trafficking activists report that in the last few years commercial sexual exploitation of children has moved from large hotels to small guest houses and private homes as a result of large hotels' enforcement of a voluntary code of conduct against child sex tourism. Boys are trafficked within the country for forced begging by religious teachers and for street vending. Transnationally, women, girls, and boys from neighboring countries are

trafficked to The Gambia for the same purposes listed above. Primary source countries for this trafficking are Senegal, Mali, Sierra Leone, Liberia, Ghana, Nigeria, Guinea-Bissau, Guinea, and Benin. The trafficking of boys between The Gambia and Senegal by religious teachers for forced begging is particularly prevalent. Gambian women and girls are trafficked to Senegal for domestic servitude, and possibly for commercial sexual exploitation.

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 limited resources. The government's law enforcement efforts to address trafficking increased with the prosecution of two trafficking offenders and the conviction of one of them. The government also made slightly increased victim protection efforts by providing limited services to children trafficked for forced begging. The government did not show progress, however, in identifying and assisting trafficking victims among women and girls in prostitution.

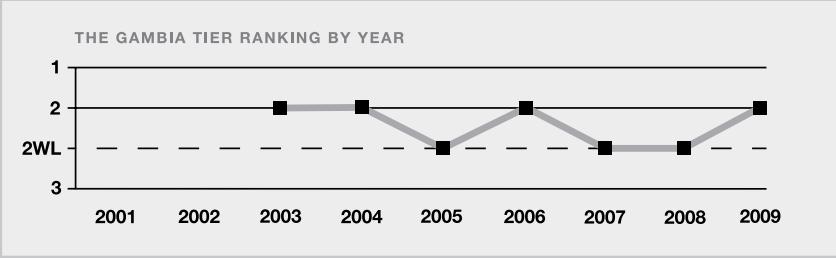
Recommendations for The Gambia: Increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; develop formal procedures for identifying trafficking victims among women and girls in prostitution; incorporate trafficking training into the standard police curriculum; educate all government officials on the distinction between smuggling and trafficking; identify an increased number of trafficking victims and provide them with care; and end the practice of placing child sex trafficking victims in prisons.

Prosecution

The Government of The Gambia demonstrated some increased efforts to combat trafficking through law enforcement actions during the last year. The Gambia prohibits all forms of trafficking through its October 2007 Trafficking in Persons Act, which prescribes a penalty of 15 years' to life imprisonment for all forms of trafficking. This penalty is sufficiently stringent and commensurate with those of other grave crimes, such as rape. The Gambia's 2005 Children's Act also prohibits all forms of child trafficking, prescribing a maximum penalty of life imprisonment. The government reported that it investigated four trafficking cases and prosecuted two trafficking offenders. One of these defendants, a Senegalese national, was sentenced to two years' imprisonment with hard labor for trafficking Gambian children to Senegal. In November 2008, police arrested a Gambian national for trafficking a child for the purpose of commercial sexual exploitation by a New Zealand national in Banjul. The Gambian was prosecuted under a procurement statute and subsequently acquitted. During the year, authorities demonstrated a weak understanding of trafficking by conflating it with smuggling. The Secretary of State for Justice gave a one-time lecture to prosecutors and a prosecutor traveled with UNICEF at UNICEF's expense to border posts to distribute the law. Four individuals were prosecuted under the anti-trafficking law for actions that appear to be smuggling rather than trafficking. The government did not institute systematic trafficking training for law enforcement officials, though they did take part in donor-funded trafficking trainings. Officials monitored The Gambia's borders to ensure that children crossing them are traveling with a parent or a legal guardian, but reports suggested that traffickers' use of false travel documents hindered these efforts.

Protection

The Gambian government demonstrated minimal victim protection efforts during the last year. The police referred four victims to the Department of Social Welfare, which reunited three of them with their parents. The fourth victim was a Nigerian girl placed temporarily in the home of a Gambian female police officer after being trafficked to The Gambia for forced labor; she ran away. In a joint project with UNICEF and an international NGO, the government operated a drop-in center for destitute children, the majority of whom were boys forced to beg by religious instructors and street children vulnerable to being trafficked. The center provided non-formal education, medical and hygiene services, and counseling. The government provided salaries for two social workers at the center and some additional funding. The government-operated and funded its own 24-hour shelter for destitute children, some of whom may be trafficking victims. No specialized facilities existed for trafficking victims, however, and the majority of children referred did not appear to be trafficking victims. The Gambia has not yet developed a system for collecting victim care data.



Although the government established a toll-free victim hotline in 2005, it no longer functions. Although the 2007 Trafficking in Persons Act encourages victims to assist in investigations and prosecutions by offering them temporary visas pending criminal or civil actions, this provision has not yet been applied. During the year, authorities encouraged three trafficking victims to assist in the investigation and prosecution of their traffickers. The government did not provide legal alternatives to the removal of foreign victims to countries where they might face hardship or retribution. While labor trafficking victims were not inappropriately incarcerated or fined for unlawful acts as a direct result of being trafficked, authorities detained children found in prostitution

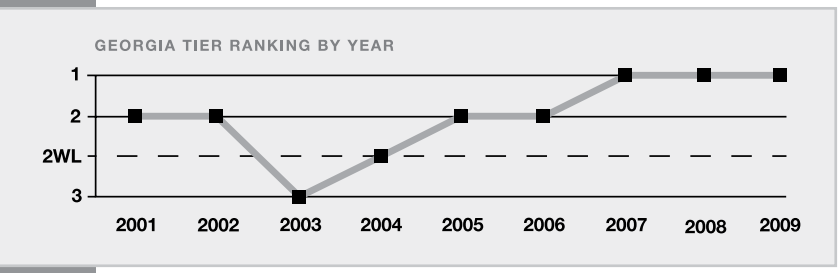
in the juvenile wing of the Jeshwang prison pending investigation of their cases. The government did not follow procedures to identify trafficking victims among women arrested for prostitution.

Prevention

The Government of The Gambia demonstrated moderate efforts to prevent trafficking through awareness-raising during the reporting period. In June 2008, the government hosted an ECOWAS workshop on trafficking in which members of the National TIP Taskforce participated; the government contributed $4,000 towards the funding of the seminar. In December 2008, The Gambia's anti-trafficking task force finalized the national action plan to combat trafficking. The government has taken steps to reduce the demand for commercial sex acts by raiding brothels and prosecuting a foreign sex tourist. In the aforementioned case, the New Zealand national arrested in connection with the sex trafficking of a Gambian child was convicted and sentenced to one year of imprisonment under the Tourism Offenses Act. Gambian troops deployed abroad as part of peacekeeping missions received some human trafficking awareness training prior to their deployment.

GEORGIA (Tier 1)

Georgia is a source and transit country for women and girls trafficked within the country and to Turkey, the UAE, Greece, Russia, Germany, and Austria for the purpose of commercial sexual exploitation. Women and girls from Ukraine, Moldova, Russia, and other former Soviet states are trafficked through Georgia to Turkey, the UAE, and Western Europe. Men and women are trafficked within Georgia for the purpose of forced labor. Men and women in the breakaway regions of Abkhazia and South Ossetia, which were outside of the government's control, are trafficked for the purpose of forced labor.



The Government of Georgia fully complies with the minimum standards for the elimination of trafficking. The government significantly increased its victim assistance funding to $250,000 and modestly increased the number of victims assisted by government-funded programs. Moreover, all convicted trafficking offenders were given adequate prison sentences.

Recommendation for Georgia: Sustain funding for victim assistance programs; increase the number of victims identified and assisted; ensure that victims are not fined or otherwise penalized for unlawful acts they may have committed as a direct result of being trafficked; and continue strong efforts to investigate, prosecute, and convict both labor and sex trafficking offenders.

Prosecution

The Government of Georgia demonstrated adequate law enforcement efforts during the reporting period. Georgia prohibits all forms of trafficking in persons through its Law on the Fight Against Trafficking in Persons, adopted in April 2006, which prescribes penalties ranging from 7 to 20 years' imprisonment. These penalties are sufficiently stringent and are commensurate with those for other grave crimes, such as rape. In 2008, the government investigated 14 trafficking cases, compared to 37 investigations in 2007. Authorities prosecuted 10 individuals for sex trafficking, compared to a total of 18 individuals prosecuted in 2007. All 10 convicted trafficking offenders were sentenced to time in prison; none received a suspended sentence. The average sentence was 14 to 15 years' imprisonment; two convicted traffickers were sentenced to 30 years' imprisonment in 2008. There were no reports of trafficking-related complicity of law enforcement personnel from either NGOs or the government.

Protection

Georgia maintained its adequate victim assistance efforts over the reporting period. The government provided $150,000 in funding for the support of two trafficking shelters that provided full victim assistance, including medical aid, psychological counseling, and legal assistance; victim assistance was not conditional upon cooperating with law enforcement. The government continued to implement a formal mechanism for its officials to identify and refer victims for assistance. The government and IOM identified 21 victims in 2008, a significant drop from 48 trafficking victims identified in 2007. The government provided shelter and comprehensive assistance to 10 victims, compared to 12 victims in 2007. The government also provided one-time compensation payments of $600 to five trafficking victims in 2008. Georgia provided legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution. Victims were encouraged to assist law enforcement with trafficking investigations and prosecutions; 15 victims assisted law enforcement during the reporting period. Generally victims were not penalized for unlawful acts committed as a direct result of being trafficked

Prevention

Georgia maintained efforts to prevent trafficking through public awareness campaigns and outreach activities, including meetings with university students, journalists, and ethnic minority representatives. The government distributed approximately 300,000 trafficking-awareness pamphlets at border crossings over the reporting period. The government continued efforts to reduce the demand

for commercial sex acts through awareness campaigns that highlighted Georgia's law that punishes "clients" who benefit from the services of trafficking victims.

GERMANY (Tier 1)

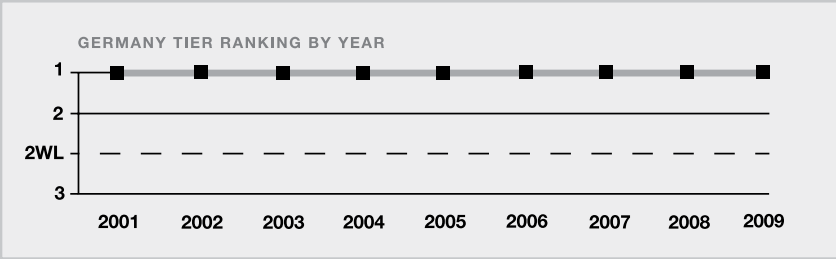
Germany is a transit and destination country for men and women trafficked for the purposes of commercial sexual exploitation and forced labor. Victims were trafficked to Germany from other parts of Europe, Africa (primarily Nigeria), Asia, and the Western Hemisphere. Approximately one-quarter of sex trafficking victims were German nationals trafficked within the country. In 2007, the latest year for available trafficking statistics, declines in the number of Czech, Romanian, and Polish victims were observed as well as increases in the number of Bulgarian, Hungarian, and Nigerian victims. Twelve percent of trafficking victims were younger than 18 years old. The majority of identified sex trafficking victims were exploited in bars and brothels. Reported incidents of forced labor occurred mainly in restaurants, catering, and the domestic work and agriculture sectors.

The Government of Germany fully complies with the minimum standards for the elimination of trafficking. Germany increased identification of forced labor victims and labor trafficking investigations during the reporting period. Sex trafficking investigations also increased, but available statistics indicate that just 30 percent of trafficking offenders sentenced to prison did not receive suspended sentences. Statistics indicate that, in 2007, three labor trafficking offenders received suspended prison sentences, and five others convicted for labor trafficking received fines or other administrative punishments. However, in cases where perpetrators were convicted on multiple charges, statistics only include convictions under the charge which has the highest possible maximum sentence. Therefore, available statistics do not capture the full extent of trafficking convictions and sentences in Germany.

Recommendations for Germany: Explore ways, within the parameters of the German judicial system, to increase the number of convicted traffickers who are required to serve time in prison; continue to improve efforts to identify and combat labor trafficking; ensure forced labor and child victims' access to appropriate assistance and protection; standardize victim assistance measures and government-civil society cooperation across the 16 federal states; and strengthen awareness campaigns targeting beneficiaries of forced labor and clients of the sex trade, particularly in the most frequented red light districts.

Prosecution

The German government demonstrated adequate law enforcement efforts during the reporting period. Germany prohibits all forms of trafficking; trafficking for sexual exploitation is criminalized in Section 232 of its Penal Code, and forced labor is criminalized under Section 233. Prescribed punishments range from six months' to 10 years' imprisonment and are sufficiently stringent and commensurate with penalties prescribed for other grave crimes. It is common practice for judges to suspend prison sentences of two years or less for all crimes, including trafficking. Judges often give suspended sentences to first-time trafficking offenders. German authorities completed 454 sex trafficking investigations in 2007, a 29 percent increase from 2006, and initiated 92 labor trafficking investigations, an 18 percent increase from 2006.



In 2007, the most recent year for which data were available, authorities prosecuted 155 persons under Section 232 and 13 under Section 233 – for a total of 168, compared to a total of 193 prosecutions in 2006. The government reported 133 trafficking convictions, a slight decrease from 150 in 2006. In those cases where trafficking offenses carried the most severe sentences, only 30 percent of those sentenced to prison did not receive a suspended sentence, compared with 38 percent in 2006. None of the eight trafficking offenders convicted under the labor trafficking statute in 2007 was required to serve jail time—five received fines or administrative punishments, and three received suspended prison sentences.

In 2008, two German men were convicted in a Lower Saxony court of kidnapping, hostage taking, rape, and trafficking and sentenced to 12.5 and 14 years in prison, respectively, for crimes committed against two German women and a Bulgarian student. Separately, a Polish couple was convicted of and sentenced to five and a half years and three years and three months' imprisonment, respectively, for persuading, under false pretenses, young Polish women to travel to Germany where they were forced into prostitution. Police and NGOs jointly organized specialized seminars for investigating officers, victim protection officials, and prosecutors as well as workshops in source and transit countries during the reporting period.

Protection

The German government sustained its victim assistance efforts over the last year. State governments funded dozens of NGOs that provided shelter, assistance, and facilitated protection for victims of trafficking. The Federal Family Ministry fully funds the umbrella organization representing 36 NGOs and counseling centers that assist trafficking victims. The vast majority of these NGOs focused on adult female victims. Formal victim referral mechanisms existed in 12 out of 16

German states. Authorities identified 689 sex trafficking victims in 2007, compared with 775 in 2006, and 101 victims of forced labor in 2007, an increase from 83 in 2006. Despite government encouragement of victims to cooperate in anti-trafficking investigations, many victims stated that their willingness to cooperate with authorities was negatively impacted due to threats or influence from traffickers. Victims are given a 30-day reflection period. The government provided legal alternatives to victims' removal to countries where they may face hardship or retribution. These measures included temporary residence permits for the duration of trial proceedings as well as long-term residence permits to victims in certain circumstances, such as when the victim faced severe threats in the country of origin. Prosecutors have the right to order protective measures, such as police protection, for the duration of trials. State governments also provided additional assistance to victims; for example, the Baden-Wurttemberg government provided approximately $126,000 in 2008 to victims of forced prostitution. In early 2009, the federal police published a guidance brochure for police, judges, prosecutors, and other officials on providing professional assistance for sex trafficking victims.

Prevention

The government continued efforts to prevent human trafficking during the year. The government sustained funding for NGO-produced public awareness campaigns in Germany and abroad including websites, postcards, telephone hotlines, pamphlets, and flyers. A Berlin NGO, funded largely by the Berlin Senate, operated awareness websites directed at clients of the sex trade. There were no known public awareness campaigns specifically targeting the potential clients in some of Germany's best known red light districts, such as the one in Hamburg. In 2008, the Ministry of Labor and Social Affairs began development of a pilot project to train professional groups to help combat forced labor. The German government produced a public report on human trafficking in Germany including detailed statistics from 2007 on victims and investigations. A Kiel court in July 2008 sentenced a German citizen arrested in Cambodia on charges of sexual abuse of children to six and a half years' imprisonment. Thailand, Vietnam, Cambodia, and the Philippines are the primary destinations for German child sex tourists. The government provided trafficking awareness training to commanders of German military units deployed to international peacekeeping missions on how to sensitize subordinates to human trafficking.

GHANA (Tier 2 Watch List)

Ghana is a source, transit, and destination country for children and women trafficked for the purposes of forced labor and commercial sexual exploitation. Trafficking within the country is more prevalent than transnational trafficking and the majority of victims are children. Both boys and girls are trafficked within Ghana for forced labor in agriculture and the fishing industry, for street hawking, forced begging by religious instructors, as porters, and possibly for forced kente weaving. Over 30,000 children are believed to be working as porters, or *Kayaye*, in Accra alone. Annually, IOM reports numerous deaths of boys trafficked for hazardous forced labor in the Lake Volta fishing industry. Girls are trafficked within the country for domestic servitude and sexual exploitation. To a lesser extent, boys are also trafficked internally for sexual exploitation, primarily for sex tourism.

Transnationally, children are trafficked between Ghana and other West African countries, primarily Cote d'Ivoire, Togo, Nigeria, The Gambia, Burkina Faso, and Gabon for the same purposes listed above. Children are trafficked through Ghana for forced labor in agriculture in Cote d'Ivoire, including on cocoa farms. Women and girls are trafficked for sexual exploitation from Ghana to Western Europe, from Nigeria through Ghana to Western Europe, and from Burkina Faso through Ghana to Cote d'Ivoire. During the year, Chinese women were trafficked to Ghana for sexual exploitation and a Ghanaian woman was also trafficked to Kuwait for forced labor. In 2008, the UN reported that a form of ritual servitude called *Trokosi*, in which young girls are subjected to forced labor and sexual servitude, continues in at least 23 fetish shrines.

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, despite limited resources. During the year, Ghanaian police intercepted a greater number of trafficking victims than the prior year. Despite these efforts, the government demonstrated weak efforts in prosecuting and punishing trafficking offenders or ensuring that victims receive adequate care; therefore, Ghana is placed on Tier 2 Watch List.

Recommendations for Ghana: Increase efforts to prosecute and convict trafficking offenders, including those who subject children to forced labor in the Lake Volta fishing industry and those who force Ghanaian children and foreign women into prostitution; establish additional victim shelters, particularly for sex trafficking victims; continue to apply Trafficking Victim Fund monies to victim care; and train officials to identify trafficking victims among women in prostitution and to respect victims' rights.

Prosecution

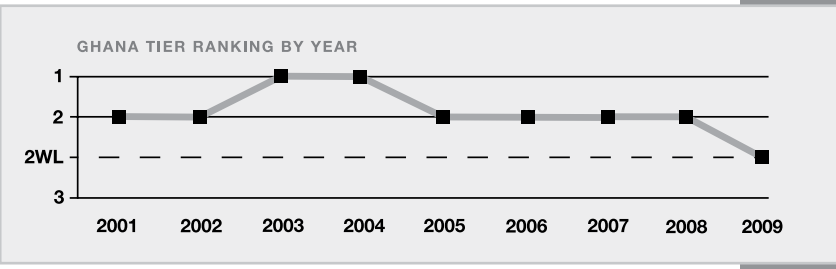
The Government of Ghana demonstrated minimal efforts to combat trafficking through law enforcement efforts during the last year. Ghana prohibits all forms of trafficking through its 2005 Human Trafficking Act, which prescribes a minimum penalty of five years' imprisonment for all forms of trafficking. This penalty is sufficiently stringent and commensurate with penalties prescribed for rape. The government reported arresting 16 suspected traffickers during the year, five of whom were prosecuted. In March 2009, the government obtained the conviction of a woman for trafficking a Togolese girl

for forced labor, and she was sentenced to eight years' imprisonment. Eleven suspected traffickers remain under investigation. There were no reported criminal investigations or prosecutions of acts relating to the forced labor of children in the Lake Volta fishing industry. Although four Chinese nationals arrested in February 2009 were prosecuted for trafficking seven Chinese women to Accra for sexual exploitation, a verdict has not yet been delivered. A religious instructor arrested in July 2008 for subjecting 15 children to forced labor and one child to sexual servitude has not yet been prosecuted. Rather than being charged with the offense of trafficking, he was charged under the more lenient Children's Act and remains free on bail. During the year, the public prosecutor dropped a case against suspected traffickers arrested in November 2007 for forcing 17 women into prostitution, despite significant evidence against them, such as video recordings of them bribing immigration officials. The case was dropped when the victims, all of whom have returned to Nigeria, would not agree to testify. The government also failed to prosecute traffickers arrested in January 2008 for sexual exploitation of children, despite videotaped evidence of this exploitation at an Accra brothel, which remains open for business. In 2008 the Public Prosecutor's Office opened an anti-trafficking desk staffed with three prosecutors trained about trafficking.

Protection

The Ghanaian government demonstrated increased efforts to identify trafficking victims, but took inadequate steps to provide them with care during the year. The government contributed personnel to its Madina shelter, which is funded primarily by IOM to provide care to child victims of trafficking in the fishing industry. At the shelter, staff from the Department of Social Welfare (DSW) provided rehabilitation assistance to child victims rescued and referred by IOM. DSW staff provided rehabilitation assistance to victims in their communities of origin as well once the children were reunited with their families. The government continued to lack shelters for sex trafficking victims. Police rescued 221 child labor trafficking victims, and seven adult Chinese women forced into prostitution. The government was unable to provide comprehensive information about how many of these victims it provided with care. Fifteen child victims were provided with care in a DSW shelter in northern Ghana by a government-salaried social worker, while an NGO and private donor provided food, clothing, and education for the children. The government returned three of the child victims to the suspected trafficker, who remains out on bail. Two of the victims were repatriated to Togo by an NGO, while the remaining victims were returned to their families in Ghana. The government released ten girl victims of forced child labor identified in August 2008 into the custody of a man claiming to be from the children's village. He housed them at a bus station until NGOs requested that the government move them to an NGO shelter. In December 2008, the government allocated $75,000 to the Human Trafficking Fund it established in 2007 to provide victim care. In April 2009, the government provided a portion of these funds to a local NGO to help care for sex trafficking victims the NGO has sheltered at a hotel since their rescue in February 2009. Police provided limited security at the hotel.

While authorities increasingly employ procedures to identify forced labor trafficking victims among immigrants at border posts, they do not follow procedures to identify trafficking victims among females found in prostitution. The government encouraged victims to assist in investigation and prosecution of traffickers, though many victims were children afraid to provide testimony. During the year, police interviewed seven Chinese sex trafficking victims to assist with prosecution. During the trial, however, officials forced these women to testify in court against their will, causing them emotional trauma. The government provided limited and temporary legal alternatives to the removal of foreign victims to countries where they face hardship or retribution; generally victims may remain in Ghana only during the period of investigation and prosecution. With the Interior Minister's approval, however, a trafficking victim may remain permanently in Ghana if it is deemed to be in the victim's best interest.



Prevention

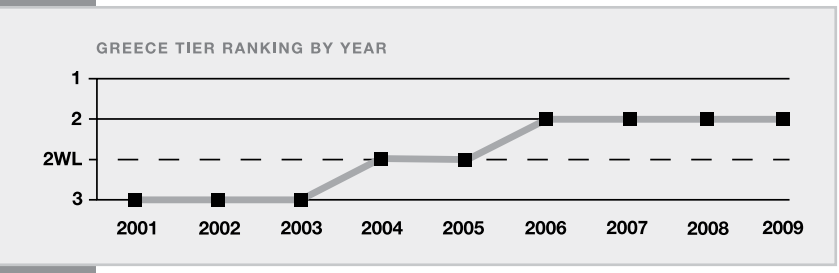
The Government of Ghana demonstrated weak efforts to prevent trafficking over the last year. The government conducted anti-trafficking information and education campaigns during the reporting period. Counter-trafficking officials appeared regularly with anti-trafficking messages on radio talk shows and on television. The police held anti-trafficking public awareness meetings in areas of the country with a high incidence of trafficking and provided anti-trafficking educational materials to rural officials and local magistrates. The government also reached out to Nigerian officials through video conferences to request guidance in forming a national anti-trafficking agency. In June 2008, in collaboration with private cocoa companies, the government released a report on the incidence of child labor and adult forced labor in its cocoa sector. The Human Trafficking Board established in July 2007 met eight times in 2008. The government provided Ghanaian troops with anti-trafficking awareness training through a donor-funded program before being deployed abroad

as part of international peacekeeping missions. Ghana took minimal measures to reduce demand for commercial sex acts by conducting a raid on a brothel exploiting trafficking victims, and prosecuting the suspected traffickers. The government failed to close down a brothel prostituting children, however. It took no discernable steps to address the demand for forced labor. Ghana has not ratified the 2000 UN TIP Protocol.

GREECE (Tier 2)

Greece is a destination and transit country for women and children trafficked for the purpose of sexual exploitation and for men and children trafficked for the purpose for forced labor. Women and teenage girls were trafficked from Bulgaria, Romania, Albania, other parts of Eastern Europe and the Balkans, Nigeria, and Brazil into forced prostitution and forced labor. One NGO reported that there were many teenage male sex trafficking victims from Afghanistan and sub-Saharan Africa in Greece. Victims of trafficking for labor exploitation originated primarily from Albania, Romania, Moldova, Afghanistan, Pakistan, India, and Bangladesh and most were forced to work in the agriculture or construction sectors. Child labor trafficking victims were subjected to forced begging and forced to engage in petty crimes. Some victims are found among the approximately 1,000 unaccompanied minors who enter Greece yearly. Several NGOs reported anecdotal evidence that Roma women and children were trafficked within Greece. There was also anecdotal evidence of trafficking in the domestic service sector.

The Government of Greece does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government increased overall funding toward victim protection, and specialized anti-trafficking police demonstrated strong law enforcement efforts, but the government lacked sufficient progress in punishing trafficking offenders, proactively identifying victims, providing reliable shelter facilities for trafficking victims, and specifically targeting domestic audiences with prevention campaigns.



Recommendations for Greece: Ensure that convicted trafficking offenders receive adequate punishments that deter exploitation of additional victims; vigorously investigate and prosecute offenses of officials complicit in trafficking; improve tracking of anti-trafficking law enforcement data to include information on sentences served; continue victim identification and assistance training for officials most likely to encounter labor and sex trafficking victims; encourage the sustainability of funding for anti-trafficking NGOs; ensure specialized protection for potential child victims; ensure potential victims are offered options for care and immigration relief available under Greek law; and strengthen public awareness campaigns targeted to a Greek audience, including potential clients of the sex trade and beneficiaries of forced labor.

Prosecution

Greece's specialized anti-trafficking police officers demonstrated strong law enforcement efforts, but concerns over inadequate punishment of trafficking offenders, including officials complicit in trafficking, remained. Greek law 3064, adopted in 2002, prohibits trafficking for both sexual exploitation and forced labor, and prescribes imprisonment of up to 10 years and a fine of $14,000 to $70,000. These penalties are sufficiently stringent and commensurate with those prescribed for other grave crimes. Many trafficking-related statistics, such as the total number of trafficking prosecutions and suspended sentences of convicted trafficking offenders, were unavailable. According to available data, law enforcement arrests of suspected trafficking offenders increased from 121 in 2007 to 162 in 2008. Police conducted 37 sex trafficking investigations, two labor trafficking investigations and one investigation of trafficking for the removal of human organs. The government reported 21 convictions of trafficking offenders, 17 acquittals, and 41 ongoing prosecutions during 2008. Sentences for the 21 convicted offenders ranged from one year to almost 17 years' imprisonment, and many sentences also included fines, though many convicted trafficking offenders continued to be released pending lengthy appeals processes. Greek courts, especially at the appeals level, often give convicted trafficking offenders suspended sentences. Several former government officials, including an ex-mayor charged with trafficking complicity in 2005, were given suspended sentences during the year. Three police officers allegedly involved in the rape of a victim while she was in police custody in 2006 remained on bail while awaiting prosecution on charges of breach of duty, abuse of authority, repeated rape, and complicity in rape. During the last year, the Ministry of Foreign Affairs completed investigations of several officials suspected of involvement in a trafficking network but found no evidence of trafficking complicity.

Protection

The government demonstrated uneven efforts to improve victim protection during the reporting period. Inadequate measures to identify trafficking victims and provide appropriate shelter were the government's greatest limitations in combating human trafficking, according to local observers. The government trafficking shelter in Athens closed for several months and later re-opened during the reporting period. The government

increased funding specifically directed toward assistance for trafficking victims by 32 percent, but delays in government funding of anti-trafficking NGOs hindered their effectiveness and as a result two NGO trafficking shelters closed down. The government encouraged trafficking victims to participate in investigations or prosecutions of trafficking offenders through a law that provides for a 30-day reflection period, but according to NGOs, authorities did not always provide the reflection period in practice. The government provided trafficking victims who assisted the government in prosecutions with temporary, renewable residence permits and access to social services and healthcare after the government certified victim status. It provided inconsistent access to longer term shelter options for victims through intermittent funding to NGOs. Health officials providing care to people in Greece's regulated sex trade lacked sufficient training on victim identification and protection of trafficking victims. In 2008, Human Rights Watch, UNHCR, the Council of Europe's Commissioner for Human Rights, and multiple domestic NGOs criticized Greece for failing to ensure that victim identification procedures were used by border police, the coast guard, and the vice squad. Greece's specialized anti-trafficking police exhibited adequate victim identification procedures, though NGOs noted that trafficking victims were far more likely to be first encountered by personnel of other Greek law enforcement agencies that did not have the same skill in identifying victims. Anti-trafficking police made efforts to address this problem through training and dissemination of awareness materials for border and vice squad authorities. Officials identified 78 trafficking victims in 2008, compared to 100 identified in 2007. NGOs and international organizations reported assisting at least 657 victims in 2008. NGOs reported excellent cooperation with the specialized anti-trafficking police unit and lauded a memorandum of cooperation between the government and NGOs, but potential victims remained vulnerable to arrest for unlawful acts committed as a direct result of being trafficked. The Greek government in 2008 ratified a child repatriation agreement with Albania that had been drafted in 2004, but implementation has been slow. The government has few special protections in place for child victims of trafficking; when identified, they were often sheltered in orphanages or detention centers that did not have specialized facilities for trafficking victims.

Prevention

The government conducted general anti-trafficking awareness campaigns during the reporting period but insufficiently targeted potential clients of the sex trade or beneficiaries of forced labor in Greece. The Ministry of Foreign Affairs (MFA) funded several prevention initiatives, including a hotline for potential victims and an extensive joint campaign with UNICEF focused on global child trafficking. The government also funded the production of public awareness posters and information cards printed in multiple languages alerting potential victims to government resources. In 2008, the MFA created a new working-level task force on combating trafficking to complement the high-level Inter-ministerial Task Force on Human Trafficking. The government funded training and seminars on trafficking awareness for various government officials. Greek law has extraterritorial coverage for child sex tourism. The Greek government gave its peacekeeping troops explicit anti-trafficking training before deploying them abroad. Greece has not ratified the 2000 UN TIP Protocol.

GUATEMALA (Tier 2 Watch List)

Guatemala is a source, transit, and destination country for Guatemalans and Central Americans trafficked for the purposes of commercial sexual exploitation and forced labor. Human trafficking is a significant and growing problem in the country, particularly the exploitation of children in prostitution. Guatemalan women and children are trafficked within the country, and to Mexico and the United States, for commercial sexual exploitation. NGOs report nascent child sex tourism in certain tourist areas such as Antigua and Guatemala City. Young Guatemalan girls are also subject to forced labor within the country as domestic servants. Guatemalan men, women, and children are trafficked within the country, as well as to Mexico and the United States, for forced labor, particularly in agriculture. In the Mexican border area, Guatemalan children are exploited for forced begging on streets and forced labor in municipal dumps; Guatemalan men, women, and children are trafficked for forced agricultural work, particularly on coffee plantations. Guatemala is a destination country for victims from El Salvador, Honduras, and Nicaragua, trafficked for the purpose of commercial sexual exploitation. Border areas with Mexico and Belize remain a top concern due to the heavy flow of undocumented migrants, many of whom fall victim to traffickers.

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 past year, the Guatemalan Congress unanimously approved a bill to strengthen Guatemalan laws against human trafficking and other forms of sexual exploitation and violence. In addition, the government strengthened its investigative efforts during the first year of operation of a prosecutorial unit dedicated to fighting human trafficking and illegal adoptions. Despite such overall significant efforts, Guatemala is placed on Tier 2 Watch List for failing to show increasing efforts to combat human trafficking, particularly in terms of providing adequate assistance to victims and ensuring that trafficking offenders, including corrupt public officials, are appropriately prosecuted, convicted, and sentenced for their crimes.

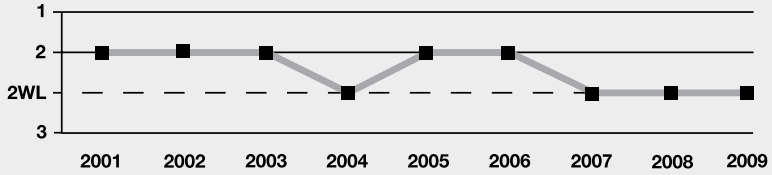
Recommendations for Guatemala: Implement and enforce the new anti-trafficking law; increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including public officials complicit with trafficking activity; pursue suspected cases

of forced labor and domestic servitude crimes, in addition to suspected cases of adult sex trafficking; improve victim services and assistance; increase anti-trafficking training for judges and police; and increase funding for anti-trafficking efforts, particularly for the country's dedicated prosecutorial and police units.

Prosecution

The government made limited efforts against trafficking offenders last year. While prosecutors initiated some trafficking prosecutions, they continued to face problems in court with application of Guatemala's earlier anti-trafficking law, Article 194 of the Penal Code, which prohibited all forms of trafficking in persons, prescribing penalties of six to 12 years' imprisonment. During the reporting period, judges continued to dismiss charges under Article 194 in favor of more familiar but less serious offenses, such as pandering or procuring, which prescribe inadequate penalties – only fines – to deter commission of trafficking crimes. The Guatemalan Congress, however, strengthened the country's anti-trafficking legal framework by enacting a law, which came into force in April 2009, to clarify the statutory definition of trafficking in persons, in addition to increasing penalties for trafficking, trafficking-related crimes, and other forms of sexual violence and exploitation. Article 202 of the new law prohibits the transport, transfer, retention, harboring, or reception of persons for the purposes of prostitution, sexual exploitation, forced labor or services, begging, slavery, illegal adoptions, or forced marriage, in addition to other prohibited purposes. Penalties established under the new law 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. During the reporting period, the government maintained small dedicated police and prosecutorial units to investigate and prosecute human trafficking cases. In 2008, the government initiated criminal proceedings under existing laws against 55 suspected trafficking offenders; seven of these 55 proceedings involved allegations of commercial sexual exploitation of children, which is even with results from 2007, when the government prosecuted eight trafficking-related cases. During the reporting period, the government focused most of its limited resources on prosecuting illegal adoptions, which are defined as a form of trafficking in persons under Guatemalan law and have a high incidence in the country. No prosecutions for forced labor crimes or sex trafficking crimes involving adult victims were reported, nor prosecutions of government officials complicit with trafficking activity. No trafficking convictions or sentences were obtained under Article 194 in Guatemala City, though prosecutors in Jalapa reported one trafficking conviction in an illegal adoption case, securing a sentence of six years in prison. Overall, anti-trafficking police and prosecutors remained plagued by a severe lack of funding and resources; for example, Guatemala's five-person anti-trafficking police unit had only one vehicle to investigate trafficking cases throughout the country. Police also remained crippled by high staff turnover and a lack of specialized training. Credible reports from international organizations and NGOs indicated that corrupt public officials continued to impede anti-trafficking law enforcement and facilitate trafficking activity by accepting or extorting bribes, sexually exploiting children, falsifying identity documents, leaking information about impending police raids to suspected traffickers, and ignoring trafficking activity in brothels and commercial sex sites. While the government made efforts to dismiss some public officials from their positions, it did not attempt to criminally investigate or prosecute any of them.

GUATEMALA TIER RANKING BY YEAR



Protection

The government made insufficient efforts to protect trafficking victims during the reporting period, relying largely on NGOs and international organizations to provide the bulk of victim services. Child victims are eligible for basic care at seven government-run shelters upon judicial order, but were typically referred to NGOs such as Casa Alianza for assistance. However, Casa Alianza announced closure of its Guatemala facilities in January 2009; the government referred an average of 300 sexually exploited youth, including child trafficking victims, to Casa Alianza each year. In December 2008, the government approved a budget increase for the Secretariat of Social Welfare to expand generalized child victim services, which should become available in 2009. Government-run services dedicated to adult trafficking victims remained virtually non-existent. 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 lack of confidence in the country's criminal justice system and limited witness protection program. The government did not detain, fine, or otherwise penalize victims for unlawful acts committed as a direct result of being trafficked. The government continued to operate a migrants' shelter in Guatemala City with separate space for foreign trafficking victims, though some foreign trafficking victims appear to have been deported. The new anti-trafficking law established procedures for repatriation of trafficked victims without detention. Guatemalan law does not, however, provide foreign

victims with temporary or permanent residency status, or a legal alternative to removal to countries where they may face hardship or retribution. The government continued anti-trafficking training for consular officials posted abroad, and police conducted brothel raids throughout the year to rescue children from sex trafficking situations, rescuing 45 children during the reporting period. The government endeavored to apply procedures to identify trafficking victims among vulnerable populations, such as prostituted women in brothels, but did not have an estimate of the number of victims identified through this mechanism.

Prevention

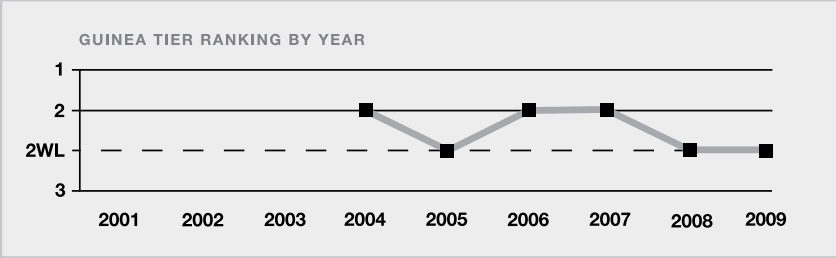
The government sustained efforts to prevent trafficking during the reporting period. The government continued anti-trafficking media campaigns and workshops, and operated a call center to provide information to citizens about the dangers of human trafficking and to refer victims for assistance. In July 2008, the government approved a 10-year national action plan to combat human trafficking, and the government's interagency committee met throughout the year. The government made no discernable efforts to reduce demand for commercial sex acts or forced labor. The government provided human rights training – including human trafficking – to Guatemalan troops deployed for international peacekeeping operations.

GUINEA (Tier 2 Watch List)

Guinea is a source, transit and, to a lesser extent, a destination country for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. The majority of victims are children, and internal trafficking is more prevalent than transnational trafficking. Within the country, girls are trafficked primarily for domestic servitude and sexual exploitation, while boys are trafficked as forced beggars, street vendors, shoe shiners, and laborers in gold and diamond mines as well as for forced agricultural labor. Some Guinean men are also trafficked for agricultural labor within Guinea. Smaller numbers of girls from Mali, Sierra Leone, Nigeria, Ghana, Liberia, Senegal, Burkina Faso, and Guinea-Bissau are trafficked transnationally to Guinea for domestic servitude and likely also for sexual exploitation. Guinean boys and girls are trafficked to Senegal, Mali, and possibly other African countries, for labor in gold mines. Guinean women and girls are trafficked to Nigeria, Cote d'Ivoire, Benin, Senegal, Greece, and Spain for domestic servitude and sexual exploitation. Chinese women are trafficked to Guinea for commercial sexual exploitation by Chinese traffickers. Networks also traffic women from Nigeria, India, and Greece through Guinea to the Maghreb countries to Europe, notably Italy, Ukraine, Switzerland, and France for commercial sexual exploitation 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, despite limited resources. Despite these overall efforts, the government did not show evidence of progress in prosecuting trafficking offenders or protecting victims; therefore, Guinea is placed on Tier 2 Watch List. Ensnared by internal instability that culminated in a December 2008 coup, Guinea's efforts to combat trafficking remained weak. While Guinea has an adequate anti-trafficking legal framework, which it strengthened by enacting the Child Code, the government did not report any trafficking convictions for the fifth year in a row, and protection and prevention efforts remained weak.

Recommendations for Guinea: Increase efforts to investigate, prosecute, and convict traffickers; finalize and adopt the implementing text for the new Child Code; increase prescribed penalties for the sex trafficking of adults and children; develop stronger partnerships with NGOs and international organizations to care for victims; and increase efforts to raise awareness about trafficking.



Prosecution

The Government of Guinea demonstrated minimal law enforcement efforts to combat trafficking during the last year. Guinea prohibits all forms of trafficking in persons through separate statutes. In August 2008, Guinea enacted the Child Code, which includes provisions prohibiting all forms of child trafficking, specifically criminalizes child domestic servitude, and allows NGOs to bring cases to court on behalf of victims. The government, in collaboration with NGOs and international organizations, is still drafting the implementing text for this law, which will prescribe penalties that allow the law to be enforced. 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. Forced prostitution and child prostitution are criminalized by Article 329 of Guinea's Penal Code, which prescribes six months' to two years' imprisonment if the trafficked victim is an adult, and two to five years' imprisonment if the victim is a child. These penalties for sex trafficking of adults are neither sufficiently stringent nor commensurate with penalties prescribed for other grave crimes, such as rape. The government reported that 17 trafficking cases are awaiting prosecution, though it

obtained no convictions of trafficking offenders during the year. The Government of Guinea created a new Ministry of High Crimes and Anti-Drug Enforcement that will be responsible for anti-trafficking law enforcement efforts. While the Police Mondaine, which is responsible for addressing trafficking cases, did not investigate the problem of the involuntary domestic servitude of children in the past, it has added this form of trafficking to its mandate. On February 3, the head of the military government issued a declaration giving security personnel blanket authority to shoot anyone caught committing child trafficking, raising significant human rights concerns. During the year, Guinean officials participated in joint trainings with Malian authorities at posts on the two countries' borders to review a proposed agreement on protection of trafficking victims, which was later signed by both countries.

Protection

The Government of Guinea demonstrated weak efforts to protect trafficking victims over the last year. The government lacks shelters for trafficking victims due to limited resources. While Guinea lacks a formal procedure through which officials refer victims to NGOs and international organizations for care, authorities reported referring victims on an *ad hoc* basis. The government also reported providing limited assistance to victims in collaboration with NGOs and international organizations, but due to the lack of a database, the government could not provide the number of victims assisted. Through foster care services, the Ministry of Social Affairs provides care to destitute children, some of whom may be trafficking victims. The government did not follow procedures to identify trafficking victims among vulnerable populations, such as abandoned children, child victims of violence, and children in prostitution. Government officials from key ministries responsible for anti-trafficking initiatives held monthly meetings during the year to discuss multilateral and bilateral cooperation to reintegrate and rehabilitate victims. In collaboration with NGOs, the Guinean government continued to operate its free hotline for public reporting of trafficking cases or victims, but was unable to provide information regarding the number of calls received. The government does not encourage victims to assist in trafficking investigations or prosecutions. Guinea does not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution.

Prevention

The Government of Guinea demonstrated diminished efforts to raise awareness about trafficking during the reporting period. Guinea did not conduct any anti-trafficking awareness efforts during the year. The National Committee to Combat Trafficking met quarterly throughout the year. The Committee failed to submit required quarterly reports on the implementation of the National Action Plan. At a meeting in February 2009, however, the Committee evaluated the existing action plan and began developing a version for 2009-2010. The government did not take measures to reduce demand for forced labor and child labor in violation of international standards, as well as demand for commercial sex acts.

GUINEA-BISSAU (Tier 2 Watch List)

Guinea-Bissau is a source country for children trafficked to other West African countries and within the country for forced begging, forced agricultural labor, and commercial sexual exploitation. The majority of victims are boys who are religious students, called *talibe,* who are trafficked by religious instructors, called *marabouts*, to other West African countries, primarily Senegal, for forced begging. The eastern cities of Bafata and Gabu are key source areas for *talibe,* and the most frequented route to Senegal is overland via the porous border, especially near the town of Pirada. A 2008 study by the African Center for the Advanced Studies in Management found that 30 percent of children forced to beg in Dakar were from Guinea-Bissau. Deceived into believing that their children will receive a religious education, parents often agree to send their child away with *marabouts*. Instead, the instructors force the children to beg daily for up to 12 hours in urban centers and physically abuse them if they fail to collect a certain quota of money. Bissau-Guinean boys are also trafficked to Senegal for forced labor in cotton fields. NGOs report that Bissau-Guinean girls who perform domestic work within the country and in Senegal may be victims of trafficking, while girls reportedly are trafficked to Senegal for forced domestic labor. Within Guinea-Bissau, girls are trafficked for commercial sexual exploitation in small bars and restaurants. UNICEF estimates that 200 Bissau-Guinean children are trafficked each month. NGOs report that the large population of children from Guinea-Conakry engaged in street vending and shoe shining in Guinea-Bissau may indicate that Guinea-Bissau is a destination country for trafficking victims from Guinea.

The Government of Guinea-Bissau does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. The government continued to help to protect victims and prevent trafficking through monthly $1,000 contributions to a local NGO that operates a shelter and raises public awareness about trafficking. Bissau-Guinean authorities also continued to intercept victims and refer victims to two NGOs for assistance. Despite these overall significant efforts, the government did not demonstrate progress in its anti-trafficking law enforcement efforts; therefore, Guinea-Bissau is placed on Tier 2 Watch List. Destabilized by internal conflict during the year, Guinea-Bissau's anti-trafficking law enforcement efforts remained poor.

Recommendations for Guinea-Bissau: Enact the draft law prohibiting trafficking in persons; increase efforts

to prosecute and punish trafficking offenders under forced labor and trafficking-related laws; investigate establishments where children are subjected to commercial sexual exploitation in order to rescue child victims and arrest trafficking offenders; investigate whether girls are trafficked internally and to Senegal for domestic servitude; and finalize and enact the draft anti-trafficking national action plan.

Prosecution

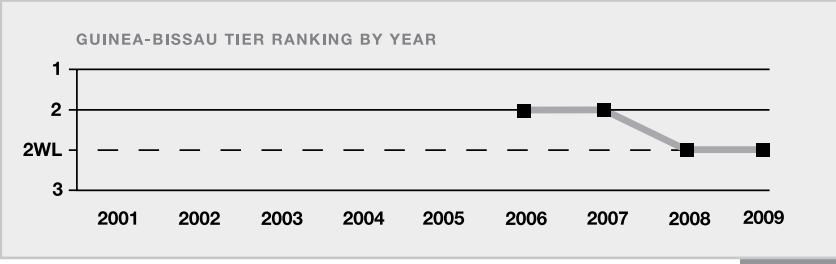
The Government of Guinea-Bissau demonstrated weak anti-trafficking law enforcement efforts during the last year. Bissau-Guinean law does not prohibit all forms of trafficking. However, forced labor is criminalized under article 37 of the country's penal code, which prescribes a penalty of life imprisonment. During the year, the government collaborated with UNICEF to develop draft legislation prohibiting child trafficking. The National Assembly was dissolved in August 2008, however, before the law could be passed. Police did not actively investigate trafficking cases, in part because they lack basic resources, such as vehicles, electricity, and jails. Police continued to detain suspected traffickers they encountered and arranged for their transport to the police headquarters in Gabu. Rather than charging and prosecuting suspects, however, police released them. During the year, the government reported that it arrested nine suspected traffickers, though it reported no trafficking prosecutions or convictions. The government continued requiring parents to sign a contract that held them criminally liable if their children were re-trafficked after having been rescued and returned home. NGOs reported that such contracts have been effective in reducing the rate of re-trafficking.

Protection

The Government of Guinea-Bissau continued solid efforts to help NGOs provide care for trafficking victims during the year. While the government did not operate victim shelters, it contributed funding to an NGO's victim shelter in Gabo. Police continued to refer victims to that NGO – AMIC – and another NGO – *SOS Child Talibe* – that operated a small shelter in Bafata. Police assisted both NGOs in locating victims' families. During the year, the government donated to *SOS Child Talibe* an abandoned building for use as a new victim shelter. The Bissau-Guinean Embassy in Senegal continued to provide care to trafficking victims by assisting NGOs and government officials in Senegal to identify and repatriate victims. The Embassy used its operating budget to assist trafficking victims and was later reimbursed by its Ministry of Foreign Affairs. During the year, the government cooperated with NGOs and IOM to repatriate 63 children from Senegal. A total of 168 victims received assistance from NGOs during the year, of which approximately 160 were referred by government authorities. The government did not encourage victims, all of whom were children, to participate in trafficking investigations and prosecutions, but sometimes requested that parents and family members provide lead information. While authorities employed procedures to identify labor trafficking victims among vulnerable populations, no procedures were employed for identifying sex trafficking victims among women and children in prostitution. Victims were not penalized for unlawful acts committed as a direct result of being trafficked.

Prevention

The Government of Guinea-Bissau made modest efforts to raise awareness about trafficking during the reporting period. Government funds to *AMIC* contributed to the NGO's October 2008 training of religious teachers about trafficking. The government also helped finance *AMIC's* anti-trafficking radio broadcasts and visits to villages in source areas to raise awareness about trafficking. Guinea-Bissau's Ambassador to Senegal continued to contribute to anti-trafficking radio broadcasts to educate parents in Muslim communities about trafficking. High-level government coordination to address trafficking remained weak. In 2008, the Ministry of Solidarity (MOS) formed an anti-trafficking inter-ministerial committee that met weekly. A separate anti-trafficking committee formed by the Ministry of Labor reportedly also met during the year; however, it did not coordinate with the MOS's committee. In collaboration with the ILO, the government drafted an anti-trafficking action plan. The government did not take measures to reduce demand for commercial sexual exploitation or forced labor during the year. Guinea-Bissau has not ratified the 2000 UN TIP Protocol.



GUYANA (Tier 2 Watch List)

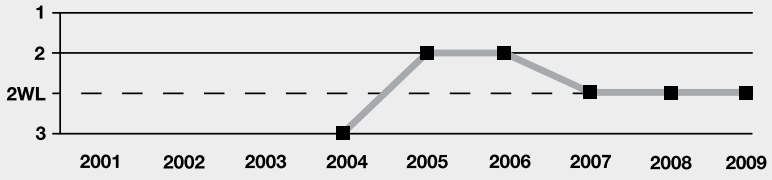
Guyana is a source country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Guyanese trafficking victims have been identified within the country, as well as in Barbados, Brazil, Trinidad and Tobago, and Suriname. The majority of victims are trafficked internally for sexual and labor exploitation in the more heavily populated coastal areas and in the remote areas of the country's interior. Women and girls are lured with offers of well-paying jobs, and are subsequently exploited and controlled through threats, withholding of pay or insufficient pay, and physical violence. In coastal areas, traffickers promise rural women and girls jobs as domestic servants, then coerce them into working in shops or homes for little or no pay, or sell them to

brothels. Many trafficking victims along the coast are Amerindian teenagers, targeted by traffickers because of poor education and job prospects in their home regions. Indo-Guyanese and Afro-Guyanese girls, however, have also been trafficked for commercial sex and labor. Guyanese men are trafficked transnationally for forced labor in construction and other sectors in Trinidad and Tobago and Barbados.

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. Despite these overall efforts, the government did not show evidence of progress in prosecuting and punishing acts of trafficking; therefore, Guyana is placed on Tier 2 Watch List. Although the government enhanced its assistance to victims, augmented training for law enforcement officials, and initiated a nationwide network of community focal points for victim identification and criminal investigations, the government has not yet convicted and punished any trafficking offenders under its 2005 anti-trafficking law.

Recommendations for Guyana: Vigorously investigate and prosecute trafficking offenses, and seek convictions and punishment of trafficking offenders; proactively identify trafficking victims among vulnerable populations such as women and children in prostitution; protect trafficking victims throughout the process of criminal investigations and prosecutions; assign more judges and court personnel to handle trafficking cases in the country's interior regions; and expand anti-trafficking training for police and magistrates.

GUYANA TIER RANKING BY YEAR



Prosecution

The government made negligible law-enforcement progress against human trafficking over the last year. 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, commensurate with those for rape and other grave crimes. In the past year, trafficking investigations increased from six in 2007 to eight. One prosecution was initiated last year, and the one case opened in 2007 continued throughout 2008. Police investigated reports of girls and women exploited in prostitution in cities. Legal cases against alleged trafficking offenders usually did not progress through the trial phase, as charges against most suspects are dropped prior to or during prosecution. In 2008, magistrates continued to dismiss charges in trafficking cases, usually citing a lack of evidence or failure of the witness to appear for testimony. In October 2008, a judge dismissed the charges against a woman arrested in September 2006 for subjecting a 15-year old girl to commercial sexual exploitation, claiming the police "had not done proper investigations" in the intervening two years. Judicial proceedings are regularly delayed by shortages of trained court personnel and magistrates, postponements, and the slowness of the Guyanese police in preparing cases for trial. The Guyanese police in 2008 instituted a mandatory full-day training session on human trafficking for senior and mid-level investigative officers.

Protection

The Government of Guyana made significant efforts to assist victims during the reporting period. The government did not operate shelters for trafficking victims, but doubled its funding to an NGO that provided shelter, counseling, and medical assistance to victims of domestic violence; the shelter was also accessible to victims of trafficking, though no trafficking victims sought assistance from the shelter in 2008. NGOs working directly with trafficking victims report that although the government offers a number of useful services to victims, the system by which it provides these services does not function as effectively as it should. The government provided travel funds to facilitate the return to Guyana of Guyanese trafficking victims from other countries; it also provided vocational training, financial assistance, and medical attention to these victims to assist with their reintegration. The government did not support victim services outside the capital, and those services remained inadequate. Guyana's laws generally respected the rights of trafficking victims, and although the law did not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution, no cases of such removals were reported in 2008. There were no reports of victims being penalized for crimes committed as a direct result of being trafficked during the year. Guyanese authorities encouraged victims to assist in the investigation and prosecution of their traffickers, and paid for all costs associated with travel from a victim's home to the location of a hearing or trial, including transportation, meals, and lodging. Nonetheless, some victims chose not to testify due to the travel distance and time involved, long delays in the judicial system, or their fear of reprisal from traffickers. In June 2008, the multi-agency task force on trafficking in persons established "focal points" in communities around the country to help identify and refer possible trafficking victims to assistance organizations, as well as to help with investigations and raise public awareness.

Prevention

The government undertook some prevention efforts during the reporting period. The government continued some educational and awareness-raising activities on trafficking. The government trained 100 people designated as community "focal points" on identifying and reporting potential trafficking cases in eight of the

country's 10 administrative regions. It also continued to implement IOM's trafficking information campaign, which includes posters, brochures, public service announcements, and a hotline. Within the context of its promotion of HIV/AIDS awareness, the government made efforts to reduce consumer demand for commercial sex acts.

HONDURAS (Tier 2)

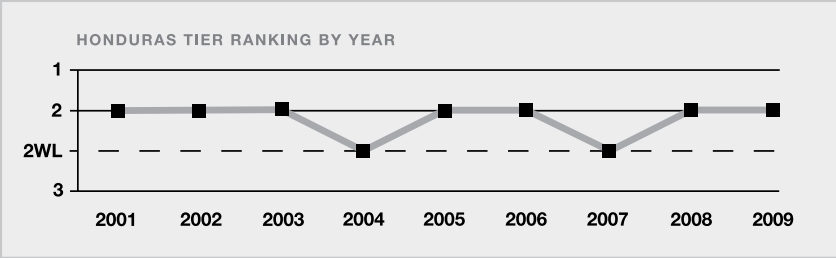
Honduras is principally a source and transit country for women and children trafficked for the purpose of commercial sexual exploitation. Honduran victims are typically lured by false job offers from rural areas to urban and tourist centers, such as Tegucigalpa, San Pedro Sula, and the Bay Islands. Honduran women and children are trafficked to Guatemala, El Salvador, Mexico, Belize, and the United States for commercial sexual exploitation. Most foreign victims of commercial sexual exploitation in Honduras are from neighboring countries; some are economic migrants victimized en route to the United States. Additional trafficking concerns include reports of child sex tourism in the Bay Islands, and some criminal gangs' forcing children to conduct street crime.

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. During the reporting period, the government increased law enforcement actions against trafficking offenders and worked closely with NGOs on training and prevention efforts. However, government services for trafficking victims, particularly adults, remained inadequate.

Recommendations for Honduras: Amend anti-trafficking laws to prohibit labor trafficking; increase efforts to investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders, including corrupt officials who may facilitate trafficking activity; increase shelter aid and victim services; develop formal procedures for identifying victims among potential trafficking populations; and continue efforts to increase public awareness.

Prosecution

The Honduran government increased efforts to investigate and punish human trafficking crimes last year. Honduras prohibits trafficking for the purpose of commercial sexual exploitation through aggravated circumstances contained in Article 149 of its penal code, enacted in 2006, but does not prohibit trafficking for the purpose of labor exploitation. Article 149 carries penalties of eight to 13 years' imprisonment, which increases by one-half under aggravated circumstances. Such punishments are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the government opened 82 anti-trafficking investigations and 18 prosecutions, and obtained 11 convictions. This represents an increase in anti-trafficking efforts when compared to results achieved during the previous year: 74 investigations, 13 prosecutions, and eight convictions. In one noteworthy case last year, Honduran prosecutors indicted two parents for selling their nine-year-old daughter to an attorney for sexual exploitation; the attorney was imprisoned on charges of commercial sexual exploitation, sexual relations with a minor, and production of child pornography. The government increased anti-trafficking training for public officials last year, and Honduran law enforcement authorities assisted neighboring countries and the United States on anti-trafficking cases, as well as with investigations of child sex tourism. However, defendants over the age of 60 are subject to house arrest in Honduras while awaiting trial; many of these accused offenders, including American citizens, flee or bribe their way out of the country and avoid prosecution. No specific complaints relating to trafficking-related corruption were received last year, though witnesses reportedly were reluctant to cooperate with law enforcement on corruption investigations.



Protection

The Honduran government made limited progress in its efforts to assist trafficking victims last year. The government operated no dedicated shelters or services for trafficking victims, though it referred child trafficking victims to NGOs, which could only serve a small percentage of those in need. Honduran NGOs continued to shoulder a heavy burden to provide victim care, and received no direct funding from the government. While the government increased training for police on identifying victims and referring them for care, NGOs report that referrals in practice are unorganized and uneven. Moreover, few resources, public or private, are available for adult trafficking victims. Victims were encouraged to assist in the investigation and prosecution of their traffickers, and the government collaborated with NGOs to identify and assist victims who chose to serve as witnesses. However, many trafficking victims decline to cooperate due to fear of retribution from their traffickers or mistrust of police. There were no reports of victims being penalized for unlawful acts committed as a result of their being trafficked. Honduras did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. During the past year, the government received training on identifying trafficking victims among vulnerable populations such as women in prostitution. In collaboration with an NGO, law enforcement officials in Tegucigalpa conducted raids to rescue children from commercial sex sites, though

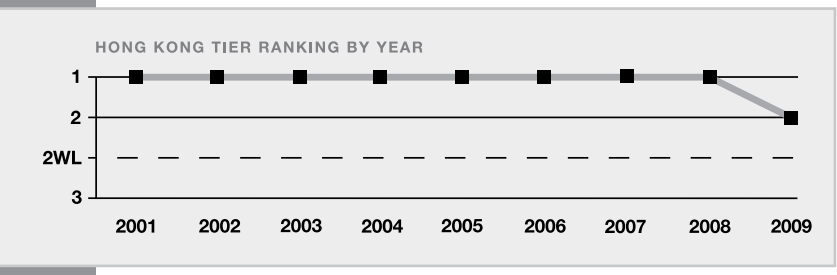
prostituted adult women were not screened for signs of human trafficking.

Prevention

The government sustained efforts to prevent human trafficking during the reporting period, particularly through conducting awareness campaigns, forums, and workshops across the country. The government's inter-institutional committee met regularly to organize additional anti-trafficking efforts, and collaborated with NGOs and international organizations on activities. During the reporting period, the government made efforts to reduce demand for commercial sex acts by training 500 tourism sector workers to prevent the commercial sexual exploitation of girls, boys, and adolescents in the tourism sector.

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, Thailand, the Philippines, Indonesia, and elsewhere in Southeast Asia trafficked for the purposes of forced labor and commercial sexual exploitation. Hong Kong is primarily a transit point for illegal migrants, some of whom are subject to conditions of debt bondage, forced commercial sexual exploitation, and forced labor. Hong Kong is also a destination for women from the Chinese mainland and Southeast Asia who travel to Hong Kong voluntarily for legal employment in restaurants, bars, and hotels, but upon arrival are coerced into prostitution under conditions of debt bondage. Some of the women in Hong Kong's commercial sex trade are believed to be trafficking victims. Some were lured by criminal syndicates or acquaintances with promises of financial rewards, and deceived about the nature of their future jobs, but faced conditions of debt bondage and had their passports and travel documents confiscated upon their arrival in Hong Kong.



Some foreign domestic workers in the territory, particularly those from Indonesia and the Philippines, face high levels of indebtedness assumed as part of the terms of employment, which can in some cases lead to situations of debt bondage if unlawfully exploited by recruiters or employers. Many Indonesian domestic workers earning the minimum wage or less enter into contracts requiring them to pay their Indonesian recruitment agency as much as $2,700 within their first seven months of employment, amounting to roughly 90 percent of a worker's monthly salary if they are making minimum wage; though these fees are lawful, reports indicate they may make some workers more vulnerable to labor trafficking. While these fees are imposed by Indonesia-based recruitment agencies, some Hong Kong-licensed recruitment agencies reportedly are involved. Some Hong Kong agencies reportedly confiscate passports, employment contracts, and ATM cards of domestic workers upon arrival and withhold them until the debt has been completely repaid; factors which also may facilitate labor trafficking. Additionally, the confiscation of passports by some Hong Kong employment agencies restricts the ability of migrant workers to leave their employer in cases of abuse, and places them under further control of their employment agency, leaving them vulnerable to trafficking. Some Indonesian domestic workers are confined to the residence and not given the opportunity to leave for non-work-related reasons, preventing them from complaining about possible 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. The government makes efforts to prevent trafficking among domestic workers and inform them of their rights. However, during the reporting period, Hong Kong authorities did not investigate, prosecute, or convict any trafficking offenders as defined in U.S. law, nor did it identify any trafficking victims.

Recommendations for Hong Kong: Increase efforts to investigate, prosecute, and convict traffickers, including any cases involving the involuntary servitude of Indonesian domestic workers; enforce existing Hong Kong laws on holding travel documents and other identification as collateral on debts; create and implement formal procedures to proactively identify trafficking victims among vulnerable groups, such as women and girls in the commercial sex industry and persons arrested for immigration violations; and conduct a public awareness campaign aimed at reducing demand for commercial sex acts.

Prosecution

The Government of Hong Kong did not make progress in its anti-trafficking law enforcement efforts during the reporting period. Hong Kong does not have specific anti-trafficking laws, but its Immigration Ordinance, Crimes Ordinance, and other relevant laws adequately prohibit trafficking offenses. Labor trafficking is criminalized through the Employment Ordinance. Penalties for trafficking for commercial sexual exploitation are commensurate with those for rape, and penalties for all forms of trafficking are sufficiently stringent. While Hong Kong authorities pursued charges against a criminal syndicate that sent women abroad for prostitution, authorities did not investigate, prosecute, or convict any trafficking offenders as defined in U.S. law during the

reporting period; the case against the syndicate lacked the necessary element of force, fraud, or coercion. Hong Kong police reportedly assisted some foreign domestic workers in retrieving their passports from recruitment agencies. There were no reports of trafficking complicity by Hong Kong officials during the reporting period.

Protection

The Hong Kong government did not demonstrate sufficient tangible progress in protecting and assisting trafficking victims during the reporting period. The government did not identify any victims of trafficking in 2008. One foreign consulate reported identifying seven trafficking victims during the reporting period who were recruited to work as waitresses in Hong Kong, but were subsequently forced into prostitution. When victims are identified by the government, they are provided with government-sponsored assistance including shelter, financial and legal assistance, counseling, and psychological support. Authorities encourage victim participation in the investigation of traffickers, although in practice many are reluctant to do so because of the likelihood of a long trial with no ability to work or earn money. The Hong Kong government does not ensure that victims are not penalized for unlawful acts committed as a direct result of their being trafficked. Authorities grant immunity to female victims who agree to act as a witness for the prosecution. Hong Kong law requires the deportation of foreign trafficking victims, and does not automatically provide foreign victims of trafficking with legal alternatives to their removal to a country where they may face hardship or retribution. Victims can lodge an appeal, and the Department of Justice will make a final decision on a case-by-case basis, though this has never been done in the case of a trafficking victim. Hong Kong authorities can refer victims of trafficking to existing social service programs at government-subsidized NGO shelters or Social Welfare Department shelters.

Prevention

Hong Kong continued to demonstrate efforts to prevent trafficking in persons during the reporting period. The government continued to fund a local NGO to meet and provide information kits to incoming foreign domestic workers and potential sex trafficking victims who arrive from Indonesia and the Philippines. To prevent trafficking among foreign domestic workers, the Labor Department continued to publish "guidebooks" in several languages that explain workers' rights, the role of employment agencies, and services provided by the government. Although these guidebooks are distributed to foreign domestic workers upon arrival at Hong Kong International Airport, a labor NGO reported that the guidebooks were sometimes taken away by Hong Kong employment agencies shortly after workers received them. Information kiosks and exhibitions were set up at locations frequented by foreign domestic workers, and advertisements about rights guaranteed by the Employment Ordinance were placed in local newspapers. The Hong Kong government did not take any measures to reduce the demand for commercial sex acts during the reporting period.

HUNGARY (Tier 2)

Hungary is a source, transit, and destination country for women trafficked from Romania and Ukraine to and through Hungary to the Netherlands, the United Kingdom, Denmark, Germany, Austria, Italy, Switzerland, France, and the United Arab Emirates for the purpose of commercial sexual exploitation. Experts noted a significant increase in trafficking within the country, mostly women from eastern Hungary trafficked to Budapest and areas along the Austrian border. Roma women and girls who grow up in Hungarian orphanages are highly vulnerable to internal sex trafficking.

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. Although Hungary sustained efforts in certain areas to combat trafficking in persons, it did not demonstrate the appreciable progress over the previous year contemplated by the minimum standards in the Trafficking Victims Protection Act. While the government's anti-trafficking hotline referred an increased number of victims for assistance and the police implemented a new trafficking database to help improve victim identification, the government's overall efforts to combat trafficking declined in 2008.

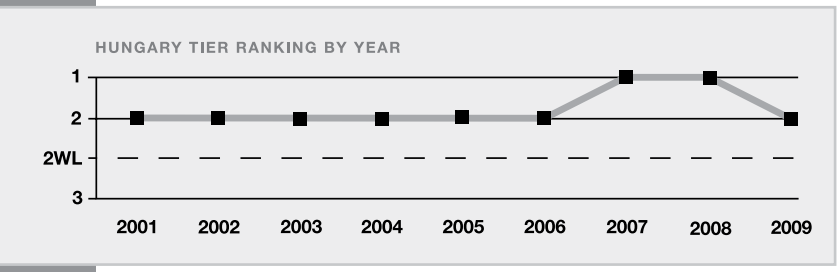
The government did not provide funding to NGOs for victim assistance and protection and caused one NGO to close its trafficking shelter—one of only two in the country—when it cancelled the lease for the government-owned building in which the shelter was housed. While the government offered alternative shelter space to the NGO, the location of the proposed facility was too remote to be practical and provide adequate assistance to victims. Hungary conducted no trafficking prevention efforts until the end of the reporting period when it began a three-month campaign focused on demand reduction in March 2009. In April 2008, the government adopted a national strategy, creating a national coordinator to coordinate all anti-trafficking efforts and to create an anti-trafficking national action plan; however, the national coordinator did not have its first meeting until February 2009 and the government appeared to do very little to implement the strategy during the reporting period.

Recommendations for Hungary: Increase funding to NGOs providing victim assistance and protection; continue sensitivity training for patrol officers to ensure proactive victim identification and appropriate, humane treatment of identified victims; increase the number of victims referred by police for assistance; increase the number of trafficking investigations and continue to ensure the majority of convicted traffickers serve some time in prison; conduct campaigns to reduce domestic demand for commercial sex acts; and increase general

trafficking awareness efforts by warning vulnerable populations about the dangers of both sex and labor trafficking.

Prosecution

The Hungarian government's law enforcement efforts were mixed 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 to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. Police and border guards conducted 21 trafficking investigations, a significant drop from 48 investigations in 2007. Authorities prosecuted 18 traffickers in 2008, compared with 20 in 2007. Convictions were obtained against 18 traffickers in 2008—16 for sex trafficking and two for labor trafficking—compared with 17 total convictions in 2007. In 2008, seven of 18 convicted traffickers received suspended sentences and served no time in prison compared to 2007 when only one convicted trafficker received a suspended sentence. During the reporting period, four traffickers were sentenced to up to three years' imprisonment, one trafficker was sentenced to 18 months' imprisonment, one trafficker was sentenced to two years' imprisonment, and five traffickers were sentenced to five to nine years' imprisonment. In 2008, the government provided victim sensitivity and treatment training for 15 judges, as well as victim identification training for crisis hotline operators. In January 2009, Hungarian and French authorities successfully disrupted an international sex trafficking ring and identified as many as 100 victims.



Protection

Hungary significantly decreased its victim assistance efforts during the reporting period. In 2008, the government provided no funding for NGOs providing victim assistance including shelter, medical care, legal assistance, and psychological counseling; in 2007, the government provided $150,000 for victim assistance. In June 2008, the government cancelled the lease for a government-owned building which housed one of only two trafficking shelters in the country. While the government offered an alternative facility space for the shelter, the location was too remote to adequately assist victims. During the reporting period, 88 trafficking victims were identified and assisted by NGOs, compared to 45 victims assisted in 2007. The government-run trafficking hotline referred 50 victims to NGOs for assistance, up from 37 victims referred for assistance by government officials in 2007. Law enforcement and consular officials identified approximately 26 victims domestically and abroad in 2008. Victims were not penalized for acts committed as a direct result of being trafficked and there were no reported cases of authorities' mistreatment of trafficking victims. The government encouraged victims to assist with trafficking investigations and prosecutions; however, no victims assisted law enforcement during the reporting period. The government offered foreign victims a 30-day reflection period to decide whether to assist law enforcement; however, no victims applied for or received the 30-day temporary residency permits in 2008. Victims may apply for a six-month temporary residency permit if they choose to cooperate with law enforcement; there was no data available on the number of permits granted to trafficking victims during the reporting period.

Prevention

Hungary demonstrated no increased efforts to prevent incidents of human trafficking throughout the year. The government did not conduct any anti-trafficking information or education campaigns during most of the reporting period. The government took limited measures to reduce the demand for commercial sex acts during this reporting period. In March 2009, at the end of the reporting period, the government began a three-month campaign focused on demand reduction. Hungary actively monitored immigration and emigration patterns for evidence of trafficking. During the year, the government provided anti-trafficking training to Hungarian troops prior to their deployment for international peacekeeping missions.

ICELAND (Tier 2)

Iceland is primarily a destination country and, to a lesser extent, a transit country for men and women from the Baltic states, Poland, Russia, Bulgaria, Equatorial Guinea, Brazil, and China trafficked to and through Iceland to Western European states for the purposes of commercial sexual exploitation and forced labor in the restaurant and construction industries.

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. In 2008, the Government of Iceland drafted a national action plan to fight trafficking. However, the government did not demonstrate significant law enforcement efforts during the reporting period. Victim identification and victim assistance were challenges; some victims of trafficking may have been deported without any effort to determine whether they were victims. The government also did not

conduct any anti-trafficking awareness campaigns.

Recommendations for Iceland: Amend the criminal code to ensure penalties prescribed for sex trafficking are commensurate with penalties prescribed for other grave crimes, such as rape; increase efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders; provide training for law enforcement investigators and prosecutors on trafficking cases; develop legal alternatives to the removal of foreign victims to countries where they face retribution or hardship; develop a victim identification and referral mechanism; consider opening a trafficking-specific shelter to ensure that victims are adequately assisted; ensure that victims are not penalized for acts committed as a direct result of being trafficked, including immigration violations; and conduct an awareness and prevention campaign focused on both sex and labor trafficking and the demand for both forms of trafficking.

Prosecution

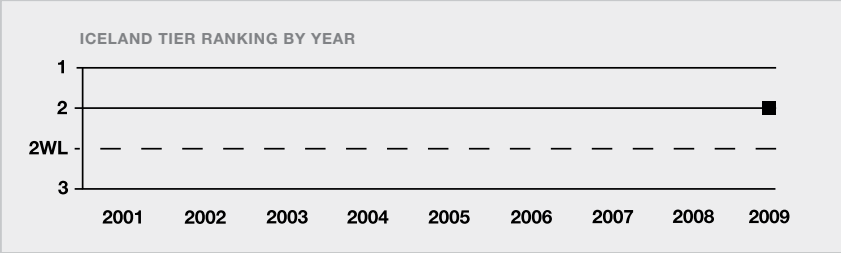
The Government of Iceland demonstrated modest law enforcement efforts over the reporting period. Iceland prohibits trafficking for both sexual exploitation and forced labor through Section 227 of its criminal code, although prosecutors have never used Section 227 and have instead relied on alien smuggling and document forgery statutes to prosecute trafficking cases. Punishments prescribed for trafficking under section 227 extend up to eight years' imprisonment, which are sufficiently stringent, though not commensurate with penalties prescribed for other grave crimes, such as rape. Police conducted one sex trafficking investigation and one labor trafficking investigation during the reporting period, compared to no investigations in 2007. Authorities prosecuted and convicted no traffickers in 2008, the same as in 2007.

Protection

Iceland demonstrated limited efforts to assist and protect trafficking victims over the last year. Local governments and NGOs identified 20 probable victims of trafficking and less than 10 victims received assistance from government-funded programs. Iceland did not provide trafficking-specific shelters; instead victims were accommodated at a domestic violence shelter. In 2008, the care available under this structure was limited because the government did not provide trafficking-specific assistance that adequately addressed the unique needs of victims of trafficking. Icelandic authorities did not employ procedures to proactively identify victims of trafficking; the lack of such procedures increased the risk that victims were detained, prosecuted, jailed, and deported for immigration violations. Iceland did not employ a victim referral process, though NGOs reported that some law enforcement officers referred victims for assistance on an *ad hoc* basis. Victims were encouraged to assist in the investigation and prosecution of trafficking offenders; two victims assisted law enforcement in 2008.

Prevention

Iceland conducted no substantive trafficking prevention efforts, including measures to increase public awareness of trafficking, during the reporting period. The government did, however, draft a national action plan to address trafficking. Border police at the country's only international airport provided potential trafficking victims with information about assistance if they find themselves in a future trafficking scenario. The government adequately monitored immigration patterns for evidence of trafficking. Iceland has not ratified the 2000 UN TIP Protocol.



INDIA (Tier 2 Watch List)

India is a source, destination, and transit country for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. Internal forced labor may constitute 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. Although no comprehensive study of forced and bonded labor has been carried out, some NGOs estimate this problem affects tens of millions of Indians. Those from India's most disadvantaged social economic strata are particularly vulnerable to forced or bonded labor and sex trafficking. Women and girls are trafficked within the country for the purposes of commercial sexual exploitation and forced marriage. Children are also subjected to forced labor as factory workers, domestic servants, beggars, and agricultural workers. In recent years, there has been an increase of sex trafficking to medium-sized cities and satellite towns of large cities.

India is also a destination for women and girls from Nepal and Bangladesh trafficked for the purpose of commercial sexual exploitation. There are also victims of labor trafficking among the thousands of Indians who migrate willingly every year to the Middle East, Europe, and the United States for work as domestic servants and low-skilled laborers. In some cases, such workers are the victims of fraudulent recruitment practices committed in India that lead them directly into situations of forced labor, including debt bondage; in other cases, high debts incurred to pay recruitment fees leave them vulnerable to exploitation by unscrupulous employers in the destination countries, where some are subjected

to conditions of involuntary servitude, including non-payment of wages, restrictions on movement, unlawful withholding of passports, and physical or sexual abuse. Men and women from Bangladesh and Nepal are trafficked through India for forced labor and commercial sexual exploitation in the Middle East. Over 500 Nepalese girls were jailed in the state of Bihar on charges of using false documents to transit India in the pursuit of employment in Gulf countries. Indian nationals travel to Nepal and within the country for child sex tourism.

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. Despite these significant efforts, India has not demonstrated sufficient progress in its law enforcement efforts to address human trafficking, particularly bonded labor; therefore India is placed on Tier 2 Watch List. India's central government faces several challenges in demonstrating a more robust anti-trafficking effort: states under the Indian Constitution have the primary responsibility for law enforcement, and state-level authorities are limited in their abilities to effectively confront interstate and transnational trafficking crimes; complicity in trafficking by many Indian law enforcement officials and overburdened courts impede effective prosecutions; widespread poverty continues to provide a huge source of vulnerable people; and the Indian government faces other equally pressing priorities such as basic healthcare, education, and counterterrorism. During the reporting period, the central government continued to improve coordination among a multitude of bureaucratic agencies that play a role in anti-trafficking and labor issues. Government authorities continued to rescue victims of trafficking for commercial sexual exploitation and forced child labor. Several state governments (Andhra Pradesh, Bihar, Maharashtra, Goa, and West Bengal) demonstrated significant efforts in prosecution, protection, and prevention, although largely in the area of trafficking for commercial sexual exploitation.

Recommendations for India: Continue to expand central and state government law enforcement capacity to conduct intrastate and interstate law enforcement activities against trafficking and bonded labor; consider expanding the Central Ministry of Home Affairs "nodal cell" on trafficking to coordinate law enforcement efforts to investigate and arrest traffickers who cross state and national lines; significantly increase law enforcement efforts to decrease official complicity in trafficking, including prosecuting, convicting, and punishing complicit officials with imprisonment; continue to increase law enforcement efforts against sex traffickers, including prosecuting, convicting, and punishing traffickers with imprisonment; improve central and state government implementation of protection programs and compensation schemes to ensure that certified trafficking victims actually receive benefits, including compensation for victims of forced child labor and bonded labor, to which they are entitled under national and state law; and increase the quantity and breadth of public awareness and related programs to prevent both trafficking for labor and commercial sex.

Prosecution

Indian government authorities made significant progress in law enforcement efforts against sex trafficking and forced child labor during the year, but made little progress in addressing bonded labor. The government prohibits some forms of trafficking for commercial sexual exploitation 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 grave crimes, such as rape. India also prohibits bonded and forced labor through the Bonded Labor (Abolition) Act of 1976, the Child Labor (Prohibition and Regulation) Act of 1986, and the Juvenile Justice Act of 1986. These laws were ineffectively enforced, and their prescribed penalties—a maximum of three years in prison—are not sufficiently stringent. Indian authorities also use Sections 366(A) and 372 of the Indian Penal Code, prohibiting kidnapping and selling minors into prostitution, respectively, to arrest traffickers. Penalties prescribed under these provisions are a maximum of ten years' imprisonment and a fine. Although Section 8 of the ITPA allows the arrest of trafficked women for soliciting, the Indian cabinet debated for another year proposed amendments that would give trafficking victims greater protections.

State governments continued to demonstrate efforts to address forced child labor, but failed to punish most traffickers. During the year, the New Delhi government rescued more than 100 children from forced labor situations, such as the February 2009 rescue of 35 children found enslaved in four small factories making leather products under hazardous and forced conditions without pay. In Jharkhand (with a population of 29 million people), the state labor ministry and police, in collaboration with an NGO, conducted raids on 120 establishments during a planned operation and rescued 208 children from forced or bonded labor situations.

The central government and state governments continued to demonstrate efforts to combat sex trafficking of women and children, though convictions and punishments of sex traffickers were infrequent. The central government's National Crime Records Bureau provided limited comprehensive data, compiled from state and union territory governments, on actions taken against sex trafficking offenses in 2007. The 2007 data indicated that 4,087 cases were registered (investigations started), which likely includes sex trafficking cases referred to courts for prosecution as well as cases investigated and closed without such referrals. This data did not include reported prosecutions and convictions. Data for 2008 will not be available until 2010.

In Andhra Pradesh, Bihar, Maharashtra, Goa, and West Bengal (with a combined population of 360

million people), government officials registered 964 sex trafficking cases, conducted 379 rescue operations, helped rescue 1,653 victims, arrested 1,970 traffickers (including 856 customers), convicted 30 sex traffickers, helped rehabilitate 876 sex trafficking victims, and trained 13,490 police officers and prosecutors. In Mumbai, authorities prosecuted 10 sex trafficking cases but obtained no convictions in 2008. In Andhra Pradesh, courts convicted and sentenced eleven traffickers to imprisonment for 10 to 14 years. Tamil Nadu's state government reported arrests of 1,097 sex trafficking offenders in 2008, though the number of trafficking prosecutions and convictions during the reporting period was not reported. The city of Pune attained its first sex trafficking conviction in 2008.

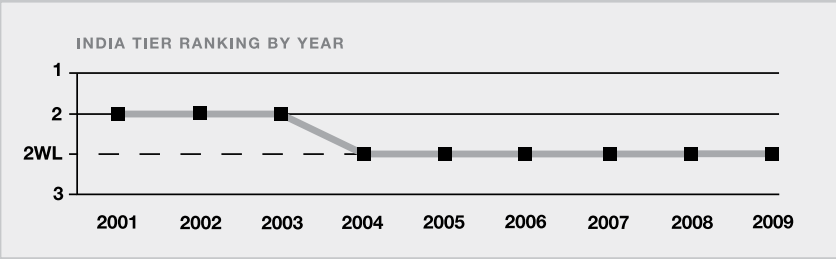
During the reporting period, the central government made little progress to investigate, prosecute, convict, and punish labor trafficking offenders. However, it allocated $18 million to the Ministry of Home Affairs to create 297 anti-human trafficking units across the nation to train and sensitize law enforcement officials. According to NGOs, state-level officials who received such training in the past are increasingly recognizing women in prostitution as potential victims of trafficking and therefore not arresting them for solicitation. In Tamil Nadu (with a population of 65 million people), an NGO reported a significant improvement in how police file charges in bonded labor cases. The police now also employ the Indian Penal Code's tougher provisions, which allow bonded labor cases to be processed more quickly through the judicial system.

The significant problem of public officials' complicity in sex trafficking and forced labor remained largely unaddressed by central and state governments during the reporting period. Corrupt law enforcement officers reportedly continued to facilitate the movement of sex trafficking victims, protect brothels that exploit victims, and protect traffickers and brothel keepers from arrest and other threats of enforcement. India reported no prosecutions, convictions, or sentences of government officials for trafficking-related offenses during the reporting period.

Protection

India's efforts to protect victims of trafficking varied from state to state. Protection efforts often suffered from a lack of sufficient financial and technical support from government sources, and protection for victims of labor trafficking remained very weak. Under its Swadhar program – which covers a broad range of activities of which anti-sex trafficking is one – the government supports over 200 shelters with an annual budget of more than $1 million to provide care for more than 13,000 women and girls rescued from a range of difficult circumstances, including sex trafficking. The Ministry of Women and Child Development continued to give grants under its Ujjawala program for the prevention, rescue, rehabilitation, and reintegration of sex trafficking victims. The ministry approved funding for at least 53 state projects under this program, benefiting more than 1,700 victims. Since August 2008, the ministry provided the states of Karnataka, Maharashtra, Manipur, and Nagaland almost $243,000 for 18 projects at 12 rehabilitation centers. Andhra Pradesh established a fund specifically for victim rehabilitation, giving victims rescued from sexual exploitation $200 in temporary relief. Tamil Nadu began providing free legal aid and drug and alcohol addiction counseling services in state shelters to trafficking victims. The Delhi government established a helpline staffed by NGOs in February 2009 to help rescue children found begging.

Although victims of bonded labor are entitled to 20,000 rupees ($400) from the government if they are certified as victims of bonded labor and may be housed in government shelters, disbursement of rehabilitation funds is sporadic and the quality of care in many shelters is not high. NGOs reported that some corrupt local officials take unlawful "commissions" from the rehabilitation packages. Overall, government authorities do not proactively identify and rescue bonded laborers, so few victims receive assistance, though Tamil Nadu showed the greatest effort to identify and assist victims of bonded labor. In other states, NGOs provided the bulk of protection services to bonded labor victims.



The central government's Ministry of Overseas Indian Affairs, during the reporting period, showed resolve to address the trafficking of Indian migrant workers. For example, in September 2008, the Government ordered an inquiry after reports surfaced of girls from northeastern India being trafficked to Malaysia for sex work. The Government arrested the travel agent, promptly rescued the girls and paid for their repatriation to India. The Ministry also drafted an amendment to the Emigration Act that would increase administrative penalties for Indian labor recruitment agencies involved in fraudulent recruitment or human trafficking. Some Indian diplomatic missions in destination countries, especially those in the Middle East, provide significant services, including temporary shelters to nationals who have been trafficked. Some foreign victims trafficked to India are not subject to removal. Those who are subject to removal are not offered legal alternatives to their removal to countries where they may face hardship or retribution. NGOs reported in the past some Bangladesh victims of sex trafficking were pushed back across the border

without protection services. During the reporting period, India worked closely with Bangladesh on resolving cross-border trafficking issues, including formally designating a government official to handle such issues during Home Secretary-level discussions in August 2008.

Government shelters for sex trafficking victims are found in all major cities, but the quality of care varies widely. In Maharashtra, West Bengal, Tamil Nadu, and Andhra Pradesh, state authorities operated homes for minor victims of sex trafficking. Although states have made some improvements to their shelter care, victims in these facilities do not receive comprehensive protection services, such as psychological assistance from trained counselors. Many victims decline to testify against their traffickers due to fear of retribution by traffickers and India's sluggish and overburdened judicial system. The government does not actively encourage victims to participate in cases against their traffickers.

Prevention

India continued to conduct information and education campaigns against trafficking in persons and child labor. In late 2008 the central government completed its 18-month long consultation process with government and NGO stakeholders on a comprehensive "Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women." Overall, the government's anti-trafficking policies and programs remained framed by the limited perspective of human trafficking defined as the trafficking of women and children for sexual exploitation, in line with the 2002 South Asian Association for Regional Cooperation Convention on Combating Trafficking of Women and Children for Prostitution. Kerala (with a population of 33 million people and India's largest source of laborers who migrate overseas) regularized recruitment agencies and introduced a toll free number for potential migrants. In January 2009, the central government approved a nationwide model that merges its national educational and poverty alleviation programs together to combat child labor.

While the government made modest efforts to prevent trafficking for commercial sexual exploitation, it did not report new or significant efforts to prevent the large problem of bonded labor. The Ministry of Women and Child Development remained the central government's coordinator of anti-trafficking policies and programs, though its ability to enhance interagency coordination and accelerate anti-trafficking efforts across the bureaucracy remained weak. In August 2008, a UN report alleged several Indian peacekeepers posted in the Democratic Republic of the Congo had been involved in paying minor Congolese girls for sex in 2007 and 2008. In March 2009, the Indian military exonerated the soldiers after conducting an investigation. According to a Government of India official, training for Indian soldiers deployed in peacekeeping missions includes awareness about trafficking. In May 2008, the Ministry of Women and Child Development created a think tank to expand public-private partnerships to play a greater role in preventing and combating human trafficking.

Following agreements reached prior to this reporting period with Middle Eastern labor destination countries, the Indian prime minister in November 2008 signed a major agreement with Oman to combat illegal recruitment and human trafficking during his visit there. The agreement stipulates that terms and conditions of employment in Oman shall be defined by an individual employment contract between the employee and the employer and authenticated by Oman's Ministry of Manpower.

The Ministry of Labor and Employment issued a "Protocol on Prevention, Rescue, Repatriation, and Rehabilitation of Trafficked and Migrant Child Labor" in May 2008 to guide state and district-level authorities and NGOs, and expanded the central government's list of occupations that are banned from employing children. The government undertook several measures to reduce demand for commercial sex acts during the reporting period, such as the arrests of 856 customers of prostitution in Andhra Pradesh, Maharashtra, Bihar, Goa, and West Bengal. India has not ratified the 2000 UN TIP Protocol.

INDONESIA (Tier 2)

Indonesia is a major source of women, children, and men trafficked for the purposes of forced labor and commercial sexual exploitation. To a far lesser extent, it is a destination and transit country for foreign trafficking victims. The greatest threat of trafficking facing Indonesian men and women is that posed by conditions of forced labor and debt bondage in more developed Asian countries – particularly Malaysia, Singapore, and Japan – and the Middle East, particularly Saudi Arabia, according to IOM data. Indonesian women and girls are also trafficked to Malaysia and Singapore for forced prostitution and throughout Indonesia for both forced prostitution and forced labor. Each of Indonesia's 33 provinces is a source and destination of human trafficking; the most significant source areas are, in descending order: Java, West Kalimantan, Lampung, North Sumatra, South Sumatra, Banten, South Sulawesi, West Nusa Tenggara and East Nusa Tenggara, and North Sulawesi. Trafficking of young girls, mainly from West Kalimantan, to Taiwan as false brides, persists; upon arrival, many are coerced into prostitution. A new trend identified during the last year was the trafficking of dozens of Indonesian women to Iraq's Kurdistan region for domestic servitude. Another trend was the use of abduction by traffickers, particularly in trafficking young girls to Malaysia for forced prostitution. Women from the People's Republic of China, Thailand, and Eastern Europe are trafficked to Indonesia for commercial sexual exploitation, although the numbers are small compared with the number of Indonesians trafficked for this purpose.

A significant number of Indonesian men and women who migrate overseas each year to work in the construction, agriculture, manufacturing, service (hotels, restaurants, and bars), and domestic service sectors are subjected to conditions of forced labor or debt bondage. The destinations for such trafficking are, in descending order: Malaysia, Saudi Arabia, Singapore, Japan, Syria, Kuwait, Iraq, Taiwan, Thailand, Macau, Hong Kong, the United Arab Emirates, Qatar, Mauritius, Yemen, Palestine, Egypt, France, Belgium, Germany, Cyprus, Spain, the Netherlands, and the United States.

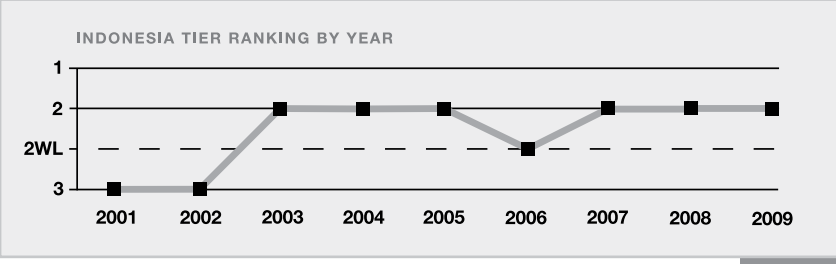
Some labor recruitment companies, known as PJTKIs, operated similarly to trafficking rings, luring both male and female workers into debt bondage, involuntary servitude, and other trafficking situations. Some workers, often women intending to migrate, became victims of trafficking during their attempt to find work abroad through licensed and unlicensed PJTKIs. These labor recruiters charge workers commission fees up to $3,000, which often require workers to incur debt to work abroad, leaving some of them vulnerable in some instances to situations of debt bondage. PJTKIs also reportedly withheld the documents of some workers, and confined them in holding centers, sometimes for periods of many months. Some PJTKIs also used threats of violence to maintain control over prospective migrant workers. Recruitment agencies routinely falsified birth dates, including for children, in order to apply for passports and migrant worker documents.

Internal trafficking remains a significant problem in Indonesia with women and children exploited in domestic servitude, commercial sexual exploitation, and small factories. Traffickers, sometimes with the cooperation of school officials, began to recruit young men and women in vocational programs for forced labor in hotels in Malaysia through fraudulent "internship" opportunities. Indonesians are recruited with offers of jobs in restaurants, factories, or as domestic workers and then forced into the sex trade. A new trend noted this year was the recruitment of hundreds of girls and women for work as waitresses in extractive industry sites in Papua who were subsequently forced into prostitution. During the year, minor girls were rescued in illegal logging camps in West Kalimantan, where they were coerced into sexual servitude.

Malaysians and Singaporeans constitute the largest number of child sex tourists in Indonesia, and the Riau Islands and surrounding areas operate a "prostitution economy," according to local officials. Child sex tourism is rampant in most urban areas and tourist destinations.

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. The government improved its law enforcement response to trafficking offenses and demonstrated that a significant number of its trafficking prosecutions and convictions involved labor trafficking offenses, the first time such disaggregation in data has been reported. Moreover, it sustained strong efforts to assist victims of trafficking through the funding of basic services and referral of victims to those services and others provided by NGOs and international organizations. The government showed insufficient progress, however, in efforts to confront labor trafficking committed through exploitative recruitment practices of politically powerful PJTKIs. Also, there were few reported efforts to prosecute, convict, or punish Indonesian law enforcement and military officials complicit in human trafficking, despite reporting on such trafficking-related corruption.

Recommendations for Indonesia: Begin using the 2007 law to address the country's largest trafficking problem – labor trafficking, including debt bondage; significantly improve record of prosecutions, convictions, and sentences for labor trafficking—including against labor recruitment agencies involved in trafficking; re-examine existing MOUs with destination countries to incorporate victim protection; increase efforts to prosecute and convict public officials who profit from or are involved in trafficking; increase efforts to combat internal trafficking; enforce existing laws to better protect domestic workers; and increase funding for law enforcement efforts and for rescue, recovery and reintegration of victims.



Prosecution

The Indonesian government showed overall progress in anti-trafficking law enforcement efforts over the reporting period. Through a comprehensive anti-trafficking law enacted in 2007, 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 grave crimes, such as rape. Police and prosecutors began using the new anti-trafficking law during the reporting period; however, other laws were still used in cases pending widespread implementation of the new law. The Indonesian government prosecuted 129 suspected trafficking offenders in 2008, an increase from 109 prosecuted in 2007. Similarly, convictions in 2008 increased to 55 from 46 convictions in 2007. Fifty-eight of the prosecutions and 9 of the convictions in 2008 were for labor trafficking offenses. The average sentence given to convicted trafficking offenders was 43 months, similar to the average sentence of 45 months in 2007. Indonesian officials and local NGOs often criticized the police as too passive in combating trafficking absent

specific complaints. Nevertheless, the 21-man Jakarta-based national police anti-trafficking task force worked with local police, the Ministry of Manpower, the Migrant Workers Protection Agency, Immigration, Ministry of Foreign Affairs, and NGOs to shut down several large trafficking organizations. After receiving training from an international donor, the Jakarta police set up an anti-trafficking unit and conducted a series of significant investigations and arrests. The ongoing two-part "Operation Flower," which continued through 2008 in 11 provinces, targeted women and children trafficked for commercial sexual exploitation. Exploitation by PJTKIs remained a serious problem although several major joint police and Ministry of Manpower (MOM) raids resulted in a number of such operations shutting down. Police assigned liaison officers to Indonesian embassies in Saudi Arabia, Malaysia, Australia, the Philippines, and Thailand to support law enforcement cooperation with host governments, including trafficking investigations. Indonesia's national police cooperated with U.S. law enforcement authorities in the investigation of suspected trafficking of Indonesians to the United States for the purpose of forced labor and debt bondage.

Progress was noted in the government's dismissing, disciplining or prosecuting officials complicit in trafficking. Some immigration officials, labor officers, and local government officials were arrested for activities which abetted trafficking. Complicity in trafficking by members of the security forces remained a serious concern during the reporting period, and this often took the form of officials either engaged directly in trafficking or facilitating it through the provision of protection to brothels and prostitution fronts in discos, karaoke bars, and hotels, or by receiving bribes to ignore the problem. In addition, some local officials facilitated trafficking by certifying false information to produce national identity cards and family data cards for children to allow them to be recruited for work as adults abroad and within the country. Some MOM officials reportedly licensed and protected international labor recruiting agencies involved in human trafficking. In return for bribes, some immigration officials turned a blind eye to potential trafficking victims, failing to prevent out-bound trafficking through due diligence in the processing of passports and the application of immigration controls. Some immigration officials also directly facilitated trafficking by accepting bribes from PJTKIs to pass migrant workers to their agents at Jakarta International Airport. Members of the police and military were directly involved in the operation of brothels and fronts for prostitution, including establishments that exploited child sex trafficking victims. Despite the persistence of these reports attesting to a serious problem of official complicity in trafficking, the Indonesian government did not initiate new prosecutions of security or other government personnel for involvement in or facilitation of trafficking during the reporting period, though in June 2008 a former national chief of police and an Indonesian diplomat were sentenced to two and four years' imprisonment, respectively, for their facilitation of trafficking-related criminal activity.

Protection

Indonesia demonstrated strong efforts to protect victims of trafficking in Indonesia and abroad; however, available victim services remain overwhelmed by the large number of victims. The government operated 41 "integrated service centers" providing services to victims of violence, including trafficking victims; four of these centers were full medical recovery centers specifically for trafficking victims. The government also relied significantly on international organizations and NGOs for the provision of services to victims. Although 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, some victims were referred on an *ad hoc* basis to service providers. Throughout 2008, the government set up 305 district-level women's help desks to assist women and child victims of violence, including trafficking – an increase from 25 such desks existing in 2006. Authorities at the Tanjung Priok seaport in Jakarta screened travelers in order to identify victims of trafficking and refer them to appropriate shelters and medical care facilities. The Indonesian government provided some funding to domestic NGOs and civil society groups that supported services for trafficking victims. Although the government practiced a policy of not detaining or imprisoning trafficking victims, some victims reportedly were treated as criminals and penalized for prostitution activities. Some government personnel, such as the Jakarta-based police anti-trafficking unit, encouraged victims to assist in the investigation and prosecution of trafficking cases; others were less solicitous of victims' cooperation. In some cases, police reportedly refused to receive trafficking complaints from victims.

In mid-2008, the National Agency for the Placement and Protection of Overseas Workers (BNP) opened a new terminal at Jakarta's international airport – Terminal 4 – dedicated to receiving returning Indonesian workers. BNP and MOM officials at this terminal, which replaced the older Terminal 3, screened returning migrants to identify those in distress, though inadequate efforts were made to identify victims of trafficking. Indigent victims returning through Terminal 4 were sometimes forced to spend several days in the terminal until they could find adequate funds for their transportation back to their community. While the Legal Aid Society, an NGO, succeeded in curtailing the practice of labor brokers picking up trafficking victims at Terminal 4 and forcing them back into debt bondage, traffickers adjusted by picking up victims at the regular passenger terminal to which victims had been diverted by corrupt immigration officials. Both BNP and MOM were largely ineffective in protecting migrant workers from trafficking. Indonesia's

Foreign Ministry continued to operate shelters for trafficking victims and migrant workers at some of its embassies and consulates abroad. During the past year, these diplomatic establishments sheltered thousands of Indonesian citizens, including trafficking victims. The Foreign Ministry sustained proactive efforts in protecting the rights of trafficked migrant workers abroad.

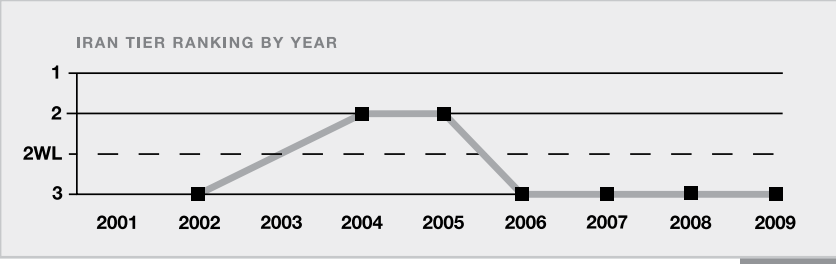
Prevention

The Indonesian government made significant efforts to prevent trafficking in persons during the reporting period. The government continued some collaboration with NGOs and international organization efforts to raise awareness of trafficking. The Ministry of Women's Empowerment (MOWE), as the government's focal point and coordinator for the National Anti-Trafficking Task Force, drafted a new 2009-2013 national plan of action on human trafficking. Several provinces and districts established local plans of action and anti-trafficking committees. The MOWE conducted anti-trafficking outreach education in 33 provinces in 2008. The national government showed little political will to renegotiate a 2006 MOU with Malaysia which ceded the rights of Indonesian domestic workers to hold their passports while working in Malaysia. The government made no reported efforts to reduce the demand for forced labor or the demand for commercial sex acts during the last year. Indonesian police cooperated with Australian and Swiss authorities to arrest and deport two pedophiles sexually abusing children, and an Indonesian court sentenced one Australian child sex tourist to eight years' imprisonment in February 2009. The government provided anti-trafficking training to Indonesian troops prior to their deployment abroad on international peacekeeping missions. Indonesia has not ratified the 2000 UN TIP Protocol.

IRAN (Tier 3)

Iran is a source, transit, and destination for men, women, and children trafficked for the purposes of sexual exploitation and involuntary servitude. Iranian women are trafficked internally for the purpose of forced prostitution and forced marriage. Iranian and Afghan children living in Iran are trafficked internally for the purpose of forced marriage, commercial sexual exploitation, and involuntary servitude as beggars or laborers to pay debts, provide income, or support drug addiction of their families. Iranian women and girls are also trafficked to Pakistan, Turkey, Qatar, Kuwait, the United Arab Emirates, Iraq, France, Germany, and the United Kingdom for commercial sexual exploitation. There are reports of women and girls being sold for marriage to men in Pakistan for the purpose of sexual servitude. Men and women from Pakistan migrate voluntarily or are smuggled to Iran, or through Iran, to other Gulf states, Greece, and Turkey seeking employment. Some find themselves in situations of involuntary servitude or debt bondage, including restriction of movement, non-payment of wages, and physical or sexual abuse. There are reports that women from Azerbaijan and Tajikistan travel to Iran to find employment and fall victim to forced prostitution. Press reports indicate that criminal organizations 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 among large flows of people. 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. For example, Iran was not among the 155 countries covered by the UN's Global Report on Trafficking in Persons, published in February 2009. Publicly available information from NGOs, the press, international organizations, and other governments nonetheless support two fundamental conclusions. First, trafficking within, to, and from Iran is extensive; and second, the authorities' response is not sufficient to penalize offenders, protect victims, and eliminate trafficking. Indeed, some aspects of Iranian law and policy hinder efforts to combat trafficking. These include punishment of victims and legal obstacles to punishing offenders.



Recommendations for Iran: Share with the international community efforts made to investigate trafficking offenses and prosecute and punish trafficking offenders; institute a victim identification procedure to systematically identify and protect victims of trafficking, particularly among groups such as women arrested for prostitution; and cease the punishment of victims of trafficking.

Prosecution

No reliable information was available on human trafficking investigations, prosecutions, convictions or punishments during the past year. Iranian press reports over the year quoted a law enforcement official as stating

that 7,172 people were arrested for "trafficking" from January to July 2008, although it was not clear whether this group included human smugglers, those sponsoring prostitution, victims of trafficking, or a mix of these. 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. Reports indicate, however, that the law has not been enforced. The Constitution or Labor Code or 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 grave crimes, such as rape. In addition, the Labor Code does not apply to work in households. The law permits temporary marriage for a fixed term ("sigheh"), after which the marriage is terminated. Some persons abuse this institution in order to coerce women into sexual exploitation; there are reports of Iranian women sold into fixed term marriages to men from Pakistan and Gulf states or into forced prostitution. It was extremely difficult for women forced into sexual exploitation to obtain justice: first, because the testimony of two women is equal to that 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.

Protection

There were no reported efforts by the Government of Iran to improve its protection of trafficking victims this year. The government reportedly punishes victims 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. Foreign victims of trafficking do not have a legal alternative to removal to countries in which they may face hardship or retribution. According to a March 2009 report citing UNICEF and provincial authorities in Herat, Afghanistan, more than 1,000 Afghan children deported from Iran in 2008 faced poverty and were at risk of abuses, including human trafficking; there were no known efforts to identify trafficking victims among this group. Previous reports indicate that the government does not encourage victims to assist law enforcement authorities as they investigate and prosecute their 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. In March 2008, the Iranian government reportedly hosted and co-sponsored with an NGO, a workshop with regional participation on irregular migration, which included discussion of strategies to prevent human trafficking, protect victims, and prosecute traffickers. Iran has not ratified the 2000 UN TIP Protocol.

IRAQ (Tier 2 Watch List)

Iraq is both a source and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and involuntary servitude. Iraqi women and girls, some as young as 11 years old, are trafficked within the country and abroad to Syria, Lebanon, Jordan, Kuwait, UAE, Turkey, Iran, and possibly Yemen, for forced prostitution and sexual exploitation within households in these countries. Some victims are sexually exploited in Iraq before being sold to traffickers who take them abroad. In some cases, women are lured into sexual exploitation through false promises of work. The more prevalent means of becoming a victim is through sale or forced marriage. Family members have trafficked girls and women to escape desperate economic circumstances, to pay debts, or resolve disputes between families. Some women and girls are trafficked within Iraq for the purpose of sexual exploitation through the traditional institution of temporary marriages (muta'a). Under this arrangement, the family receives a dowry from the husband and the marriage is terminated after a specified period. When trafficked by persons other than family members, women can be placed at risk of honor killings if their families learn that they have been raped or forced into prostitution. Anecdotal reports tell of desperate Iraqi families abandoning their children at the Syrian border with the expectation that traffickers on the Syrian side will pick them up and arrange forged documents so the young women and girls can stay in Syria in exchange for working in a nightclub or brothel.

Iraqi boys, mostly from poor families of Turkmen and Kurdish origin, are trafficked within Iraq for the purpose of forced labor, such as street begging and sexual exploitation. Iraqi men and boys who migrate abroad for economic reasons may become victims of trafficking. Women from Ethiopia, Indonesia, Nepal, and the Philippines are trafficked into the area under the jurisdiction of the Kurdistan Regional Government (KRG) for involuntary domestic servitude after being promised different jobs. Over the past year, there was a credible report of women trafficked by the director of a women's shelter in KRG area; the shelter was subsequently closed. There were also reports that some foreign women recruited for work in beauty salons in the KRG area had debts imposed on them and were coerced into prostitution. During 2008, dozens of Indonesian women trafficked to Iraq were trapped without assistance from law enforcement authorities. IOM helped to rescue and repatriate several of these women.

Iraq is a destination for men trafficked from Bangladesh, India, Pakistan, Indonesia, Nepal, the Philippines,

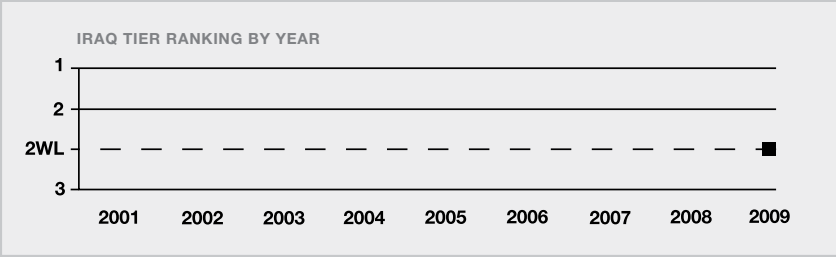
Sri Lanka, and Thailand for involuntary servitude as construction workers, security guards, cleaners, and handymen. There are reports that some workers were recruited by a labor broker to work for contractors or subcontractors of U.S. Government agencies, but the services of this broker were discontinued subsequent to a U.S. Government investigation. The governments of India, Pakistan, Sri Lanka, Thailand, and the Philippines ban their nationals from working in Iraq. These bans are not effective, however, as some laborers circumvent the law or are deceived by labor brokers in their home countries into believing they were getting jobs in one of the Gulf states or Jordan. They then find themselves in Iraq; their passports are confiscated and wages withheld to repay the broker for recruitment, transport, and costs of living. Others are aware they are coming to Iraq, but once in-country find that the terms of employment are not what they expected and they face coercion and serious harm, financial or otherwise, if they attempt to leave.

Men brought to Iraq by labor recruiters, some of whom reportedly provided labor for U.S. Government contractors, at times found upon arrival that the jobs they expected were contingent on contracts that had not yet been awarded. While in camps awaiting work, they were sometimes charged exorbitant prices for lodging and supplies, which increased their debts and prolonged the time required to pay them, typically ranging from six months to one year. Some of these conditions may constitute human trafficking.

Traffickers are predominantly male, but sometimes female family members traffic their own children or relatives. Traffickers include both large crime groups and small, family-based groups, as well as businesses such as employment agencies. Several factors contribute to human trafficking in, into, and out of Iraq. Since the ousting of the former regime in 2003, reconstruction activity and provision of goods and services contracted by the government and the Multi-National Forces have drawn foreign workers (some 30,000 to 50,000). Instability and violence have created as many as four million Iraqi refugees in neighboring countries or internally displaced, many of them in economically desperate circumstances. Finally, foreign workers are drawn to the KRG by relative stability, economic opportunity, and higher salaries compared to those at home.

The Government of Iraq does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In particular, despite the serious security challenges facing the government, it is committed to enacting comprehensive anti-human trafficking legislation, which it began to draft during the past year. Despite these overall significant efforts, the government did not show progress over the last year in punishing trafficking offenses using existing laws or identifying and protecting victims of trafficking. During the reporting period, the government's attention was devoted to other priorities, specifically, political reconciliation, restoration of security throughout the country, and economic reconstruction. The Iraqi government did not take adequate action to monitor or combat trafficking in persons. Notwithstanding the inattention to trafficking in the past year, some Iraqi officials have begun to recognize the problem, and the Legal Advisor's Office of the Council of Ministers Secretariat has begun to draft comprehensive anti-trafficking legislation.

Recommendations for Iraq: Enact and implement a law that criminalizes all forms of trafficking; investigate, prosecute, and punish trafficking offenders; provide protection services to victims, ensure that they are not punished for acts committed as a direct result of being trafficked, and encourage their assistance in prosecuting offenders; train officials in methods to identify victims; undertake a campaign to raise public awareness of trafficking; take measures to screen migrant workers to identify human trafficking; take steps to end the practice of forced marriages and curb the use of temporary marriages that force girls into sexual and domestic servitude; consider measures to reduce abuse of migrant workers who learn upon arrival in Iraq that the job they were promised does not exist; and regulate recruitment practices, including recruitment fees, of foreign labor brokers to prevent practices that facilitate forced labor.



Prosecution

The government did not prosecute trafficking cases in the past year. There were no mechanisms to collect data on offenses or enforcement. Although no single law defines trafficking in persons or establishes it as a criminal offense, various provisions of Iraqi law apply to trafficking. The 2005 Iraqi Constitution prohibits forced labor, slavery, slave trade, trafficking in women or children, and sex trade. Several provisions of the Penal Code, dating from 1969, criminalize unlawful seizure, kidnapping, and detention by force or deception. The prescribed penalty is up to seven years in prison and up to 15 years if the victim is a minor and force is used. The penalty for sexual assault or forced prostitution of a child is 10 years' imprisonment, which is sufficiently stringent to deter, though not commensurate with the penalties prescribed for rape (15 years in prison). Because coercion is not a legal defense, however, women who have been trafficked into prostitution have been prosecuted and convicted. When women or girls are trafficked by family members into sexual exploitation, the crime

often goes unreported because of the shame involved, or uninvestigated because of the courts' reluctance to intervene in what are considered internal family matters. There is anecdotal evidence of occasional complicity in trafficking by officials. An investigation of alleged trafficking involving the director of a women's shelter in the KRG area had not been completed at the time of this report.

Protection

The Iraqi government did not provide protection to victims of trafficking during the reporting period. The government did not operate shelters for trafficking victims, nor offer legal, medical, or psychological services. An NGO operated a shelter in Baghdad for women and girls who were victims of violence, although it is not known whether any of the people assisted were trafficking victims. Six shelters for abused women and girls in the KRG areas received some support from the regional government. A few NGOs provided legal assistance, counseling, and rehabilitation assistance to trafficking victims. Iraq did not have formal procedures to identify victims of trafficking among vulnerable groups, such as women arrested for prostitution or the foreign workers imported to Iraq by labor brokers, some of whom reportedly provided workers for U.S. Government contractors and sub-contractors. About half of the 1,000 men from Bangladesh, India, Nepal, Pakistan, the Philippines, and Sri Lanka found in December 2008 living for months in squalid conditions in camps near Baghdad International Airport were repatriated with IOM assistance; most of the rest found jobs in Iraq. The government was not involved in investigating the abuses or repatriating the men. Victims of trafficking reportedly were prosecuted for prostitution. There were documented cases of female victims being kept in "protective custody" in detention centers to deter violence against them by their families and traffickers. Abused children were typically placed in women's or juvenile prisons. Since trafficking is not established as a crime in Iraq, the government did not encourage victims to assist in investigations or prosecutions. Foreign victims had no legal protection against removal to countries in which they may face hardship or retribution. There was no victims' restitution program. The draft law would establish a framework for assisting victims of trafficking. It specifies the ways the government is obligated to assist victims, including by providing medical care and legal counseling. The law also stipulates that victims must be provided with shelter appropriate to their sex and age group, physical and mental rehabilitation, and educational and job training opportunities. As for foreign trafficking victims, the law requires that the authorities provide them with language and legal assistance and facilitate their repatriation.

Prevention

The Government of Iraq did not take measures to prevent trafficking in persons this reporting period, although some government officials have acknowledged that human trafficking is a problem. In March 2009, a few Iraqi officials attended training offered by an NGO in drafting effective anti-trafficking legislation. Local governments have held the view that trafficking is not a problem within their jurisdictions. A KRG parliamentarian told the press in August that there was no trafficking of women in the KRG area. The KRG Minister for Social Welfare did, however, call a high-level internal KRG meeting to look at the problem. The government does not sponsor any anti-trafficking campaigns. Although the Ministry of Human Rights and the Ministry of State for Women's Affairs have in the past expressed interest in running such a campaign, both lack funds and staffing. The Minister of State for Women's Affairs in February 2009 resigned over this lack of basic support; the ministry is now being led by an acting minister. The government did not provide any specialized training for government officials to identify trafficking victims. Law enforcement officials did not screen people leaving or entering Iraq for evidence of trafficking. The borders of Iraq remained generally unsecured, with limited presence by understaffed law enforcement officials outside of designated border crossings. The large numbers of internally displaced persons and refugees moving within Iraq and across its borders compounded the difficulty of identifying trafficking victims.

IRELAND (Tier 2)

Ireland is a destination and, to a lesser extent, transit country for women, men, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Women from Eastern Europe, Nigeria, other parts of Africa and, to a lesser extent, South America and Asia reportedly have been trafficked to Ireland for forced prostitution. Labor trafficking victims reportedly consist of men and women from Bangladesh, Pakistan, Egypt, and the Philippines, although there may be some victims from South America, Eastern Europe, and other parts of Asia and Africa. One Irish NGO reported that forced labor victims are found in domestic labor and restaurant and agricultural work. Unaccompanied minors from various source countries, particularly China, are vulnerable to trafficking. Over the last eight years, 388 unaccompanied immigrant children have disappeared from state care. While Irish authorities believe the majority of these children have been reunited with family members, the government reported that a small number of the missing children have been found in involuntary servitude in brothels, restaurants, and in domestic service.

The Government of Ireland does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government enacted legislation criminalizing human trafficking during the reporting period, increased trafficking awareness efforts, and investigated nearly 100 cases of potential trafficking. Although Ireland made significant strides, there was no evidence that trafficking offenders were prosecuted or convicted during the

reporting period, and concerns remained about victim identification and protection.

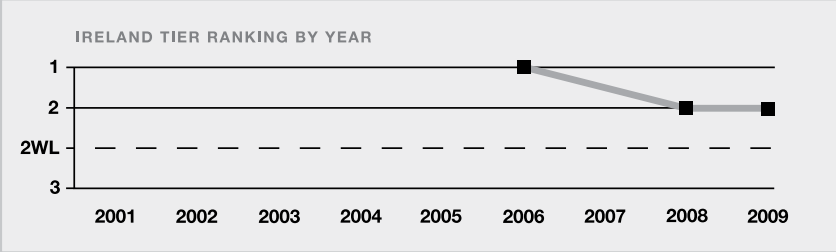
Recommendations for Ireland: Vigorously prosecute trafficking offenses and convict and sentence trafficking offenders; continue to implement procedures to guide officials in proactive identification of possible sex and labor trafficking victims among vulnerable groups, such as unaccompanied foreign minors; continue to take steps that will ensure trafficking victims are not penalized for unlawful acts committed as a direct result of being trafficked; and continue prevention measures targeted at reducing the vulnerability of the unaccompanied foreign minor population to trafficking.

Prosecution

The Government of Ireland made significant progress in improving its anti-trafficking legislative tools and in training personnel to combat human trafficking, but there were no documented prosecutions of trafficking offenders during the reporting period. The Government of Ireland prohibits all forms of trafficking through the Criminal Law (Human Trafficking) Act, enacted in 2008. Penalties range from no prescribed minimum to life imprisonment, which are sufficiently stringent and commensurate with punishments prescribed for rape. In 2008, the government initiated 96 investigations into alleged human trafficking offenses. The government reported no prosecutions or convictions under its human trafficking statute in 2008. One defendant was convicted and sentenced to 15 years' imprisonment in 2007 for sexual violence offenses against two victims, one of whom might have been in domestic servitude. The government reported that it cooperated with other countries on international anti-trafficking investigations and arrested three people wanted in other European countries on trafficking charges. In conjunction with IOM, the government trained more than 770 police officers and 130 other government officials, including airport authorities, on anti-trafficking law enforcement techniques.

Protection

Ireland provided limited protection and assistance to trafficking victims during 2008. The government disbursed funds for one NGO that works with sex trafficking victims, and to which the government referred suspected trafficking victims. Suspected victims of trafficking may also receive housing and services under the state program for asylum seekers. In December, the anti-trafficking working group formalized procedures for the referral of victims to NGOs, which will be codified in the National Action Plan. Irish officials also referred trafficking victims to NGOs providing food, shelter, health care, and legal assistance or to immigrant detention centers. The government assessed child victims' needs individually and placed the majority of child victims in the care of the government's Health Service Executive. As a result of the problem of missing unaccompanied minors, the government upgraded security at some of the residential housing units in which they were placed and trained health department officials working with these children in proactive trafficking victim identification efforts. The government encouraged victims to participate in investigations and prosecutions of trafficking offenders through witness protection measures and a 60-day reflection period – both newly designed government incentives. The government provided temporary legal alternatives to the removal of foreign victims during the reflection period, and longer term residency arrangements are possible. One of the lead anti-trafficking NGOs in Ireland publicly expressed concerns that the Irish government does not recognize all signs of trafficking as it screens suspected trafficking victims, though this concern was not unanimous among NGOs. Out of 40 suspected human trafficking victims referred to police during the reporting period, two were granted the 60-day reflection period by authorities. Of the remainder, all reside legally in Ireland. The police did not report the existence of any other victims during the reporting period. There was evidence during the year that potential trafficking victims were penalized for unlawful acts committed as a direct result of their being trafficked. One suspected victim spent several months in jail for failing to provide proof of identification, though she claimed she had been forced into prostitution in Ireland.



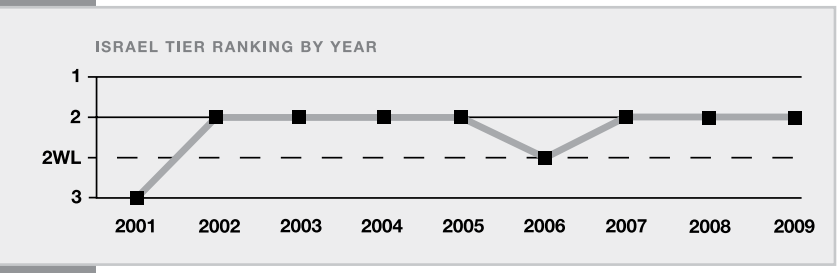
Prevention

Ireland made significant progress in prevention efforts during the reporting period. In October, the government launched a broad awareness campaign using the "Blue Blindfold – Don't Close Your Eyes to Human Trafficking" theme developed by the UK Human Trafficking Centre. Ireland held the lead role in the G6 anti-trafficking campaign, which included newspaper advertisements on four separate dates, distribution of 1,250 information packs to various government and civic organizations, advertising on mass transit, Internet advertisements, business cards distributed to hairdressers, advertisements in rugby programs, and a dedicated website. The Irish government produced a short film and advertisement designed to educate potential clients of the sex trade about human trafficking and to draw attention to the criminal liability these clients potentially face for exploiting trafficking victims. Ireland coordinated its government response to human trafficking through a specially created unit in the Justice Department. The director of the government's anti-trafficking unit has addressed numerous conferences within Ireland and has created pages on Internet social networking sites. The new law criminalizing human trafficking provides

for extraterritorial jurisdiction over Irish residents who engage in child sex tourism abroad. Ireland's Department of Defense provided anti-trafficking training to Irish troops being deployed abroad as peacekeepers. Ireland has not ratified the 2000 UN TIP Protocol.

ISRAEL (Tier 2)

Israel is a destination country for men and women trafficked for the purposes of forced labor and sexual exploitation. Low-skilled workers from China, Romania, Turkey, Thailand, the Philippines, Nepal, Sri Lanka, and India migrate voluntarily and legally to Israel for contract labor in the construction, agriculture, and health care industries. Some, however, subsequently face conditions of forced labor, including the unlawful withholding of passports, restrictions on movement, non-payment of wages, threats, and physical intimidation. Many labor recruitment agencies in source countries and in Israel require workers to pay recruitment fees ranging from $1,000 to $10,000 – a practice that makes workers highly vulnerable to trafficking or debt bondage once in Israel. Women from Russia, Ukraine, Moldova, Uzbekistan, Belarus, and China are trafficked to Israel for forced prostitution, often by organized crime groups across the border with Egypt. Israeli women are trafficked within the country for commercial sexual exploitation, and small numbers are reportedly trafficked to Ireland and the United Kingdom.



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 provided victims of sex trafficking with shelter and protection assistance. Although the government filed its first indictment for forced labor under its anti-trafficking law in 2008, it did not obtain the conviction of any employer or recruitment agent for labor trafficking offenses. In addition, the government did not provide the majority of forced labor victims with adequate protection services, such as appropriate shelter or medical and psychological services. Extending protection services to all victims of trafficking identified in Israel, and improving identification of victims of labor trafficking and internal trafficking would enhance Israel's anti-trafficking response.

Recommendations for Israel: Significantly increase prosecutions, convictions, and sentences for forced labor offenses, including the unlawful practice of withholding passports as a means to keep a person in a form of labor or service; increase investigations, prosecutions, and punishments of internal trafficking for commercial sexual exploitation; and extend comprehensive protection services to victims of forced labor.

Prosecution

The Government of Israel increased its efforts to investigate cases of forced labor during the reporting period, while its prosecution of sex trafficking offenses and conviction of sex trafficking offenders declined. Israel prohibits all forms of human trafficking through its Anti-Trafficking Law of 2006, which prescribes penalties of: up to 16 years' imprisonment for sex trafficking of an adult; up to 20 years' imprisonment for sex 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 grave crimes. In 2008, the government investigated nine cases of alleged sex trafficking, filed six indictments, and obtained the convictions of six individuals – 32 fewer than last year – with sentences ranging from four months' to seven years' imprisonment and fines. In addition, 12 prosecutions for sex trafficking remained in process, and eight cases awaited appeals. In March 2009, the government indicted eight men on charges of trafficking Eastern European women to Israel over a six-year period for the purpose of forced prostitution. During the year, the government opened 24 investigations into cases of forced labor and 48 into the unlawful withholding of migrant workers' passports; it filed its first indictment for forced labor under the trafficking law in November 2008. Police, however, did not initiate any investigations into the trafficking of Israeli citizens within the country and generally did not recognize trafficked Israeli women as such. In 2008, the government requested the assistance of three foreign governments in conducting international trafficking investigations.

Protection

The government continued to improve its protection of trafficking victims over the reporting period, though protective services available to victims of forced labor and internal trafficking remained limited. The government supervised and funded a local NGO's operation of a shelter for foreign victims of sex trafficking, allocating $1.25 million for operations, security, and medical care in 2008. During the year, the shelter assisted 44 women, 12 of whom were referred by the police. Victims in this shelter received medical treatment, psychiatric and social services, stipends, temporary residency, and work permits. Local observers, however, continued to report the shelter's reluctance to accept trafficked women with children, and that victims outside the shelter could not access medical or psychological care unless they first paid for insurance. The government employed formal procedures to identify victims of sex trafficking and refer them to the shelter or other NGO facilities; these victims were not punished for

acts committed as a direct result of their being trafficked. The government made protective services available for the first time to Israeli victims of sex trafficking at the end of the reporting period. In December 2008, the Ministries of Health and Social Affairs launched a $2.5 million project to assist Israeli females engaged in prostitution, including trafficking victims, resulting in the opening of emergency apartments in Tel Aviv and Haifa, establishment of a hotline, and operation of a mobile clinic; while 70 women benefited from these services, none were identified as trafficking victims.

Israel lacked a specific shelter for victims of labor trafficking, but government authorities referred six female victims of forced labor to the aforementioned shelter during the reporting period. In 2008, the Ministry of Social Affairs solicited bids for the creation of three facilities for labor trafficking victims – a shelter for women, a shelter for men, and three short-term apartments – and selected an NGO to operate them. In May 2008, the Committee of Directors General approved and disseminated procedures to identify labor trafficking victims to relevant government entities and NGOs. NGOs reported, however, that the guidelines were not implemented and the Detention Tribunal that reviews immigration violation cases continued to misclassify labor trafficking cases on a regular basis, resulting in the detention and deportation of many victims. In July 2008, the Ministry of Interior published procedures for granting temporary visas to victims of slavery and forced labor; the government issued temporary visa extensions for 27 sex trafficking victims and 17 forced labor victims in 2008. In February 2008, an inter-ministerial committee launched a new system for licensing nursing recruitment agencies and employing foreign caregivers in Israel that allows workers who legally entered the country to obtain alternate employment if they lose or choose to leave their first job; no licenses of abusive employers have been revoked since the new system came into place, though there have been reports of abusive employers over the last year. In November 2008, the Knesset passed Legal Aid Law (Amendment 9) granting free legal aid to victims of trafficking and slavery. In February 2009, the Minister of Justice signed Penal Regulations 5769-2009, making it possible to distribute property and funds confiscated from trafficking offenders to victims, NGOs, and government agencies to assist victim rehabilitation programs.

Prevention

The Israeli government made efforts to prevent trafficking in persons during the reporting period. The National Coordinator for Anti-Trafficking Efforts provided lectures on trafficking to army units, city and municipality workers, students, and social workers. In addition, the Authority for the Advancement of Women, the Ministry of Education, the State Attorney's Office, and the Ministry of Justice's Legal Aid Branch sponsored anti-trafficking seminars, conferences, and lectures throughout the country. The government distributed a labor rights brochure to foreign workers arriving at the Ben Gurion Airport and a second brochure to foreign construction workers throughout the year. To reduce the demand for commercial sex acts within Israel, the Knesset drafted, but has not yet passed, a private bill in 2008 – The Prohibition of the Use of Paid Sexual Services Law – calling for the criminalization of clients of the sex industry; the bill prescribes punishment of six months' imprisonment or an education program for first-time offenders. The National Coordinator convened a series of meetings with NGOs, academics, and government officials to examine the bill; its passage has been delayed one year to allow for further study and intensive public education campaigns on the subject.

ITALY (Tier 1)

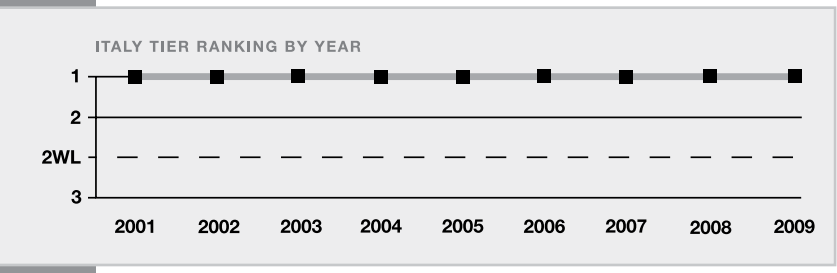
Italy is a destination and transit country for women, children, and men trafficked internationally for the purposes of commercial sexual exploitation and forced labor. Women and children are trafficked for forced prostitution mainly from Nigeria, Romania, Bulgaria, Moldova, Albania, and Ukraine but also from Russia, South America, North and East Africa, the Middle East, China, and Uzbekistan. Chinese men and women are trafficked to Italy for the purpose of forced labor. Roma children continue to be trafficked for the purposes of sexual exploitation and forced begging. Men are trafficked for the purpose of forced labor, mostly in the agricultural sector in southern Italy. According to one NGO, 90 percent of foreign seasonal workers are unregistered and two-thirds are in Italy illegally, rendering them vulnerable to trafficking. The top five source countries for agricultural workers, from which forced labor victims are likely found, are Poland, Romania, Pakistan, Albania, and Cote d'Ivoire. Traffickers continued to move victims more frequently within Italy, often keeping victims in major cities for only a few months at a time, in an attempt to evade police detection. NGOs and independent experts report that trafficking has shifted into more private, hidden sectors, causing the identification of trafficking victims to become more difficult and complex.

The Government of Italy fully complies with the minimum standards for the elimination of trafficking. During the reporting period, the government continued to vigorously investigate and convict trafficking offenders and continued to implement its progressive victim-centered approach for the rescue, reintegration, and repatriation of trafficking victims in Italy.

Recommendations for Italy: Increase outreach and identification efforts to women and children in prostitution to ensure that trafficking victims are identified, provided care, and not penalized for crimes committed as a direct result of being trafficked; proactively identify potential trafficking victims among Italy's illegal immigrants; continue to vigorously investigate and prosecute allegations of trafficking-related complicity; and expand public awareness campaigns aimed at reducing domestic demand for commercial sex acts.

Prosecution

The Government of Italy continued to vigorously investigate, prosecute and convict trafficking offenders during the reporting period. Italy prohibits all forms of trafficking in persons through its 2003 Measures Against Trafficking in Persons law, which prescribes penalties of eight to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other grave offenses. The government uses other laws, which carry lesser penalties, in some cases to prosecute trafficking for the purpose of forced labor. Incomplete data for 2008 show the government investigated 2,221 individuals, arrested 316, prosecuted 480 trafficking suspects and convicted 225 trafficking offenders, compared to 163 convicted for the same time frame in 2007. The average sentence was six years' imprisonment, an increase from four years in 2007. Complete data for 2007 show the government convicted a total of 282 trafficking offenders. For sentences of more than two years, defendants were not eligible to receive suspended sentences. In 2008, the government convicted 23 trafficking offenders from a 2006 case involving the trafficking of 113 Polish tomato pickers in Puglia who were exploited in forced labor conditions; all 23 trafficking offenders were sentenced to four to ten years' imprisonment. According to an NGO based in Genoa working with Nigerian victims of trafficking, some government officials have been imprisoned for facilitating trafficking. In September 2007, an officer of the Italian consulate in Kyiv was arrested for facilitating the trafficking of young girls for forced prostitution in clubs and discos; the Italian government did not report on any subsequent investigation in Italy.



Protection

The Italian government sustained its victim-centered efforts to protect trafficking victims during the reporting period. Article 18 of its anti-trafficking law allows authorities to grant residence permits and provide protection and job training services to victims of trafficking. Article 13 of the law provides for three to six months' assistance to victims. Adult trafficking victims were granted a six-month residency permit, which was renewed if the victim found employment or had enrolled in a training program. Children received an automatic residence permit until they reached age 18. In 2008, the government allocated $9.41 million for 66 victim assistance projects; however, the government did not provide data on the number of trafficking victims who benefited from these projects or the number who entered social protection programs. According to the Ministry of Interior, the government issued 664 residency permits to victims who assisted in the investigation of their traffickers during the reporting period. The government ensured, through IOM, the responsible return of 81 trafficking victims in 2008. These victims were given $678 by the government for their repatriation, up to $2,168 for resettlement in their home country and reintegration assistance for six months. Article 18 stipulates for the identification and referral of trafficking victims to NGOs to care and assistance; however, the government did have stand-alone procedures for front-line responders to ensure this aspect of the law was being implemented among vulnerable populations in Italy, particularly within its legalized prostitution regime. The government provided training for police officers on victim identification and assistance and promoted training exchanges on best practices for experts and social workers every three months in 2008. Despite the government's efforts to identify victims of trafficking, NGOs claim that some were still deported prior to being identified and assisted, such as Nigerian sex trafficking victims. Based on a 2006 independent commission report that the government's victim identification measures for immigrants arriving in boats from North Africa were not fully effective, the government reportedly improved its process for identifying trafficking victims and it now allows international organizations and NGOs to inspect detention facilities and to interview migrants. Victims who file complaints against traffickers generally did not face penalties for unlawful acts committed as a direct result of their being trafficked. According to the Ministry of Interior, approximately 400 children came ashore in Sicily in 2008 and were hosted by NGOs before disappearing; some may have been trafficked for labor exploitation in the agricultural sector.

Prevention

The Government of Italy made adequate efforts to prevent trafficking in 2008. While it did not initiate any new awareness campaigns during the reporting period, NGOs continued to distribute government-funded materials that included TV spots, Internet banners, and bumper stickers in various languages during the reporting period. The government did not report any progress made on a planned 2007 public awareness campaign, called Project Pentametro, with several other countries to reduce demand for commercial sex acts and raise awareness about human trafficking. In March and April 2008, the Ministry of Interior released a radio and television awareness campaign specifically aimed at educating potential clients of the sex trade about human trafficking and publicizing the national anti-trafficking hotline. As a measure to reduce the demand for commercial sex acts, officials in several Italian municipalities began fining clients of prostitution after the issuance of a national government decree in May 2008 authorizing mayors to prohibit street prostitution. In September 2008, the government launched a study on labor exploitation.

The Italian Ministry of Defense regularly organizes training sessions on human rights and trafficking for both civilians and military personnel who serve in international peacekeeping missions abroad. The NGO *ECPAT* estimated that 80,000 Italian men travel to Kenya, Thailand, Brazil, Latin America, and the Czech Republic for sex tourism every year. In November 2008, the government launched a program to fight child sex tourism that included outreach to tour operators and travel agencies. In May 2008, the government sentenced an Italian man to 14 years' imprisonment for child sex tourism offenses committed in Thailand and Cambodia. The government did not report that it followed up on a February 2007 case involving the arrest of a University professor in Naples for committing child sex tourism offenses while in Thailand.

JAMAICA (Tier 2)

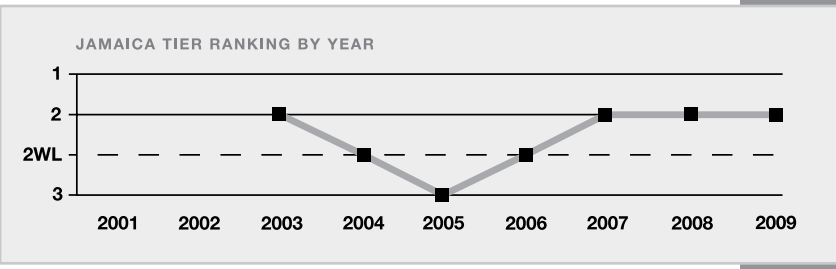
Jamaica is a source, transit, and destination country for women and children trafficked for the purposes of sexual exploitation and forced labor. The majority of victims are poor Jamaican women and girls, and increasingly boys, who are trafficked from rural to urban and tourist areas for commercial sexual exploitation. Victims are typically recruited by persons close to them or newspaper advertisements promoting work as spa attendants, masseuses, or dancers; after being recruited, victims are coerced into prostitution. Jamaican children also may be subjected to conditions of forced labor as domestic servants. Child sex tourism in resort areas has been identified as a problem. Reportedly women from the Dominican Republic, Russia, and Eastern Europe who have been trafficked into Jamaica's sex trade have also been forced to transport illegal drugs. Some Jamaican women and girls have been trafficked to Canada, the United States, the Bahamas, and other Caribbean destinations for commercial sexual exploitation.

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. During the reporting period, the government of Jamaica made strong progress in the prosecution of trafficking offenders and continued solid efforts to prevent human trafficking, although its services to trafficking victims remained largely inadequate.

Recommendations for Jamaica: Expand efforts to investigate, convict, and punish traffickers for their crimes; extend training on human trafficking issues among law enforcement agencies; increase funding for shelter services and other assistance to victims; and continue awareness campaigns aimed at vulnerable populations, especially young people.

Prosecution

The Government of Jamaica took significant steps to apprehend, investigate, prosecute, and convict trafficking offenders during the last year. The government prohibits all forms of trafficking through its comprehensive Trafficking Act of Jamaica, which went into effect in 2007. The Act, which prescribes sufficiently stringent penalties of up to 10 years' imprisonment, applies to those who committed, facilitated, or knowingly benefited from the offense. If a corporate body is involved, every director, manager, secretary, or other similar officer may be liable. During the year, the government reported its first convictions for conspiracy to traffic in persons. In November 2008, two men convicted of trafficking offenses committed before enactment of the new law were each sentenced to 12 months in prison in accordance with the trafficking statutes of the Child Protection Act. The alleged traffickers in the four trials currently underway, however, were all charged under the 2007 anti-trafficking law. The National Anti-Trafficking Task Force allows for coordination among various NGOs and government agencies – internal, international, and multilateral – on trafficking-related matters as per the national action plan. The police anti-trafficking unit works closely with liaison officers at the Department of Public Prosecution, where specially-trained officials provide guidance on which cases should be prosecuted under trafficking laws. Police and judicial officials received anti-trafficking training from IOM and other organizations. No reports of official complicity with human trafficking were received in 2008.



Protection

During the reporting period, the government made limited progress in its efforts to ensure victims' access to medical, psychological, legal, and victim protection services through a formal referral process. Existing law provides for the government to assist victims with: understanding the laws of Jamaica and their rights; obtaining any relevant documents and information to assist with legal proceedings; replacing travel documents; any necessary language interpretation and translation; meeting expenses related to criminal proceedings against their traffickers; and provision of shelters and assistance to cover expenses. A lack of financial resources seriously constrains the government's ability to provide these services. With the funding that is available, however, the government has begun construction of a shelter for women and children trafficking victims scheduled to open in 2009. As specialized shelters for trafficking victims remain largely unavailable, law enforcement and social service agencies refer victims to safe houses for abuse victims that are run by NGOs. Law enforcement, immigration, and social services personnel use established formal mechanisms to proactively identify

victims of trafficking among high-risk populations they are likely to encounter, and to refer these victims to NGOs for short- or long-term care. Pursuant to its anti-trafficking statute, Jamaican authorities encourage victims to assist in the investigation and prosecution of their traffickers. Victims may also independently file civil suits or take other legal action against their traffickers. One victim assisted in the investigation and prosecution of traffickers during the reporting period. Victims are not penalized for immigration violations or other unlawful acts committed as a direct result of being trafficked. The Jamaican government allows foreign trafficking victims participating in a law enforcement investigation or prosecution to stay in Jamaica until their cases have been completed and their safe return to their home countries is certain.

Prevention

The government made steady efforts to further raise the public's awareness of trafficking during the reporting period. The government conducted anti-trafficking education campaigns in schools and rural communities. Local NGOs used videos and live theatrical performances to highlight the dangers of trafficking, and also included anti-trafficking components in outreach to vulnerable populations, especially in popular tourist destinations. The campaigns targeted potential trafficking victims. Having previously eliminated their use in nightclubs, the government further tightened issuance of "exotic dancer" permits for Jamaican hotel establishments by increasing the permit fee significantly beyond the financial reach of the hotels. This may be effective in preventing sex trafficking. Increased government collaboration with Jamaica's hotel and tourism industry would assist efforts to prevent child and adult sex tourism in resort areas; despite reported sexual exploitation of Jamaican children by foreign tourists, no investigations or prosecutions of such suspected criminal activity committed by foreign tourists were reported by the government.

JAPAN (Tier 2)

Japan is one of several destinations and transit countries to which men, women, and children are trafficked for the purposes of forced labor and commercial sexual exploitation. Women and children from East Asia, Southeast Asia, Eastern Europe, Russia, South America, and Latin America are trafficked to Japan for commercial sexual exploitation, and male and female migrant workers from China, Indonesia, the Philippines, Vietnam, and other Asian countries are sometimes subject to conditions of forced labor. Most officially identified trafficking victims are foreign women who migrate willingly to Japan seeking work, but are later subjected to debts of up to $50,000 that make them vulnerable to trafficking for sexual exploitation or labor exploitation. A significant number of Japanese women and girls have also been reported as sex trafficking victims. During the last year, a number of Paraguayan children were trafficked to Japan for the purpose of forced labor. Traffickers occasionally use debts to coerce migrants into prostitution in Japan's large sex trade. Many foreign and Japanese women initially enter the sex industry voluntarily, only to find themselves victims of involuntary servitude. In addition to severe economic coercion, trafficked women are sometimes subjected to coercive or violent physical and psychological methods to prevent them from seeking assistance or escaping. Most independent observers and organized crime experts believe that organized crime syndicates (the Yakuza) continue to play a significant role in trafficking, both directly and indirectly. Traffickers are increasingly targeting Japanese women and girls for coerced exploitation in pornography and the sex industry. Female victims, both foreign and Japanese, are often reluctant to seek help from authorities due to shame or fear of reprisals by their traffickers. 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.

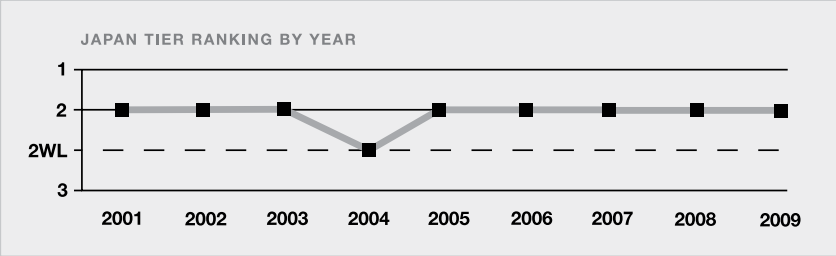
The Government of Japan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government increased the number of sex trafficking prosecutions initiated in 2008, yet most convicted offenders of trafficking were given suspended sentences. Japan has not yet effectively addressed the problem of trafficking for labor exploitation. The government's efforts to identify victims of trafficking remained inadequate.

Recommendations for Japan: Expand proactive law enforcement efforts to investigate trafficking in commercial sex businesses, especially in rural areas and including call-girl services ("delivery health"), "enjo-kosai" (compensated dating) sites, and social networking sites; establish 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 crimes committed as a direct result of being trafficked; increase prosecutions for labor trafficking; send periodic formal instructions to the National Police Agency and to Japanese Embassies and Consulates instructing officials to cooperate with foreign authorities in investigating Japanese nationals involved in possible child sexual exploitation; continue to increase the availability and use of translation services and psychological counselors with native language ability at shelters for victims; and inform all identified victims of the availability of free legal assistance and options for immigration relief.

Prosecution

The Government of Japan demonstrated some law enforcement efforts to combat trafficking in the last year, but did not impose adequate sentences for most convicted trafficking offenders. The government did not adequately address the problem of trafficking for labor exploitation during the reporting period. The government reported 29 prosecutions and 13 convictions in 2008, all of which

were for sex trafficking offenses. This is compared to 11 prosecutions and 12 convictions in 2007. Offenders received sentences ranging from six months to four years' imprisonment with labor. Eleven of the 13 convicted offenders received suspended sentences, however, and were not punished with imprisonment. The government did not sufficiently pursue investigations, prosecutions, and convictions of organized crime groups engaged both directly and indirectly in trafficking. Arrests tend to be limited to street level operators. Japan's 2005 amendment to its criminal code and a variety of other criminal code articles and laws, including the Labor Standards Law, the Prostitution Prevention Law, the Child Welfare Law, and the Law for Punishing Acts Related to Child Prostitution and Child Pornography criminalize trafficking and a wide range of related activities. However, it is unclear if the existing legal framework is sufficiently comprehensive to criminalize all severe forms of trafficking in persons. The 2005 criminal code amendment prescribes penalties of up to seven years' imprisonment, which is sufficiently stringent. Application of these statutes, however, has been hindered by the difficulty of establishing the level of documentary evidence required for proving a trafficking crime. Labor exploitation, including forced labor, continues to be widely reported by labor unions, NGOs, shelters, and the media. Based on calls to government-sponsored assistance hotlines, NGOs estimate that approximately five percent, or over 3,400 foreign workers recruited as "trainees" in 2008, were potential victims of labor trafficking. The Immigration Bureau and Labor Standard Inspection Bodies continued to report hundreds of abuses by companies involved in the Industrial Trainee and Technical Internship Program (the "foreign trainee program"). Some reported abuses included fraudulent terms of employment, restrictions on movement, withholding of salary payments, and debt bondage. According to labor rights groups, trainees sometimes had their travel documents taken from them and their movement controlled to prevent escape. In a few companies, trainees were reportedly forced to work unpaid overtime, and wages were automatically deposited into company controlled accounts, despite the illegality of such forced deposits. There were no convictions for labor trafficking during the reporting period. The government is beginning to exhibit efforts to monitor and regulate its foreign trainee program, though it has not yet taken steps to investigate, prosecute, and convict any potential offenders of labor trafficking in the program. NGOs working with illegal workers in Japan reported the government's reluctance to consider any illegal workers as trafficking victims, defining them instead as victims of contract fraud. During the reporting period, there was a media report of an ex-government official accepting a $54,000 bribe to use government connections to facilitate the granting of entertainment visas to 280 Filipina women who were to perform in charity concerts but ended up working as hostesses in bars. Officials in the Department of Justice and the Ministry of Foreign Affairs granted the visas. The government has not investigated or prosecuted any individuals allegedly involved in this possible trafficking-related corruption case, citing a lack of evidence. Corruption is a serious concern in the large and socially accepted entertainment industry in Japan, largely due to the industry's economic power.



Protection

Victim protection remained inadequate during the reporting period. The number of trafficking victims identified by the Japanese government declined for the third consecutive year. Law enforcement authorities identified 36 victims in 2008, down from 43 victims in 2007, 58 in 2006, and 116 in 2005. This number is thought to be disproportionately low relative to the suspected magnitude of Japan's trafficking problem. Despite reports by both official and private entities of labor exploitation, the government only identified one victim of labor trafficking in 2008, which was associated with a sex trafficking case. NGOs working with trafficking victims continue to express concerns based on interaction with trafficking victims that the government is not sufficiently proactive in searching for victims among vulnerable populations such as foreign workers and foreign women in the sex trade. Expanded government collaboration with NGOs is likely one of the most effective tools the government has available in its efforts to combat trafficking. The government repatriated 18 of 36 identified trafficking victims without referring them to IOM for risk assessment and formal repatriation processing in 2008. According to the government, these early repatriations were at the request of the victim. Japan does not have formal victim identification procedures, nor does it dedicate government law enforcement or social services personnel solely to the human trafficking issue. During the reporting period, the Immigration Bureau created a database of trafficking cases. NGOs familiar with regular training courses given to police, judges, and prosecutors, expressed the desire that such courses be further improved, as some potential victims appear to have been punished for crimes committed as a direct result of being trafficked, including for immigration violations. The government does not appear to consistently recognize victims who initially enter into the commercial sex industry willingly, but later find themselves to be victims of trafficking. In October 2008, police conducted a raid on a commercial sex establishment and identified 12 Thai trafficking victims. Three women who may also have been trafficking victims were not taken into custody because they were not considered illegal immigrants. These

three have since overstayed their visas and are missing, indicating the need for greater law enforcement training on victim identification, quick access to trained, native language trafficking counselors to overcome the distrust of police commonly found in potential victims, and better incentives offered by the Government of Japan to potential victims in terms of retraining and the possibility of legal avenues of employment.

Thirty of the 33 identified trafficking victims in 2008 were housed in government shelters – Women's Consulting Centers (WCCs). The victims had access to subsidized medical care and some victims received psychological care while in the WCCs. While in shelters or assisting in trials, victims have never been permitted to obtain employment or otherwise generate income. This lack of opportunity to generate income, coupled with the trauma of being a victim of trafficking, are likely factors leading most victims to agree to repatriation to their home country. NGOs report that, although the government encouraged victims to assist in the investigation and prosecution of trafficking crimes, the government did not provide victims with an environment conducive to cooperation. While the government can legally provide incentives for cooperation, such as the opportunity to work, there were no victims who were provided this type of assistance in 2008. To date there have been no reported cases where the government provided legal assistance to a trafficking victim. The government has the capacity to provide long-term residency visas for trafficking victims, but no foreign trafficking victim has been granted such a visa as yet. Japan continued to provide IOM with $300,000 a year for repatriation and reintegration assistance.

Prevention

The Government of Japan continued to improve its efforts to increase awareness of trafficking during the reporting period. The government continued distribution of approximately 30,000 posters and 50,000 leaflets to local governments, embassies, airports, harbors, and NGOs. The Immigration Bureau continued to distribute trafficking awareness leaflets in five languages. The National Police University began to teach classes and seminars on trafficking during the reporting period. In order to reduce Japanese demand for child sex tourism, the government displayed posters on child sex tourism in airports and at harbor facilities. A significant number of Japanese men continue to travel to other Asian countries, particularly the Philippines, Cambodia, and Thailand, to engage in sex with children. Despite Japanese courts' extraterritorial jurisdiction over Japanese nationals who have sexually exploited children in a foreign country, the government did not prosecute any Japanese nationals for child sex tourism during the reporting period. This also is an area that is cause for concern. The government conducted periodic police raids of prostitution establishments, including some raids on Internet-based forms of commercial sex, but did not make any other efforts to reduce the demand for commercial sex acts. During the reporting period, the government began funding a $5 million project to protect victims of trafficking in Southeast Asia, and continued to fund a number of other anti-trafficking projects around the world. Japan has not ratified the 2000 UN TIP Protocol.

JORDAN (Tier 2)

Jordan is a destination and transit country for women and men from South and Southeast Asia for the purpose of forced labor. There were some reports of women from Morocco and Tunisia being subjected to forced prostitution after arriving in Jordan to work in restaurants and night clubs. Women from Bangladesh, Sri Lanka, Indonesia, and the Philippines migrate willingly to work as domestic servants, but some are subjected to conditions of forced labor, including unlawful withholding of passports, restrictions on movement, non-payment of wages, threats, and physical or sexual abuse. During the reporting period, the Government of the Philippines continued to enforce a ban on new Filipina workers migrating to Jordan for domestic work because of a high rate of abuse of Filipina domestic workers by employers in Jordan. At the end of the reporting period, an estimated 600 Filipina, Indonesian, and Sri Lankan foreign domestic workers were sheltered at their respective embassies in Amman; most of whom fled some form of forced labor.

In addition, some Chinese, Bangladeshi, Indian, Sri Lankan, and Vietnamese men and women have encountered conditions indicative of forced labor in a few factories in Jordan's Qualifying Industrial Zones (QIZs), including unlawful withholding of passports, delayed payment of wages, including overtime, and, in a few cases, verbal and physical abuse. In past years, Jordan has been a transit country for South and Southeast Asian men deceptively recruited with fraudulent job offers in Jordan, but instead trafficked to work involuntarily in Iraq. There were no substantiated reports of this, however, during the reporting period.

The Government of Jordan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government amended its labor law to cover agriculture and domestic workers, passed comprehensive anti-trafficking legislation, initiated a joint labor inspector and police anti-trafficking investigation unit, started a Human Trafficking Office within the Public Security Directorate's (PSD) Criminal Investigation Unit, and improved efforts to identify victims of trafficking and related exploitation among foreign domestic workers, foreign laborers in the QIZs, and foreign women in prostitution. Nevertheless, anti-trafficking law enforcement efforts were nascent and the identification of labor trafficking offenses and related victims was inadequate, with some victims treated as offenders and penalized for acts committed as a direct result of their being trafficked.

Recommendations for Jordan: Use the new comprehensive anti-trafficking law by increasing efforts

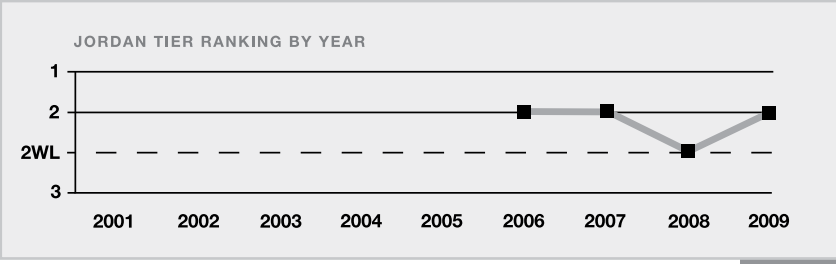
to investigate, prosecute, and sentence trafficking offenders, particularly those involving forced labor; complete regulations defining the terms of employment for domestic workers and those governing the operation of recruitment agencies; enhance services available for trafficking victims to include a shelter; implement a comprehensive awareness campaign to educate the public on trafficking and forced labor, focusing on domestic workers and the new anti-trafficking law; and strengthen efforts to proactively identify victims of trafficking and forced labor and ensure victims are not punished for unlawful acts committed as a direct result of their being trafficked.

Prosecution

The Government of Jordan made improved efforts to criminally punish trafficking offenders during the reporting period. On March 31, 2009, a comprehensive anti-human trafficking law came into force that prohibits all forms of trafficking. The new law prescribes penalties of up to ten years' imprisonment for forced prostitution and trafficking involving aggravating circumstances such as the trafficking of a child or trafficking involving a public official; penalties prescribed for labor trafficking offenses not involving 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, to labor violations committed against Jordanian or foreign workers, including forced labor offenses; these penalties also are not sufficiently stringent. Although the Jordanian government did not provide comprehensive data on its anti-trafficking law enforcement efforts over the last year, it reported investigating at least 19 cases, of which 10 were sent to judicial authorities for prosecution and nine were resolved administratively. During 2008, the Ministry of Labor (MOL) closed seven labor recruitment agencies for offenses that relate to forced labor. The MOL investigated 535 general labor complaints received from Jordanian and foreign workers through the MOL-operated hotline, which included some indicators of forced labor, such as employers withholding workers' passports. In late 2008, the PSD's Criminal Investigation Department (CID) investigated the forced prostitution of two Tunisian women and arrested their trafficker. In early 2009, the CID investigated and forwarded for prosecution two cases, involving seven women, of forced labor in night clubs. The government in October 2008 began prosecuting 75 municipal employees in Karak for abuses of their power that included forging work permits for migrant workers, a potential contributor to forced labor. The government provided anti-trafficking training through the police training academy and a training program for labor inspectors.

Protection

The Jordanian government made improved but inadequate efforts to protect victims of trafficking during the last year. The government continued to lack direct shelter services for victims of trafficking, though Article 7 of the newly passed anti-trafficking law contains a provision for the opening of shelters. A government-run shelter for abused Jordanian women housed approximately 10 foreign domestic workers who had been sexually assaulted by their employers and subsequently referred to the shelter by PSD's Family Protection Department; these domestic workers may have been trafficking victims. Although Jordanian law enforcement authorities did not employ systematic procedures to proactively identify or refer victims of trafficking, some victims were identified by the PSD and referred to NGOs for care. The government did not ensure that victims were not penalized for unlawful acts committed as a direct result of being trafficked; victims continued to be vulnerable to arrest and incarceration if found without adequate residency documents and some foreign domestic workers fleeing abusive employers were incarcerated after their employers filed false claims of theft against them. The government did not actively encourage victims of domestic servitude to participate in the investigation or prosecution of trafficking offenders. 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 stay in Jordan and pursue legal action against traffickers. Nevertheless, the Ministry of Interior often waived the accumulated overstay penalties levied against "runaway" foreign domestic workers in order to repatriate them.



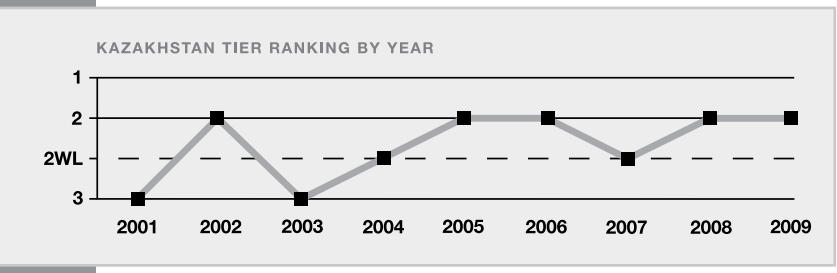
Prevention

Jordan made limited efforts to prevent trafficking in persons during the reporting period. The Ministry of Labor (MOL) collaborated with local NGOs to raise awareness of labor trafficking through ads on billboards, and public service announcements in the print media and via radio. The MOL continued training labor inspectors on various facets of human trafficking and continued distribution of a guidebook it published on protections for foreign domestic workers, including hotlines to call to report abuse. The PSD provided trafficking-specific training to the thousands of officers it sent abroad for participation in international peacekeeping efforts. The government did not undertake any discernable measures to reduce the demand for commercial sex acts. Jordan has not ratified the 2000 UN TIP Protocol.

KAZAKHSTAN (Tier 2)

Kazakhstan is a source, transit, and destination country for men, women, and children from Uzbekistan, Tajikistan, and Kyrgyzstan trafficked to Russia and the UAE for the purposes of commercial sexual exploitation and forced labor in the construction and agricultural industries. Women from Kazakhstan are trafficked to China and Turkey for the purpose of commercial sexual exploitation. Kazakhstan is a destination country for a significant number of Uzbek men, women, and girls trafficked for the purposes of commercial sexual exploitation and forced labor, including domestic servitude and forced labor in the tobacco, cotton, and meat processing industries. Men, women, and children are trafficked internally for the purposes of forced labor and forced prostitution.

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. Over the last year, the government demonstrated increased efforts to investigate, prosecute, and convict traffickers and improved efforts to prosecute labor traffickers. It also significantly increased funding for public awareness efforts. The government, however, identified a smaller number of victims over the reporting period.



Recommendations for Kazakhstan: Increase efforts to identify both sex and labor trafficking victims; increase the number of victims who receive government-funded assistance by increasing funding to anti-trafficking NGOs; and conduct trafficking awareness campaigns aimed at reducing the demand for both labor trafficking and commercial sexual exploitation.

Prosecution

The Kazakhstan government demonstrated some progress in its anti-trafficking law enforcement efforts over the reporting period. Kazakhstan prohibits trafficking in persons for both labor and sexual exploitation through Articles 128, 133, 125(3)(b), 126(3)(b), and 270 of its penal code, which prescribe penalties of from five to 15 years' imprisonment – penalties sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. Police conducted 44 trafficking investigations, a significant increase from 22 investigations in 2007. Authorities prosecuted 30 cases in 2008, up from 16 prosecutions in 2007. Twenty-four trafficking offenders were convicted – including 18 for sex trafficking offenses and six for labor trafficking offenses – up from 19 trafficking convictions in 2007. Only one trafficker received a suspended sentence and served no time in prison. Twelve sex trafficking offenders were given sentences ranging from between 1.5 to six years' imprisonment and six sex trafficking offenders were given sentences ranging from seven to 11 years' imprisonment; four labor traffickers were given sentences ranging from 1.5 to five years' imprisonment and two labor traffickers were given sentences ranging from 6.5 to 10 years' imprisonment. The government did not investigate, prosecute, convict, or punish government officials complicit in trafficking in 2008.

Protection

The government's efforts to assist and protect victims decreased during the year. NGOs continued to report that local police and government officials lacked awareness about labor trafficking, causing some labor trafficking victims to go unidentified during the year. The police formally identified 50 victims, a significant decrease from 112 victims identified by police in 2007. NGOs and IOM assisted 64 victims in 2008, including 22 victims assisted by government-funded programs. Kazakhstan allocated $45,838 for victim assistance in 2008, compared to $35,000 in 2007. Twenty-two victims were assisted by government-funded programs during the reporting period. A local government provided modest assistance for one anti-trafficking shelter in 2008. The Ministry of Foreign Affairs paid for the repatriation of some Kazakh victims trafficked abroad. The government encouraged victims to participate in the investigation and prosecution of trafficking offenses. Foreign victims who agreed to cooperate with law enforcement were permitted to remain in Kazakhstan for the duration of the criminal investigation; no reported victims received temporary residence permits in 2008. Many victims refused to testify for fear of retribution from traffickers and because the government had not devoted sufficient resources for the protection of victims who serve as witnesses for the prosecution. The law provides that victims are not penalized for unlawful acts committed as a direct result of being trafficked.

Prevention

The government significantly increased its funding for trafficking prevention efforts during the reporting period. In 2008, the government allocated $333,000 for nation-wide anti-trafficking awareness campaign advertised on television, radio, in newspapers, and in magazines; a total of 300 trafficking television and radio programs aired and 400 trafficking articles were published. The government also funded NGOs to produce trafficking awareness brochures for Kazakh nationals traveling abroad. Most trafficking awareness efforts in 2008 were targeted at potential victims of trafficking and did not address the demand for trafficking.

KENYA (Tier 2)

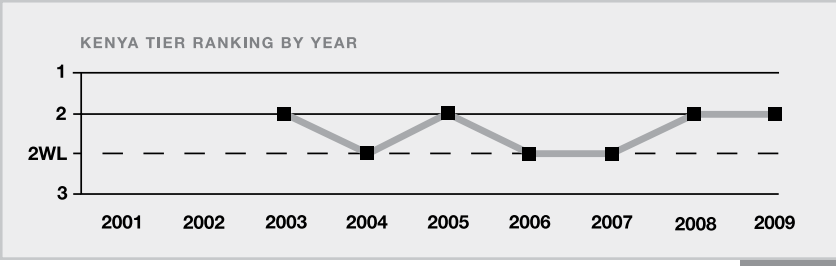
Kenya is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. Kenyan children are trafficked within the country for domestic servitude, forced labor in agriculture (including on flower plantations), cattle herding, in bars, and for commercial sexual exploitation, including involvement in the coastal sex tourism industry. In 2008, internally displaced persons residing in camps as a result of post-election violence reportedly were trafficked within the country. Kenyan men, women, and children are trafficked to the Middle East, other East African nations, and Europe for domestic servitude, exploitation in massage parlors and brothels, and forced manual labor, including in the construction industry. Employment agencies facilitate and profit from the trafficking of Kenyan nationals to Middle Eastern nations, notably Saudi Arabia, the UAE, and Lebanon. Children are trafficked to Kenya from Burundi, Ethiopia, Rwanda, Somalia, Tanzania, and Uganda for forced labor and commercial sexual exploitation. Most trafficked girls are forced to work as barmaids, where they are vulnerable to sexual exploitation, or are forced directly into prostitution. Ethiopian and Somali refugees residing in camps and Nairobi's Eastleigh section are particularly vulnerable to trafficking. Chinese, Indian, and Pakistani women reportedly transit Nairobi en route to exploitation in Europe's commercial 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. Post-election violence and the subsequent government reorganization delayed a number of anti-trafficking initiatives, such as the enactment of anti-trafficking legislation and the passage of a draft national action plan. While local-level law enforcement officials across the country continued to arrest and charge alleged traffickers throughout the year, prosecutions failed to progress and data on such cases was not compiled at the provincial or national level. In addition, the government did not allocate adequate resources dedicated to anti-trafficking measures during the reporting period.

Recommendations for Kenya: Pass, enact, and implement the draft comprehensive anti-trafficking law; provide additional awareness training to all levels of government, particularly law enforcement officials, on identifying and responding to trafficking crimes; increase efforts to prosecute trafficking offenses and convict and punish trafficking offenders; establish an official process for law enforcement officials to refer trafficking victims for assistance; and institute trafficking awareness training for diplomats posted overseas.

Prosecution

The government failed to punish acts of trafficking during the reporting period, though it demonstrated continued efforts to investigate trafficking offenses and charge alleged offenders. Kenya does not prohibit all forms of trafficking, though it criminalizes the trafficking of children and adults for sexual exploitation through Sections 13 to 15 and 18 of the Sexual Offenses Act of 2006, which prescribes minimum sentences of from 10 to 15 years' imprisonment, penalties that are sufficiently stringent and commensurate with those for other grave crimes; however, the law is not widely used by prosecutors. The Employment Act of 2007 outlaws forced labor and contains additional statutes relevant to labor trafficking. In February 2009, the Parliament passed a motion to introduce the Counter Trafficking in Persons Bill, the first step toward enactment of comprehensive human trafficking legislation.



The Department of Public Prosecutions reported three ongoing investigations for trafficking-related offenses and no prosecutions during the reporting period; the department was unable to produce data on the number of charges related to trafficking filed during the year. Despite this inability to gather and disseminate information at the national level, district courts reportedly heard several trafficking cases during the reporting period. In June 2008, the Loitokitok District Court arraigned a Kenyan woman on charges of trafficking a 17-year old Ugandan girl to her home for domestic servitude and subjecting her to cruelty; further details on this case were unavailable. In October 2008, two women were charged in a Nairobi court with forcing two young girls into prostitution. In March 2009, 119 parents and guardians of 209 children were charged in an Eldoret court with abusing their children by removing them from school and forcing them to work as domestic servants. In addition, the government cooperated with the United Kingdom, Ireland, and INTERPOL in the investigation and prosecution of at least two transnational trafficking cases involving Kenyan children during the reporting period. Laws against forced labor were not well enforced, though in June 2008, the Ministry of Labor raided and shut down an unregistered recruitment agency that was illegally sending Kenyan migrant workers to Dubai. With the assistance of NGO lecturers, the Kenya Police Training College provided anti-trafficking and child protection training to police recruits during their training as cadets. Corruption among law enforcement authorities and other public officials continued to hamper efforts to bring traffickers to justice; anti-trafficking activists made credible claims that, in certain regions, corrupt police or border officials were

complicit in human trafficking. The government made no efforts to investigate or prosecute officials suspected of involvement in or facilitation of trafficking during the reporting period.

Protection

The Kenyan government sustained minimal but inadequate victim protection efforts throughout the year. The government lacked a formal referral process to transfer victims to NGOs for assistance and it maintained no record of the number of victims referred on an ad hoc basis to NGO service providers by government officials during the year. In 2008, the Ministry of Gender, Children, and Social Development hired an additional 160 Children's Officers – officials charged with advocating for children's rights and obtaining services for children in need – bringing the total number to 333. During the reporting period, several Children's Officers posted throughout the country participated in trafficking investigations and provided counseling and follow-up to child trafficking victims. In addition, Children's Officers served on the management committee of the Rescue Center, a shelter for sex trafficking victims in Mombasa, and provided case assessments and service referrals for sex trafficking victims. City Council Social Services Departments in Nairobi, Mombasa, and Kisumu operated shelters to rehabilitate street children vulnerable to forced labor and commercial sexual exploitation; the shelters did not maintain records identifying trafficking victims among children undergoing rehabilitation. The government encouraged Kenyan victims' assistance in the investigation and prosecution of trafficking crimes, and ensured that they were not inappropriately incarcerated or otherwise penalized for unlawful acts committed as a direct result of being trafficked. Police, however, reportedly arrested foreign trafficking victims for being in Kenya without valid identity documents; in most cases, they pled guilty to immigration violations and were quickly deported. The government did not provide legal alternatives to the removal of victims to countries where they would face hardship or retribution.

Prevention

The Government of Kenya made modest progress in its efforts to prevent human trafficking by publicly highlighting the dangers of human trafficking during the reporting period. Increased awareness within the government at all levels, however, remained inadequate for fostering better cooperation with civil society and strengthening public education efforts. After the government's reorganization in April 2008, the newly created Ministry of Gender, Children, and Social Development became the lead agency in the government's anti-trafficking efforts. In May 2008, the ministry and an NGO launched a 24-hour toll-free hotline enabling citizens to report cases of child trafficking, labor, and abuse; the hotline is located in a government-owned building and staffed, in part, by three Children's Officers who facilitated rescues and made referrals to appropriate district officials. Government ministers and Kenya's First Lady highlighted the human trafficking issue in public engagements, including the government's celebration of the Day of the African Child in June. Individual labor officers, children's officers, social workers, chiefs, health officials, police, religious leaders, and NGOs identified and withdrew children from forced labor situations during the reporting period. In 2008, Coast Province's regions of Mombasa, South Coast, and Taita-Taveta formed anti-trafficking networks comprised of government officials and civil society representatives. There were no reports of the Kenyan government's efforts to provide anti-trafficking training for its troops before deployment on international peacekeeping missions.

KOREA, REPUBLIC OF (Tier 1)

The Republic of Korea (ROK) is a source country for the trafficking of women and girls within the country and to the United States (often through Canada and Mexico), Japan, Hong Kong, Guam, Australia, New Zealand, and Canada, for the purpose of commercial sexual exploitation. The ROK is a destination country for women from Russia, Uzbekistan, Kazakhstan, Mongolia, the People's Republic of China (PRC), the Philippines, Thailand, Cambodia, and other Southeast Asian countries, some of whom are recruited to work on entertainment visas and may be vulnerable to trafficking for sexual exploitation or domestic servitude. Some brokers target poor women and runaways, pay off their debts, and then use this as leverage to force them to work in the commercial sex trade. Labor trafficking is a problem in South Korea, and some employers allegedly withhold the passports and wages of foreign workers, a practice that can be used as a means to subject workers to forced labor. One foreign embassy alleged that some of its citizens sign contracts for employment in their home country, but have their contracts destroyed upon arrival in Korea, where they are forced to work excessively long hours. An increasing challenge for the ROK is the number of women from less developed countries who are recruited for marriage to Korean men through international marriage brokers; limitations on citizenship and anecdotal reports of fraudulent brokers mean some of these women may be vulnerable to trafficking. Some, upon arrival in South Korea, may be subjected to conditions of sexual exploitation, debt bondage, and involuntary servitude. South Korean men reportedly continue to be a source of demand for child sex tourism in Southeast Asia and the Pacific Islands.

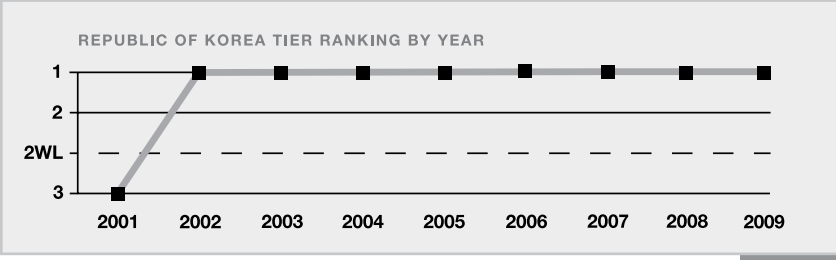
The Government of the Republic of Korea fully complies with the minimum standards for the elimination of trafficking. The Korean National Police Agency continues to cooperate with foreign law enforcement agencies to crack down on human smuggling networks that have been known to traffic women for sexual exploitation. The government acknowledges that trafficking is a problem and is committed to stopping it. The ROK

government continued to improve its legal structure to protect populations vulnerable to trafficking; in 2008 the Marriage Brokerage Act entered into force to regulate international marriage brokers, the Passport Law increased the government's ability to prosecute certain crimes committed overseas by Korean nationals, and the Ministry of Labor continued to expand the scope of countries eligible for the Employment Permit System (EPS). The Korean government increased anti-trafficking public education efforts. These commendable efforts with respect to sex trafficking have not yet been matched by convictions for labor trafficking occurring within South Korea's large foreign labor force. Efforts to reduce demand for child sex tourism, in light of the scale of the problem, would be enhanced by increased law enforcement efforts to investigate Korean nationals who sexually exploit children abroad.

Recommendations for the Republic of Korea: Expand efforts to reduce demand for child sex tourism by increasing law enforcement efforts, including cooperation with child sex tourism destination countries, to investigate and prosecute South Korean child sex tourists; continue to expand efforts to ensure that foreign women married to Korean men through commercial marriage brokers and residing in Korea are not vulnerable to trafficking; improve the available statistical data on trafficking victims; develop and implement proactive victim identification procedures to identify trafficking victims among vulnerable populations including foreign women arrested for prostitution and foreign workers; develop and implement a formal trafficking-specific referral process for law enforcement officials to direct trafficking victims to short- and long-term care; and take steps to improve protections for foreign workers by continuing to investigate and prosecute any reported cases of forced labor among migrant workers.

Prosecution

The ROK government increased its anti-trafficking law enforcement efforts over the last year. The ROK prohibits trafficking for the purpose of commercial sexual exploitation, including debt bondage, through its 2004 "Act on the Punishment of Intermediating in the Sex Trade and Associated Acts," which prescribes up to 10 years' imprisonment – penalties that are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. Trafficking for forced labor is criminalized under the Labor Standards Act, which prescribes penalties of up to five years' imprisonment. The Korean government did not, however, obtain the convictions of any offenders of labor trafficking during the reporting period. In 2008, the ROK government reportedly conducted 220 trafficking investigations and secured the convictions of 31 sex traffickers who received sentences ranging from six months to 12 years in prison. It is unclear, however, how many of these were actually trafficking cases, since the laws used to prosecute traffickers are also used to prosecute a variety of other crimes, and the government does not keep track of the number of trafficking cases it handles. The government reportedly secured the convictions of 52 traffickers the previous year. During the reporting period, ROK law enforcement authorities closely cooperated with U.S., Canadian, Australian, and Japanese counterparts; however, one foreign embassy expressed concern about entertainment (E-6) visas, arguing that the ROK government should either significantly tighten the visa qualifications or stop issuing them altogether. Korean employers of E-6 visa holders sometimes confiscate foreign workers' passports, which can facilitate trafficking. While the government is currently investigating at least one case of alleged trafficking through fraudulent international marriage, no other cases were reported to the ROK government during the reporting period; there were no prosecutions or convictions of such offenses in 2008. In 2008, the Ministry of Labor investigated 4,204 cases involving the alleged nonpayment of wages to foreign workers. To date the government has prosecuted 1,385 of these cases, some of which may have involved trafficking in persons. The ROK government aggressively investigates and prosecutes trafficking-related crimes against foreigners as human rights abuses.



Protection

The Government of the Republic of Korea increased efforts to protect victims of sex trafficking over the last year. During the reporting period, the Korean government opened four additional support facilities for victims of abuse, including trafficking victims, bringing the total to 100. These facilities now include 43 adult and youth facilities, 29 counseling centers, 10 group homes for longer-term support, six rehabilitation centers, and three shelters for foreign victims. In 2008, the government also increased access to group homes by relaxing the standards for entrance and increasing the maximum length of stay from one year to three years. Police regularly refer victims of abuse to care and counseling facilities, though the government does not have a formal system to proactively identify trafficking victims among vulnerable populations, so the government did not employ a trafficking-specific official referral process to transfer trafficking victims to institutions that provide short- or long-term care. The government did not provide data on the number of trafficking victims it identified during the reporting period. The ROK government allocated $10.9 million in funding for victim support facilities to

support victims of all types, including 29 counseling facilities, 10 group homes, and 3 shelters for foreigners, a decrease from the previous year's funding. These shelters provided clients, including trafficking victims, with psychological and medical aid, legal assistance, counseling, and occupational training. Counseling centers subsidized by the central government provided medical and legal aid to trafficking victims. NGOs report that one counseling center and two shelters in the country are exclusively dedicated to foreign victims of sex trafficking. Most other facilities that support foreigners are geared towards women who have married Korean men and subsequently encounter abuse or conditions of forced labor, rather than sex trafficking victims. Most of the shelters are run by NGOs that are partially or fully funded by the government. The government encourages sex trafficking victims to assist in the investigation and prosecution of traffickers. The government provides legal alternatives to the removal of sex trafficking victims to countries where they may face hardship or retribution – primarily through the issuance of G-1 visas or orders of suspension of the victim's departure, though NGOs report some victims are not aware of these options. G-1 visa holders may apply for jobs in Korea, but are not eligible for permanent residency. The government has no record of how many trafficking victims were granted G-1 visas during the reporting period. The ROK government did not penalize victims for unlawful acts committed as a direct result of their being trafficked. The government continued implementing the EPS, a system for recruiting foreign workers through government-to-government agreements, that has eliminated the role of private labor agencies and recruiters, many of which had been found to employ highly exploitative practices – including fraudulent recruitment terms and excessive fees. The Ministry of Labor continued to fund three Migrant Worker Centers to support the needs of foreign contract laborers in the country. During the reporting period, the Labor Ministry increased from 20 to 27 the number of support centers that facilitate recovering unpaid wages.

Prevention

The ROK government continued anti-trafficking prevention efforts through sex trafficking awareness campaigns. In 2008, the Ministry of Gender Equality allocated $118,000 to trafficking prevention campaigns and $45,000 to educational programs in public schools, public agencies, and local governments. The Ministry of Justice continued to run 39 "John schools," requiring that convicted male "clients" of prostitution attend these one-day seminars – in lieu of criminal punishment; 17,956 first-time offenders who were arrested by ROK police in 2008 attended these seminars. The seminars were designed to reduce demand for commercial sex acts and give attendees a greater appreciation for the potential for sex trafficking in Korea's sex trade. Some NGOs criticized the fact that women detained for prostitution were sometimes also required to attend these rehabilitation seminars, along with the male "clients." Some ROK men reportedly continue to travel to the PRC, the Philippines, Cambodia, Thailand, and elsewhere in Southeast Asia for child sex tourism. In 2008, the government funded an NGO to carry out anti-sex tourism and anti-child sex tourism campaigns at Incheon International Airport. In 2008, the National Assembly revised the Passport Law enabling the ROK government to control more strictly the issuance of passports and to cancel the passports of Koreans convicted of engaging in a variety of illegal acts abroad, including participation in child prostitution. During the reporting period the Ministry of Labor implemented measures to prevent delayed or non-payment of wages, protect underage workers, encourage firms to abide by the minimum wage standards and have all firms sign written contracts with their workers. However, the government has never prosecuted a Korean national for child sex tourism. The ROK government provided anti-trafficking training to troops prior to their deployment abroad on international peacekeeping missions. The Republic of Korea has not ratified the 2000 UN TIP Protocol.

KOSOVO (Tier 2)

Kosovo is a source, transit, and destination country for women and children trafficked across national borders for the purpose of commercial sexual exploitation. Kosovo women and children are also trafficked within Kosovo for the same purpose. NGOs reported that child trafficking, particularly from Roma communities, for the purpose of forced begging, was an increasing problem. Most foreign victims are young women from Eastern Europe subjected to forced prostitution. Kosovo victims are also trafficked to countries throughout Europe including Macedonia, Italy, and Albania. Kosovo residents, including three children, made up the majority of identified trafficking victims in 2008. Police report that internal trafficking involving Kosovo Serbs may also occur in north Kosovo, a Serb-majority region that presents particular security challenges.

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 helped fund two NGO anti-trafficking shelters in 2008 and began implementing a new National Action Plan. The government did not adequately investigate and prosecute trafficking offenders, address trafficking-related corruption, and identify trafficking victims.

Recommendations for Kosovo: Aggressively investigate, prosecute, convict, and sentence sex and labor trafficking offenders, including public officials complicit in trafficking; increase trafficking-specific training for prosecutors and judges; improve victim protection services to ensure adequate rehabilitation and reintegration for repatriated victims; ensure sustained funding and staffing in shelters; improve victim identification so that victims are not penalized

for unlawful acts committed as a direct result of being trafficked; increase detection of victims of forced begging in Kosovo; and continue trafficking prevention activities, including efforts to reduce the demand for commercial sex acts.

Prosecution

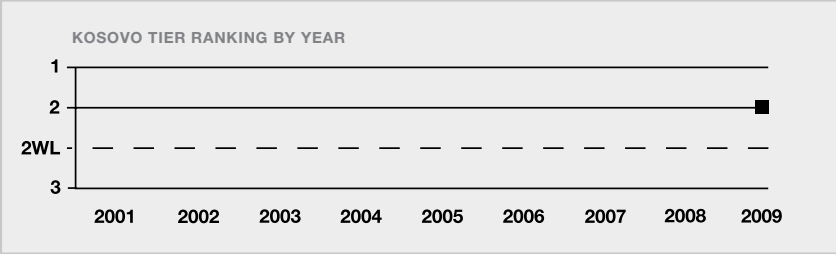
Kosovo law criminalizes sex and labor trafficking and provides penalties for human trafficking of two to 12 years' imprisonment – penalties that are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. In 2008, the government reportedly prosecuted 24 trafficking cases, resulting in the conviction of 15 sex trafficking offenders. However, due to limited data collection efforts, some of these cases may be conflated with smuggling or other trafficking-related statistics. Sentences for 14 offenders exceeded five years and one conviction resulted in a suspended sentence. The government continued to provide anti-trafficking training for police officers and recruits. While there were no specific reports of trafficking-related complicity among government officials, foreign trafficking victims often arrive in Kosovo with valid documents and employment contracts stamped by municipal authorities; police reports indicate that these local Kosovo officials may be aware that the document holders are trafficking victims.

Protection

The Government of Kosovo made important progress in protecting victims of trafficking in 2008. To help remedy a funding shortfall for the two NGO-run shelters, the government, in cooperation with international donors, provided critical funding totaling $158,593. The government also provided $64,786 for the operation of its official shelter for high-risk trafficking victims in 2008. The government reportedly used standard operating procedures when encountering suspected trafficking victims; however, a 2008 OSCE Report indicated that Kosovo officials often do not recognize victims of trafficking and that female victims are sometimes arrested for prostitution offenses, penalized for unlawful acts committed as a result of their being trafficked. The government reported it assisted 24 victims in 2008, a decline from 33 assisted in 2007. The government did not provide any repatriation or reintegration assistance to victims after they left a shelter. The government has procedures in place that allow victims to provide anonymous testimony, though NGOs reported that witness intimidation remained a serious problem in Kosovo. Only two victims assisted in the investigation and prosecution of their traffickers during the reporting period. Victims of trafficking have legal alternatives to removal to countries where they would face hardship or retribution, including the granting of refugee status or approval of residency permits.

Prevention

The Government of Kosovo improved its prevention efforts during the reporting period. In April 2008, the government appointed a new anti-trafficking national coordinator and in July 2008 it adopted and began implementation of an anti-trafficking National Strategy and Action Plan. The Government of Kosovo supported numerous educational programs from the primary to university levels to prevent trafficking in 2008. IOM and the Ministry of Justice continued to jointly sponsor anti-trafficking hotlines. Most anti-trafficking campaigns continue to be run by international organizations and NGOs, including a campaign geared to raise awareness about child trafficking, particularly for the purpose of forced begging.



KUWAIT (Tier 3)

Kuwait is a destination country for men and women trafficked for the purposes of forced labor. The majority of trafficking victims are from among the over 500,000 foreign women recruited for domestic service work in Kuwait. Men and women migrate from Nepal, India, Sri Lanka, the Philippines, Indonesia, Pakistan, and Bangladesh in search of work in the domestic and sanitation industries. Although they migrate willingly to Kuwait, upon arrival some are subjected to conditions of forced labor from their "sponsors" and labor agents, such as withholding of passports, confinement, physical sexual abuse and threats of such abuse or other serious harm, and non-payment of wages with the intent of compelling their continued service. Adult female migrant workers are particularly vulnerable, and consequently are often victims of sexual exploitation and forced prostitution. There have been instances of domestic workers who have fled from their employers, lured by the promise of well-paying service industry jobs, and being coerced into prostitution. In other cases, the terms of employment in Kuwait are wholly different from those agreed to in their home countries.

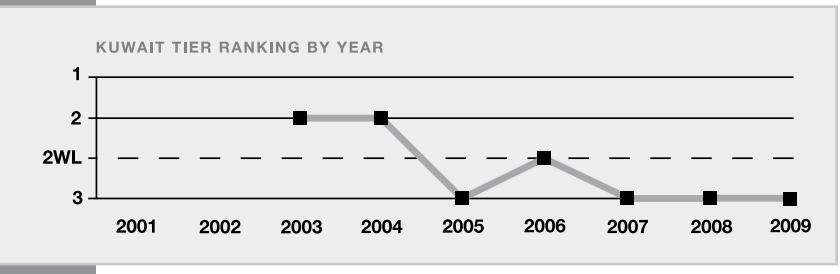
The Government of Kuwait does not fully comply with the minimum standards for the elimination of trafficking and is not making sufficient efforts to do so. Although the government made some efforts to improve its performance from previous years, heated public discourse and wide press debate on human trafficking have not yet resulted in the implementation of adequate laws. The Kuwaiti government has shown an inability to define trafficking and has demonstrated insufficient political will to address human trafficking adequately. Much of the human trafficking found in Kuwait

involves domestic workers in private residences and the government is reluctant to prosecute Kuwaiti citizens. The Kuwaiti government has made progress on some of the commitments it made in 2007, e.g. by investigating and prosecuting individuals for trafficking-related offenses and by arranging for officials to participate in trafficking-related training. However, the government has not made significant progress in fulfilling other commitments it made in 2007, which included enacting legislation targeting human trafficking and establishing a permanent shelter for victims of trafficking.

Recommendations for Kuwait: Enact legislation specifically prohibiting and punishing all human trafficking offenses; develop and expand on anti-trafficking training to law enforcement and judicial officials; establish methods to proactively discern victims of human trafficking, especially among the female domestic worker population; provide a means by which trafficking victims can file claims against their offenders; and join international efforts and activities to discourage the demand for commercial sex acts and sex tourism by Kuwaiti nationals.

Prosecution

The Government of Kuwait demonstrated some progress in punishing trafficking offenses this year. While existing legislation does not explicitly prohibit trafficking in persons, there are several related offenses which are prohibited by the Kuwaiti Criminal Code. Transnational slavery is prohibited through Article 185 of the criminal code and 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 a minor under the age of 18. These prescribed penalties are sufficiently severe and commensurate with those prescribed for other grave offenses. While the government did not punish any offenders under the specific charge of "human trafficking," it charged 12 individuals with domestic labor abuse and registered 1,762 cases against persons charged with falsifying labor petitions. Kuwaiti law enforcement generally takes an administrative or civil approach in addressing cases of labor exploitation or abuses, such as assessing fines, shutting down employment firms, issuing orders for employers to return withheld passports, or requiring employers to pay back wages.



Police, lawyers and judges have not been adequately trained on trafficking issues, although the Ministry of Social Affairs and Labor (MOSAL) and the Ministry of Interior (MOI) sent a small group of officers for training by IOM on human trafficking in Bahrain. In addition, the Kuwaiti government recently committed to funding anti-trafficking training for 15 to 20 police officers to be provided by IOM.

Protection

During the year, Kuwait made minimal efforts to improve protection for victims of trafficking. In September 2007, the government opened a temporary shelter for female victims of forced labor. The shelter has a maximum capacity of 40 and is intended to provide medical, psychological and legal services. During its first full year of operation, 279 domestic workers—the group most vulnerable to trafficking and abuse—entered and departed the shelter. There is, to date, no shelter available for male migrant workers. In 2007, the government proposed opening a larger shelter that would be able to accommodate up to 700 men and women. An existing building was finally selected in 2008 to serve as the shelter and $2.5 million was allocated toward its refurbishment. Final authorization from the Council of Ministers is necessary before the funds can be disbursed and refurbishment of the building can begin; as of this writing the shelter had not yet been opened. The government continues to lack a formal procedure for the systematic identification and protection of trafficking victims among vulnerable populations, such as foreign workers arrested without proper identity documents and women forced into prostitution. Government authorities do not encourage victims to participate in the investigation or prosecution of their traffickers. In July 2008, Kuwaiti law enforcement responded with force to protests and riots by an estimated 80,000 Bangladeshi workers complaining of non-payment of wages and abuses; the government made no discernable effort to identify trafficking victims among the 80,000 or investigate their complaints related to forced labor; instead, hundreds of the workers were summarily deported to Bangladesh. The government responded to some of the protesting workers by offering them reimbursement of unpaid wages.

Prevention

Kuwait made minimal efforts to prevent trafficking in persons this year. Throughout September 2008, the Ministry of Awqaf and Islamic Affairs organized a series of lectures in mosques throughout Kuwait in which imams discussed the rights of domestic workers according to Islam. In April 2008, Kuwait established a Human Rights Commission, which meets once a month to discuss such issues, though there has been no indication of actions or decisions from these meetings. The government did not take any steps to address child sex tourism among Kuwait citizens traveling abroad or efforts to reduce the demand for commercial sexual acts within Kuwait.

KYRGYZ REPUBLIC (TIER 2)

The Kyrgyz Republic is a source, transit, and to a lesser extent, a destination country for men and women trafficked from Uzbekistan, Tajikistan, Turkmenistan, and South Asia for purposes of forced labor and commercial sexual exploitation. Men and women are trafficked to Kazakhstan and Russia for the purpose of forced labor in the agricultural, construction, and textile industries. Kyrgyz and foreign women are trafficked to the U.A.E, Kazakhstan, China, South Korea, Turkey, Greece, Cyprus, Thailand, Germany, and Syria for commercial sexual exploitation. The city of Osh is a growing destination for women trafficked from Uzbekistan for the purpose of commercial sexual exploitation.

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. Human trafficking complicity of low-level government officials remained a concern. The government maintained good efforts to protect and assist Kyrgyz labor migrants and potential trafficking victims in key destination countries. In September 2008, the government enacted a new anti-trafficking national action plan.

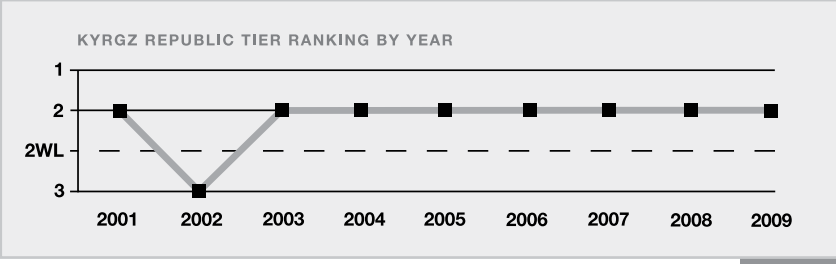
Recommendations for Kyrgyz Republic: Increase efforts to prosecute and convict trafficking offenders and ensure that a majority of convicted trafficking offenders serve time in prison; vigorously investigate, prosecute, convict, and punish government officials complicit in trafficking; continue to improve the collection of trafficking law enforcement data; continue trafficking sensitivity training for police, prosecutors, and judges; continue efforts to repatriate expeditiously Kyrgyz victims found abroad; ensure that victims of trafficking are not punished for acts committed as a direct result of being trafficked; and encourage greater registration of newborns, thereby reducing the number of undocumented persons vulnerable to trafficking.

Prosecution

The Kyrgyz government improved its collection of trafficking-specific law enforcement data, although it demonstrated weak law enforcement efforts during the reporting period. The 2005 Law on Prevention and Combating Trafficking in Persons criminalizes trafficking for both sexual exploitation and forced labor and prescribes penalties ranging from 3 to 20 years' imprisonment, which are sufficiently stringent and commensurate with prescribed penalties for other grave crimes, such as rape. In 2008, the government conducted 92 investigations, according to its definition of trafficking – which appears broader than the U.S. Government's definition – an increase from 33 investigations in 2007. The government reportedly prosecuted eight defendants and secured the convictions of six trafficking offenders in 2008. Four of the six convicted trafficking offenders in 2008 received suspended sentences. Sentences for the other two convicted traffickers ranged from three to eights years' imprisonment. NGOs contend that some low-level law enforcement officials are complicit in human trafficking and accept bribes from traffickers; other low-level police tolerate trafficking due to a lack of awareness. The government reported no efforts to investigate, prosecute, convict, or punish these complicit government officials.

Protection

The government sustained modest efforts to assist victims during the reporting period. The government and NGOs identified 161 victims of trafficking in 2008, compared to 331 victims identified in 2007. Although the government provided no direct funding for shelter or medical assistance to victims, it continued to provide space for three shelters run by anti-trafficking NGOs. In 2008, 34 of the total 117 victims assisted by NGOs and international organizations were assisted by shelters that received in-kind government assistance. Government officials referred 20 victims to IOM and NGOs for assistance in 2008, a significant increase from four victims so referred in 2007. Victims were encouraged to participate in trafficking investigations and prosecutions. Victims who cooperated with law enforcement investigations were not penalized for crimes committed as a direct result of being trafficked; there were no reports of victims who did not cooperate with law enforcement being penalized during the reporting period. NGOs reported improved efforts by government officials to quickly repatriate Kyrgyz nationals; in previous years, some victims remained in destination countries for several months awaiting the Kyrgyz government's issuance of necessary travel documents.



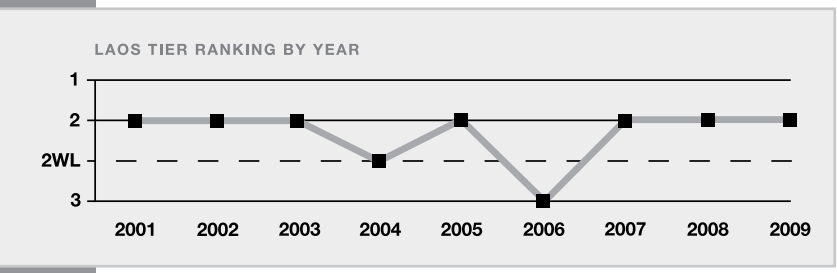
Prevention

Kyrgyzstan maintained its limited human trafficking prevention efforts over the last year. The government continued to publish brochures and leaflets in both Kyrgyz and Russian languages advising Kyrgyz nationals seeking work abroad of the dangers of trafficking and providing the numbers for trafficking assistance hot-lines in several key destination countries. The Kyrgyz government maintained migration offices in six key destination cities in Russia to assist and advise its nationals vulnerable to labor trafficking of their rights

and also provided in-kind assistance to an NGO-run national labor migration hotline that provided legal advice and assistance to potential victims of trafficking.

LAOS (Tier 2)

Laos is primarily a source country for women and girls trafficked primarily to Thailand for the purposes of commercial sexual exploitation and forced labor as domestic or factory workers. Some Lao men, women, and children migrate to neighboring countries in search of better economic opportunities but are subjected to conditions of forced or bonded labor or forced prostitution after their arrival. Lao men who migrate willingly to Thailand are sometimes subjected to conditions of involuntary servitude in the Thai fishing and construction industry. Women who migrate to Thailand are more likely to rely on recruitment agents and incur debt, increasing their likelihood of becoming trafficking victims. A small number of female citizens were also reportedly trafficked to China to become brides for Chinese men. Ethnic minority populations in Laos are particularly vulnerable to trafficking because of their lack of Thai language skills and unfamiliarity with Thai society. Laos is increasingly a country of transit for Vietnamese, Chinese, and Burmese women destined for Thailand – including trafficked women – due to the construction of new highways and the acceleration of infrastructure projects linking the People's Republic of China, Vietnam, Thailand, and Cambodia through Laos. There were new reports of Vietnamese women trafficked to Laos by Vietnamese organized crime gangs for forced prostitution in the Vietnamese community. Internal trafficking is also a problem that affects young women and girls who are forced into prostitution in urban areas.



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 last year, the government increased efforts to investigate trafficking offenses and prosecute and punish trafficking offenders. It also sustained collaboration with international organizations and NGOs to provide training for government and law enforcement officials, repatriate and reintegrate Lao victims, and conduct public awareness campaigns. A severe lack of resources, poor training of officials, and an ongoing corruption problem remain key impediments to the government's ability to combat trafficking in persons. The government continued to be largely dependent upon the international donor community to fund anti-trafficking activities in the country, though it continued to restrict greatly the activities of NGOs, which impeded progress in anti-trafficking efforts.

Recommendations for Laos: Increase efforts to combat internal trafficking, including the prosecution of traffickers and identification of Lao citizens trafficked within the country; create and implement formal victim identification procedures and train police and border officials to identify trafficking victims; increase efforts to combat trafficking-related complicity; implement and support a visible anti-trafficking awareness campaign directed at clients of the sex trade; and improve collaboration with international organizations and civil society to build capacity to combat trafficking in persons.

Prosecution

The Lao government demonstrated some progress in its anti-trafficking law enforcement during the reporting period. Laos prohibits all forms of human trafficking through Penal Code Article 134, which was revised in 2006. The prescribed penalties under Article 134, which are five years to life imprisonment, are sufficiently stringent and commensurate with those punishments prescribed for rape. In 2008, Lao judicial authorities convicted 15 individuals of trafficking. Several sentences imposed on convicted traffickers during 2008 consisted of one year's imprisonment. An additional 53 cases are currently under investigation. Police corruption, a weak judicial sector and the population's general distrust of the court system impede anti-trafficking law enforcement efforts. Corruption remains a problem with government officials susceptible to involvement or collusion in trafficking in persons. Observers of trafficking in Laos believe that at the local level, it is almost certain that some officials are involved in facilitating human trafficking, sometimes in collusion with their Thai counterparts. There is also evidence that border officials permit smuggling of all kinds, including of humans. However, no government or law enforcement officials have ever been disciplined or punished for involvement in trafficking in persons. The Lao government collaborated with international organizations and NGOs to increase law enforcement capacity through training for police, investigators, prosecutors, and customs and border officials. Through legal aid clinics, the Lao Bar Association is currently assisting 10 victims of trafficking.

Protection

The Lao government demonstrated a mixed record in ensuring trafficking victims' access to protective services during the year. The Ministry of Labor and Social Welfare (MLSW) and Immigration Department continued to cooperate with IOM, the UN Inter-Agency Project on Human Trafficking (UNIAP), and a local NGO to provide victim assistance. The MLSW, with NGO funding, also continued operating a small transit center in Vientiane, where identified victims returning from Thailand remain for one week before returning home. Victims not wanting

to return home are referred to a long-term shelter run by the Lao Women's Union or to a local NGO. Victims repatriated to Laos by Thai authorities are accompanied by case files written in Thai, which Lao officials are sometimes unable to read. The government does not penalize victims for unlawful acts committed as a direct result of their being trafficked. During 2008, 235 formally identified victims of cross-border trafficking were identified in Thailand and repatriated to Laos. The government did not identify any victims of internal trafficking. The government provides medical services, counseling, vocational training, and employment services for victims in its transit shelter in Vientiane. While domestic trafficking victims can also be referred to the transit shelter, there were no victims identified by Lao authorities who stayed in the shelter. During the reporting period, at least two Vietnamese women who were sex trafficking victims were identified by Savannakhet provincial units of the anti-trafficking police, and referred to NGOs for assistance and shelter after being housed in a local prison clinic for two weeks. The government subsequently returned seven Vietnamese sex trafficking victims, including one minor, to the establishment where they had been exploited and government officials withheld their passports after the victims told authorities they did not want to be repatriated to Vietnam. Four of the victims later returned to the police, requesting repatriation assistance. They were repatriated, but Lao authorities refused to follow established Vietnamese procedures meant to ensure the safe and voluntary returns of Vietnamese victims. The government did not prosecute or convict any traffickers in this case and the victims did not agree to testify. Although the government encouraged victims to participate in investigations and prosecutions of trafficking offenders, it did not provide foreign victims legal alternatives for their removal to countries where they may face hardship or retribution (e.g., Vietnam) if they testify, and the Lao government did not offer incentives for foreign victims to participate in court proceedings. The Lao government occasionally provides office space, land for shelters, and staff to assist in monitoring assistance programs run by NGOs and international organizations.

Prevention

The Lao government continued efforts to prevent trafficking in persons with assistance from international organizations and NGOs. With foreign funding, the government sponsored media messages on the dangers of trafficking. Also, in December 2008, the Lao Youth Union held a day-long event with workshops, puppet shows, and plays to address child trafficking. The event was led by the Deputy Prime Minister/Minister of National Defense who spoke about the dangers of trafficking. The Government of Laos demonstrated limited efforts to reduce demand for commercial sex acts through periodic raids of nightclubs and discos used as fronts for commercial sex. Due to the rise in tourism in Laos and the efforts in neighboring countries to crackdown on foreign pedophiles' sexual exploitation of local children, Lao government officials and NGOs estimate that child sex tourism is likely to grow in Laos. Laos continued a national campaign to publicize the dangers of child sex tourism in the country, which included the training of tourism sector employees to report suspicious behavior and the display of NGO-created public awareness posters in international hotels.

LATVIA (Tier 2 Watch List)

Latvia is a source and destination country for women trafficked for the purposes of commercial sexual exploitation and forced labor. Latvian women are trafficked to Germany, the United Kingdom, the Netherlands, Italy, Spain, Denmark, Switzerland, Greece, Ireland, and Japan for commercial sexual exploitation. Latvian teenage girls are trafficked within the country for the purpose of commercial sexual exploitation. Latvia is a destination country for women trafficked from Belgium and Portugal for the purpose of commercial sexual exploitation and for women from Thailand who may have been trafficked for the purpose of forced labor.

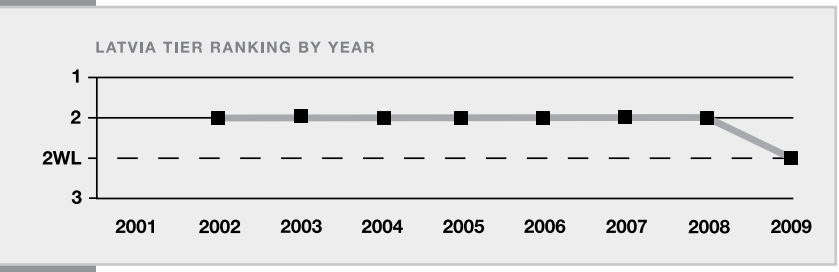
The Government of Latvia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not show evidence of progress in prosecuting and punishing trafficking offenders and assisting victims of trafficking; therefore, Latvia is placed on Tier 2 Watch List. During the reporting period, the results of the government's efforts to investigate sex and labor trafficking crimes and prosecute those responsible declined. It also cancelled funding for one NGO that had been providing victim care and it deported three potential victims of labor trafficking before their claims were completely vetted.

Recommendations for Latvia: Provide government-funded assistance to a greater number of trafficking victims; increase efforts to identify victims of trafficking among vulnerable populations, such as women and girls in prostitution, and refer these victims for assistance; ensure law enforcement, border guards, and labor inspectors receive labor trafficking training; ensure that a majority of convicted traffickers serve some time in prison; take steps to expand available victim services to areas outside of Riga; work with NGOs to improve services available to victims of trafficking; and increase efforts to raise awareness about both sex and labor trafficking.

Prosecution

The results of the Government of Latvia's law enforcement efforts decreased in 2008. Latvia prohibits all forms of trafficking through Sections 154-1 and 154-2 of its Criminal Law, which prescribe penalties of three to 15 years' imprisonment. These prescribed penalties are sufficiently stringent and commensurate with penalties prescribed for other grave crimes, such as rape. The government also uses non-trafficking related laws to prosecute traffickers. Authorities initiated 17 trafficking investigations, including at least one case of forced labor, compared to 21 trafficking investigations in 2007.

Authorities prosecuted 15 individuals and convicted 11 traffickers in 2008, a decrease from 28 convictions in 2007. Only three of the 11 trafficking offenders convicted in 2008 are serving time in prison; eight traffickers were given suspended sentences or fines and served no time in prison. One trafficker was sentenced to up to three years' imprisonment and two traffickers were sentenced to five to 10 years' imprisonment. In 2007, seven convicted traffickers served sentences ranging from one to 10 years' imprisonment and 21 traffickers served no time in prison. Despite several labor trafficking cases reported by police in 2008, the government did not try any suspected labor trafficking offenders.



Protection

The government demonstrated mixed efforts to assist victims during the reporting period. Although the government increased the total amount of money spent for victim assistance, the number of victims provided with government-funded assistance remained the same; the government discontinued funding for all but one anti-trafficking NGO operating in the country during the reporting period, reducing Latvia's overall ability to identify and assist victims of trafficking. The Government of Latvia spent $58,500 of $81,000 budgeted for victim assistance in 2008, an increase from $23,000 spent in 2007. However, only 12 of 28 identified victims of trafficking qualified for government-funded assistance due to a cumbersome application process; the remaining 16 victims received assistance from privately funded NGOs. The government offered foreign victims temporary legal alternatives to their removal to countries where they may face hardship or retribution; victims who agree to assist law enforcement may apply for temporary residency and work permits. No victims applied for or received the 30-day reflection period during the reporting period. The residency permits of three Thai women, initially identified as trafficking victims, were abruptly terminated after the victims' alleged traffickers requested that the government cancel their work permits. The victims were quickly deported and the police stopped their investigation into their allegations of forced labor. The government identified and referred 17 victims to NGOs for assistance in 2008, compared to 10 in 2007; however, the NGO community expressed concerns that victim-screening mechanisms used by law enforcement did not adequately identify victims of trafficking from vulnerable populations living in Latvia including street children, women in prostitution, and foreign migrant populations. Twenty-one out of 28 victims identified in 2008 were Latvian women trafficked abroad; seven of these identified victims were exploited in Latvia. The government encouraged victims to participate in investigations against their traffickers; in 2008, 14 victims assisted with law enforcement investigations. One trafficking victim benefited from the government's witness protection program. The government did not penalize victims for unlawful acts committed as a direct result of their being trafficked.

Prevention

Latvia again demonstrated modest efforts to prevent trafficking in persons during the reporting period. The Ministry of Education placed human trafficking as an education topic in the human rights curriculum of all high schools in Latvia. The government funded and the Latvian State Tourism Agency distributed information sheets and travel guides for tourists that included information designed to discourage sex tourism in Latvia.

LEBANON (Tier 2 Watch List)

Lebanon is a destination for Asian and African women trafficked for the purpose of domestic servitude, and for women from Eastern Europe and the former Soviet Union trafficked for the purpose of commercial sexual exploitation. Lebanese children are trafficked within the country for the purposes of forced labor (mostly street vending) and sexual exploitation. Women from Sri Lanka, the Philippines, and Ethiopia who travel to Lebanon legally to work as household servants often find themselves in conditions of forced labor through withholding of passports, non-payment of wages, restrictions on movement, threats, and physical or sexual assault. In some cases, employers have kept foreign domestic workers confined in houses for years. Reports from NGOs indicate that 15 percent of foreign domestic workers encounter physical abuse from their employers, a potential indicator of involuntary domestic servitude.

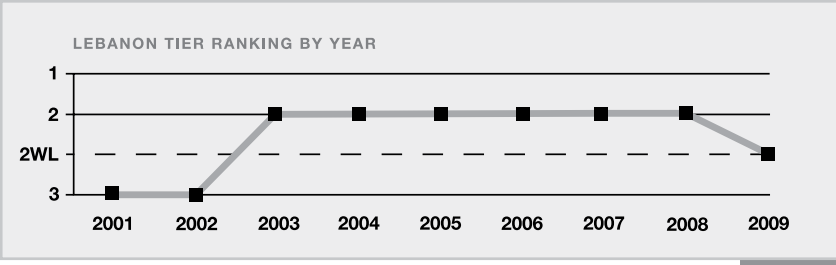
In April 2008, the Ethiopian government banned its nationals from traveling to Lebanon to work as household maids for numerous cultural and socio-economic reasons, but also because of some incidents of mistreatment, including physical abuse, rape, and murder. The Philippines government lifted a similar ban on its nationals traveling to Lebanon for work in March 2009. The Lebanese government's "artist" work permit program, which facilitates entry of women from Eastern Europe and the former Soviet Union to work in the adult entertainment industry, serves to sustain a significant sex trade and facilitates sex trafficking. Some women are reportedly held in debt bondage, receiving little or no income until the employer has forced the women to repay fraudulently imposed debts allegedly associated with the cost of their recruitment, transportation, and employment.

The Government of Lebanon does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government failed to show significant progress in identifying foreign victims of trafficking – particularly victims of domestic servitude – and punishing their exploiters. Nonetheless, it cooperated with NGOs, namely Caritas, by referring eight victims to Caritas in 2008. In October 2008, the Ministry of Justice, in cooperation with UNODC, launched a national report on trafficking in persons and committed to undertake efforts to combat trafficking. The assessment revealed a number of policies and practices that contribute to the phenomenon of trafficking in Lebanon. While the report represents a step forward in recognizing and bringing to light the nature of the problem, it may underestimate the overall magnitude of Lebanon's human trafficking problem – particularly with regard to domestic servitude.

Recommendations for Lebanon: Criminalize all forms of trafficking in persons; investigate and prosecute trafficking offenses under existing law and convict and punish trafficking offenders; develop and institute formal procedures to identify victims of trafficking among vulnerable populations, such as women holding "artist" work permits and foreign domestic workers who have escaped from abusive employers; consider measures to lessen the abuse of the "artist" work permit as a conduit for sex trafficking; enforce Lebanese law prohibiting the confiscation of passports of foreign maids; implement the March 2009 Labor Code revision that provides a unified contract; and ensure that victims of trafficking are referred to protection services rather than detained for crimes committed as a direct result of being trafficked, such as immigration violations and prostitution.

Prosecution

Lebanon made modest but insufficient efforts to prosecute or punish trafficking offenses during the reporting period. Although trafficking is not defined as a crime in Lebanese law, some trafficking-related offenses are codified in the criminal code, including commercial sexual exploitation, depriving a person of his or her freedom, and use of documents belonging to another person. The prescribed penalties for commercial sexual exploitation – a maximum of two years' imprisonment – and forced prostitution – a minimum of one year's imprisonment – are not commensurate with those prescribed for other grave crimes, such as rape. Penalties for other forms of trafficking are not sufficiently stringent: temporary hard labor is prescribed for the offense of depriving a person of freedom. During the past year, five cases were reported of foreign household servants who had been victims of violence, insufficient payment of salary, and withholding of passports; these may have constituted trafficking. In one case of rape of a domestic worker, an employer was prosecuted, convicted, and sentenced to five years' imprisonment and ordered to pay the victim compensation. Other cases involved financial compensation and/or two-month prison sentences. The Ministry of Labor closed down two employment agencies for violation of workers' rights, including physical abuse. The General Security reported 47 complaints of physical abuse, rape, and withheld earnings of foreign women working in adult clubs in 2008 – complaints that may have involved conditions of involuntary servitude. Most were settled out of court and the victims deported. These cases were hampered by a lack of resources, court backlogs, corruption, cultural biases against foreign women, bureaucratic indifference and inefficiency, difficulty proving cases of reported abuse, and victims' lack of knowledge of their rights. Given the significant hurdles to pursuing criminal complaints in the Lebanese court system, and in the absence of alternate legal recourse, many foreign victims opted for quick administrative settlements followed by mandatory repatriation.



Protection

The Government of Lebanon did not make sufficient efforts to protect victims of trafficking during the reporting period. The government did not provide trafficking victims with any services directly; only an NGO, funded by a foreign donor, provided shelter to foreign victims of involuntary domestic servitude. However, this NGO has a Memorandum of Understanding with the Government of Lebanon, which stipulates that the government will cooperate with the NGO by referring trafficking victims to the shelter. The government also provides security for the shelter and protects the location's whereabouts as requested by the NGO. That NGO provided shelter for 92 victims of trafficking in 2008. The government did not employ formal procedures to identify and refer victims of trafficking, although some victims are referred informally to NGOs for assistance. Moreover, the government pursued policies and practices that significantly harmed foreign victims of trafficking. For example, authorities required that women recruited for prostitution under its "artist" work permit program be confined in hotels for most of the day and summarily deported them if they complained of mistreatment. Similarly, the government regularly detained and deported foreign domestic workers who left their employers and did not have valid residency and work permits, without attempting to determine if any were victims of forced labor. Previously, domestic workers signed a contract with an employment agency before

leaving their home country and signed a second contract in Arabic upon arrival in Lebanon, a language they may not understand, and on terms that may not be consistent with initial contract. The new unified contract provided in the March 2009 amendment to Lebanon's Labor Code is printed in nine languages and provided to prospective employees in their home countries; domestic workers now sign the same contract, in their native language, upon arrival in Lebanon. It is common practice for employers to force a domestic worker who breaks his or her contract to repay residency and work permit fees, or pay for a paper releasing him or her from their contract; there is no exception for workers who break their contracts due to employers' abuse. Victims were neither encouraged to participate in trials, nor offered legal alternatives to removal to countries where they would face hardship or retribution. Rather, the government often deported victims to their countries of origin before giving them the opportunity to testify against their traffickers.

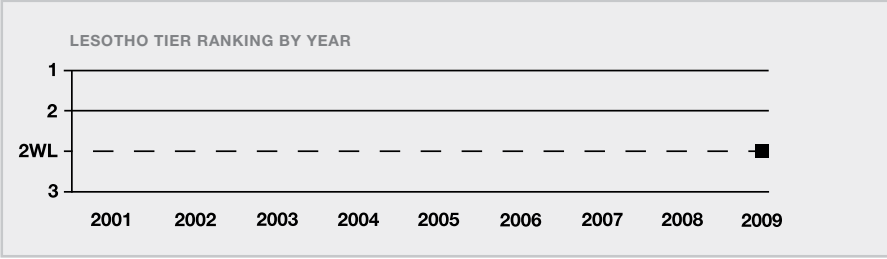
Prevention

Lebanon made minimal efforts to prevent trafficking in persons over the last year. In February 2009, the Ministry of Labor published a unified contract to be used by all employment agencies hiring domestic workers locally or overseas; the contract regulates working hours and stipulates that workers be given days off for vacations and holidays. During 2008, 50 members of the armed forces and law enforcement officials participated in training conducted by an NGO on basic awareness of human rights, migrant workers' rights, and trafficking issues. In addition, the Ministry of Labor conducted routine training courses for its inspectors, although the Ministry has limited jurisdiction in cases of household employment. Aside from the introduction of the aforementioned unified contract for domestic workers, the government did not take additional steps to reduce the demand for domestic servitude or commercial sex acts in Lebanon during the reporting period. The government similarly did not institute a public awareness campaign targeting citizens traveling to known child sex tourism destinations.

LESOTHO (Tier 2 Watch List)

Lesotho is a source country for women and children trafficked for the purposes of sexual exploitation and forced labor. Victims are trafficked internally and to South Africa for domestic work, farm labor, and commercial sexual exploitation. Women and girls are also brought to South Africa for forced marriages in remote villages. Nigerian traffickers acquire Basotho victims for involuntary servitude in households of Nigerian families living in London. Chinese organized crime units acquire victims while transiting Lesotho and traffic them to Johannesburg, where they "distribute" them locally or traffic them overseas. Identified traffickers in Lesotho tend to be white, Afrikaans-speaking men and long-distance truck drivers. Women and children attempting to support families affected by HIV/AIDS and Basotho looking for better employment prospects in South Africa are most likely to be lured by a trafficker's fraudulent offer for a legitimate job.

The Government of Lesotho does not comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall significant efforts, the government has not demonstrated progress in combating human trafficking through effective law enforcement; therefore, Lesotho is placed on Tier 2 Watch List. A program to train officers in several law enforcement agencies to identify trafficking situations as part of a general strategy to improve law enforcement has not yet resulted in any trafficking related arrests or prosecutions. Officials increased some anti-trafficking efforts, especially in raising the public's awareness of the risks of trafficking, even as most of their limited resources were directed at addressing the country's debilitating HIV/AIDS pandemic.



Recommendations for Lesotho: Enact a comprehensive law prohibiting all forms of human trafficking; collect data on victims identified and assisted, trafficking offenses investigated and prosecuted, and trafficking offenders convicted and punished; ensure that victims are not inappropriately punished for acts committed as a direct result of being trafficked; provide increased training, possibly in conjunction with NGOs, to law enforcement officers in victim identification, particularly at border points; provide shelter and services to victims of trafficking, possibly in collaboration with international organizations and NGOs; and increase efforts to raise public awareness of trafficking.

Prosecution

The government did not increase its law enforcement efforts during the past year. Lesotho has no comprehensive anti-trafficking law, which hinders the government's ability to address human trafficking. Slavery and forced labor are constitutionally prohibited. Existing laws governing abduction, kidnapping, labor exploitation, immigration and sexual abuse of children were used to prosecute trafficking-related crimes in the past. The Child Protection Act of 1980, the Sexual Offenses Act of 2003, the Common Law, and the Labor Code Order

of 1981, as amended, prescribe penalties of at least five years' imprisonment for trafficking crimes, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. The Child Protection and Welfare Bill, drafted in 2005, defines child trafficking and prescribes penalties of 20 years' imprisonment for convicted offenders. This bill is currently under final review with the Office of the Attorney General. No current or draft laws specifically penalize the trafficking of adults. The government did not provide data on trafficking prosecutions or convictions in the past year. Other sources stated that investigations of trafficking-related situations are rare because trafficking is not specifically defined as a crime under existing laws, and law enforcement resources and capacity are limited. Some police and customs officers and members of the Lesotho Mounted Police Services' Child and Gender Protection Unit (CGPU) received training on detecting and curbing a range of illegal activities at border posts, including human trafficking. Law enforcement officers did not proactively identify trafficking victims among vulnerable populations such as women and children in prostitution or illegal migrants, and have not been adequately trained to recognize victims they may encounter as part of their normal duties.

Protection

The Lesotho government took inadequate steps to protect victims of trafficking over the last year. Officials did not proactively identify victims, and have no formal mechanism for referring victims to service providers. Lesotho has no care facilities specifically for trafficking victims. Orphanages supported by the Government of Lesotho and NGOs are available to provide some services to children identified as victims of trafficking. The CGPU staff provided counseling to women and children who are victims of abuse, including some who were possibly trafficking victims. Existing law does not protect victims from prosecution for offenses committed as a direct result of being trafficked. Information is not available on whether authorities encouraged or would encourage victims to participate in anti-trafficking investigations and prosecutions. The law also did not provide foreign victims of trafficking with alternatives to their removal to countries where they may face hardship or retribution.

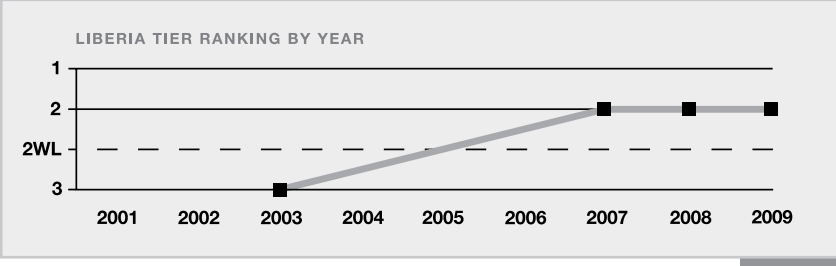
Prevention

The government modestly increased its efforts to prevent trafficking during the year. Immigration authorities monitored border crossings for indications of transnational crimes such as smuggling and kidnapping, and received basic training in detecting potential trafficking situations. Police raised public awareness of human trafficking through radio programs and brochures explaining what trafficking is and how to identify it. The government also encouraged the public to report instances of rape, physical abuse, and sexual harassment, including potential sex trafficking situations, and began an associated increase in telephone access in rural areas. In an ongoing partnership with NGOs, the CGPU trained 250 children and 70 parents how to report possible child abuse, including suspected incidents of child sex and labor trafficking. A committee composed of several government ministries and the CGPU of the police had nominal responsibility for coordinating policy on trafficking but was not active during 2008 and early 2009. The government's ongoing, incremental implementation of tuition-free primary education expanded compulsory school enrollment and attendance in an effort to identify all school-aged children, prevent inappropriate child labor, and reduce children's vulnerability to trafficking and other crimes.

LIBERIA (Tier 2)

Liberia is a source, transit, and destination country for children and women trafficked for the purposes of forced labor and commercial sexual exploitation. Most victims are trafficked within the country, primarily from rural to urban areas for domestic servitude, forced street vending, forced begging by religious instructors and sexual exploitation in brothels or private apartments. Children may also be trafficked for labor on rubber plantations and in alluvial diamond mines. Some children in Liberia are subjected to sexual exploitation by international peacekeeping troops and personnel from international organizations. A January 2009 UN report indicates, however, that such abuses are declining. Internationally, children are trafficked to Liberia from Sierra Leone, Guinea, and Cote d'Ivoire and from Liberia to Cote d'Ivoire, Guinea, and Nigeria for domestic servitude, street vending, sexual exploitation, agricultural labor, and forced begging.

Liberia continues to struggle to rebuild after 14 years of civil conflict that crippled the nation's economy and institutions and increased the vulnerability of children to being trafficked. During its period of reconstruction, Liberia has taken some steps to address trafficking, but more needs to be done.



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 limited resources. Although the government made limited progress in its efforts to combat trafficking through law enforcement and victim protection measures, its overall anti-trafficking performance remained low.

Recommendations for Liberia: Increase efforts to prosecute and punish trafficking offenders; allocate increased funding for basic anti-trafficking law enforcement and victim protection needs; combat the trafficking complicity of government personnel in the criminal justice system; educate judges about the law prohibiting trafficking; and increase efforts to educate the public about trafficking.

Prosecution

The Government of Liberia demonstrated slightly increased law enforcement efforts to combat trafficking over the last year. Liberia's 2005 Act to Ban Trafficking prohibits all forms of trafficking, prescribing a minimum penalty of one year's imprisonment for labor trafficking of adults, six years' imprisonment for child labor trafficking, and 11 to 16 years' imprisonment for child sex trafficking. These penalties are sufficiently stringent and commensurate with other grave crimes, such as rape. No trafficking offenders have yet been convicted or sentenced under this law. The government reported investigating 18 cases of trafficking and arresting nine suspects. Four child trafficking suspects are being tried and five are awaiting trial. During the year, the government extradited two traffickers to Guinea. The criminal justice system remains handicapped by shortages in human and material resources: police lacked vehicles to respond to trafficking reports, and courts lacked prosecutors. Police officers were sometimes required to play the role of prosecutor, and judges were often unaware of the law against trafficking. NGO reports also indicate that police, many of whom are poorly or infrequently paid, asked victims for compensation in exchange for bringing charges against suspected traffickers. Moreover, trafficking suspects reportedly bribed police in return for the dropping of criminal charges. The government adopted a revised national action plan to combat trafficking that expands the role of the National Human Trafficking Task Force, which had previously focused on awareness-raising, in investigating and prosecuting trafficking crimes. Established in 2006, the Task Force is chaired by the Ministry of Labor (MOL) and consists of government ministries, the Inspector General of Police, and the Commissioner of Immigration. Implementing this plan, in late 2008, Task Force members, including representatives from the Ministries of Labor and Heath, accompanied the Liberia National Police on trafficking investigations of religious schools where children are often subjected to forced begging. An MOL attorney, whose position is funded by a donor, also accompanied government officials to court to provide guidance in prosecuting trafficking offenders during the year. Through the Joint Program on Sexual and Gender-based Violence, developed by the government and the UN in June 2008, a court was established to address sexual and gender-based violence offences, including sexually exploitive activities by peacekeepers.

Protection

Liberia demonstrated minimal efforts to protect trafficking victims during the year. The government did not operate its own victim shelters or provide direct assistance to victims due to resource constraints. The Liberian National Police rescued 50 Liberian, Sierra Leonean, and Guinean children from a religious school in Lofa, where they were being forced to beg. Police referred the children to an NGO-operated safe house for care and the government has shut down the school. Immigration officials worked with the Task Force to ensure the entry back into Liberia of a 17-year-old male victim, who was repatriated from Niger. Once back in Liberia, the Ministry of Heath reunited him with his family. The government worked with Guinean officials to repatriate a child victim back to Guinea.

The MOL used its operational funds to provide training for government immigration officials, police commenders, and the Police Women and Children Protection Section in identifying victims. The government did not encourage victims, all of whom are children, to assist in trafficking investigations or prosecutions. Law enforcement officials did not employ formal procedures for identifying trafficking victims among females in prostitution. The government did not provide legal alternatives to the removal of foreign victims to countries where they might have faced hardship or retribution. Victims were not, however, inappropriately incarcerated, fined or otherwise penalized for unlawful acts committed as a direct result of being trafficked.

Prevention

The Government of Liberia made modest efforts to educate the public about trafficking. The MOL conducted multiple anti-trafficking awareness campaigns aimed primarily at parents and community leaders during the year, the majority of which it funded. The National Human Trafficking Task Force continued to raise awareness about trafficking through radio broadcasts funded by the MOL and broadcast on UN-donated air time. In an effort funded by the MOL and NGOs, the Task Force also went into local communities to hold one-day workshops to explain the effects of trafficking on communities. The Task Force met monthly and more frequently if required by newly developed cases. The government did not take steps to reduce demand for forced labor or for commercial sex acts.

LIBYA (Tier 2 Watch List)

Libya is a transit and destination country for men and women from sub-Saharan Africa and Asia trafficked for the purposes of forced labor and commercial sexual exploitation. Migrants typically seek employment in Libya as laborers and domestic employees or transit Libya en route to Europe. Both migrants and trafficking victims are routinely smuggled through Libya to Europe,

especially to or through Italy and Malta, en route to various locations on the continent. Libya's migrant population of 1.5 to 2 million represents about one-third of its overall population. Although precise figures are unavailable, foreign observers estimate that one-half to one percent of foreigners (i.e., up to 20,000 people) may be victims of trafficking. In some cases, smuggling debts and illegal status leave migrants vulnerable to coercion, resulting in cases of forced prostitution and forced labor; employers of irregular migrants sometimes withhold payment or travel documents. As in previous years, there were reports that women from sub-Saharan Africa were trafficked to Libya for the purposes of commercial sexual exploitation. In May 2008, Nigerian officials arrested one of their nationals, a resident of Libya, and rescued 21 young women who they claimed were being trafficked for the purpose of prostitution in Europe after paying the trafficker fees to work as maids in Libya.

The Government of Libya does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall efforts, the government did not show evidence of progress in investigating and prosecuting trafficking offenses and protecting trafficking victims; Libya is therefore placed on Tier 2 Watch List.

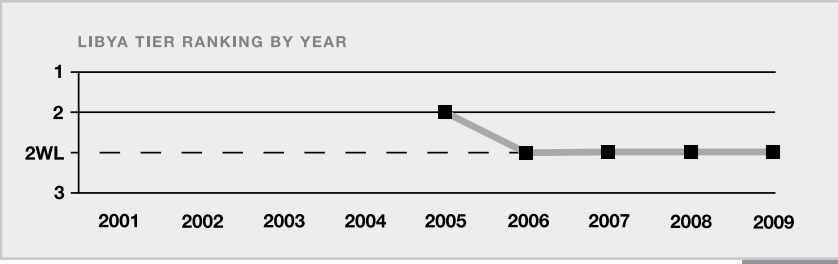
Recommendations for Libya: Criminalize all forms of trafficking; increase law enforcement efforts to investigate and prosecute trafficking offenses; increase training of government officials to identify and provide protection to victims; develop a program to assist victims; and undertake an information campaign to raise public awareness of the problem of human trafficking.

Prosecution

The government did not publicly release statistics on investigations or prosecutions of trafficking offenses or convictions of trafficking offenders in 2008. Press reports indicated that some traffickers were tried under other criminal statutes, though the disposition of those cases is unknown. Although Libya does not have a single law specifically prohibiting trafficking in persons, it does have laws criminalizing prostitution and sexual exploitation, which could be used to prosecute sex trafficking offenses, but there were no indications that the government did so. The 1970 labor law does not criminalize forced labor, but penalizes some exploitative labor practices, including holding an employee's passport. There is no evidence of government involvement in or tolerance of trafficking at any level.

Protection

The government took minimal steps to improve the protection of trafficking victims during the reporting period. Using established procedures, law enforcement officials collaborated with IOM and UNHCR to screen for evidence of trafficking among populations of refugees and migrants, focusing particularly on individuals who appeared to be traveling on fraudulent documents or claiming a nationality other than their own. In some migrant detention centers, an unknown number of migrants identified as potential victims were referred to NGOs and international organizations for ad hoc medical care and counseling; the government lacked a formal victim referral mechanism and legal services were unavailable to victims. The government did not actively encourage victims to participate in the investigation and prosecution of trafficking offenders. Like irregular migrants, trafficking victims may be susceptible to deportation or punishment for unlawful presence in Libya as a result of being trafficked.



Prevention

Public awareness of human trafficking as a phenomenon distinct from illegal immigration and smuggling is low in Libya, including among government officials. During the reporting period, the government did not conduct any anti-trafficking public information campaigns. The government, however, supported a series of workshops for law enforcement officials and NGOs to raise awareness of human trafficking. During the year, the government provided in-kind assistance to IOM, including facilities, translation services, and transportation costs, which allowed IOM to provide anti-trafficking public awareness campaigns and law enforcement training to a larger audience than initially budgeted. No information was available on measures to reduce the demand for commercial sex acts, or to prevent possible child sex tourism committed abroad by Libyan nationals. The government collaborated with IOM to conduct anti-smuggling and anti-trafficking campaigns targeted to the irregular migrant community.

LITHUANIA (Tier 1)

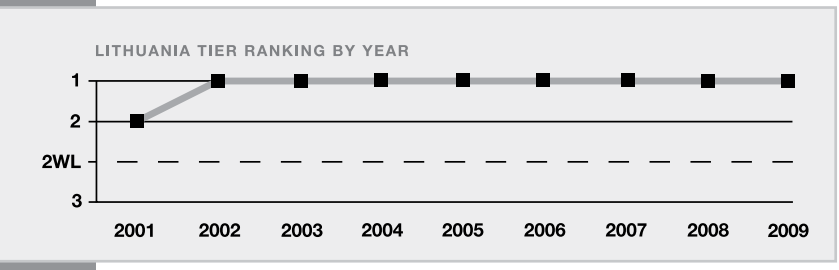
Lithuania is a source, transit, and destination country for women and children trafficked for the purpose of commercial sexual exploitation. One estimate concluded that approximately 20 percent of Lithuanian trafficking victims are underage girls. Lithuanian women are trafficked within the country and to the United Kingdom, Germany, the Netherlands, Greece, Italy, France, and the Czech Republic for the purpose of forced prostitution. Women from Belarus are trafficked to Lithuania for the same purpose.

The Government of Lithuania fully complies with the minimum standards for the elimination of trafficking. In 2008, the government increased victim assistance funding to $150,000, demonstrated strong law enforcement efforts, and increased the number of victims referred by law enforcement personnel for assistance. It also ensured that a majority of convicted traffickers served significant time in prison.

Recommendations for Lithuania: Train relevant law enforcement personnel to improve efforts to identify and investigate human trafficking offenses, including labor trafficking; provide trafficking awareness and prevention training for peacekeepers deployed abroad; and continue to ensure a majority of convicted traffickers serve some time in prison.

Prosecution

The Government of Lithuania sustained its anti-trafficking law enforcement efforts during the reporting period. Lithuania prohibits all forms of trafficking through Article 147 of its criminal code, which prescribes penalties ranging from probation to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other grave crimes, such as rape. In 2008, authorities initiated 16 sex trafficking investigations and three labor trafficking investigations, up from a total of nine investigations in 2007. Authorities prosecuted 20 defendants for sex trafficking during the reporting period, compared to eight defendants prosecuted in 2007. In 2008, 13 trafficking offenders were convicted, a significant increase from four convictions in 2007. Ten convicted traffickers were given sentences ranging from two to eight years' imprisonment, while three traffickers were given no time in prison.



Protection

The Lithuanian Government continued to improve its protection of trafficking victims. Law enforcement identified 86 trafficking victims and referred them to NGOs for assistance in 2008, compared with 56 victims referred in 2007. In 2008, the government provided approximately $150,000 to 13 anti-trafficking NGOs to conduct victim assistance and rehabilitation, including vocational training and job placement for victims, compared to $144,000 in 2007. Adult female and minor victims were provided shelter in domestic violence shelters. Male victims of trafficking could be housed at community crisis centers, although to date no male victims of trafficking have requested shelter. The government encouraged victims to assist in trafficking investigations and prosecutions; in 2008, twenty-five Lithuanian victims assisted with trafficking investigations and prosecutions. Foreign victims who participated in court proceedings were eligible for temporary residency and work permits. Identified victims were not penalized for unlawful acts committed as a direct result of their being trafficked; however, some victims who were not properly identified may have been fined for prostitution offenses. During the reporting period, the Ministry of Foreign Affairs assisted 17 Lithuanian victims identified abroad by referring them to local NGOs for assistance and provided funding for their repatriation to Lithuania.

Prevention

Lithuania demonstrated some efforts to prevent trafficking during the reporting period. For example, the government funded an education campaign targeted at children and adolescents in seven towns across the country; the campaign focused on targeting both potential victims of trafficking and also potential future clients of the sex trade.

LUXEMBOURG (Tier 1)

Luxembourg is a destination country for women trafficked primarily from Russia and Ukraine for the purpose of commercial sexual exploitation. An increasing number of women from Africa, primarily Nigeria, are engaged in prostitution in the country, and are particularly vulnerable to trafficking due to debts they incur in the process of migrating – legally or illegally – to Luxembourg. The government and NGOs did not identify any cases of forced labor during the reporting period.

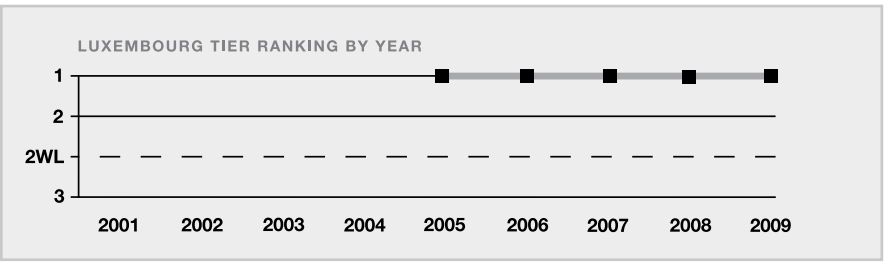
The Government of Luxembourg fully complies with the minimum standards for the elimination of trafficking. The government enacted additional anti-trafficking legislation and funded a sex trafficking demand reduction campaign during the reporting period. While formalized victim identification and referral procedures remained lacking, the government established a 90-day reflection period for victims in 2008.

Recommendations for Luxembourg: Establish formal procedures to identify victims among vulnerable groups, such as women in the legal commercial sex trade and illegal migrants, and to refer these victims to available services; ensure there are adequate protection facilities in place for all trafficking victims, including victims of forced labor, and child and male victims; and launch an awareness campaign to educate authorities and the general public about forms of labor trafficking.

Prosecution

The Government of Luxembourg demonstrated progress in the prosecution of trafficking crimes during the reporting period. In February 2009, the government adopted long-awaited amendments to its penal code

that distinguish human trafficking from smuggling or illegal migration and broaden the definition of human trafficking to include forced labor. Penalties prescribed in the new legislation increased from a maximum prison term of three years, to a range of five to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other grave crimes. There were seven prosecutions and convictions of sex trafficking offenders during the reporting period, compared with six from the previous year. Sentences ranged from three months' imprisonment with fines to three years' imprisonment with fines. The majority of trafficking offenders were sentenced to two years' imprisonment or more. The government continued its ongoing training of police, immigration, and other government officials and NGOs on victim identification. There was no evidence of trafficking complicity by Luxembourg public officials during the year.



Protection

The government made some additional progress in protecting trafficking victims during the reporting period. The government adopted immigration legislation in 2008 that provides human trafficking victims with relief from deportation through the granting of temporary residence status for a 90-day reflection period. The government did not provide long-term shelter or housing benefits for victims of trafficking. The government encourages victims to participate in the investigation and prosecution of trafficking offenders during the reflection period, though the granting of the reflection period is not conditional on victims' cooperation with authorities. The government worked with neighboring countries on a witness protection plan for two trafficking victims during the reporting period. The government also funded two NGOs providing services for women in distress that also serve female human trafficking victims. Child victims of trafficking were placed in a general shelter for juveniles that offered specialized services for trafficking victims. 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 is unclear whether all women in prostitution who are in the country illegally are checked for trafficking indicators before being deported or imprisoned. It is also unclear whether authorities are proactively identifying victims among the estimated 500 women in prostitution in Luxembourg's legalized sex trade. The government did not appear to employ a formal referral mechanism for authorities to use when referring victims to available services.

Prevention

The government made some progress in its efforts to prevent trafficking during the reporting period. It launched a sex trafficking public awareness campaign at bus stops. In addition, the Ministry of Equal Opportunity funded a sex trafficking demand reduction poster campaign bearing the slogan, "If you hire a prostitute, you are financing human trafficking." The government did not report any child sex tourism prosecutions or prevention efforts during the reporting period.

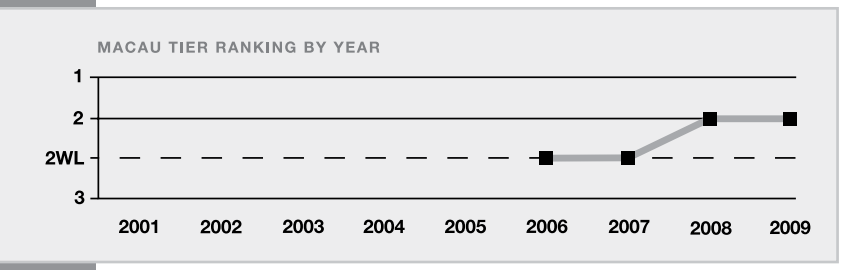
MACAU (Tier 2)

Macau is primarily a destination for the trafficking of women and girls from the Chinese mainland, Mongolia, Russia, Philippines, Thailand, Vietnam, Burma, and Central Asia for the purpose of commercial sexual exploitation. Most victims are from inland Chinese provinces who migrate to the border province of Guangdong in search of employment, where they fall prey to false advertisements for jobs in Macau. Foreign and mainland Chinese women and girls are deceived into migrating voluntarily to the Macau Special Administrative Region (MSAR) for employment opportunities in casinos, as dancers, or other types of legitimate employment; upon arrival in Macau, some of the victims are passed to local organized crime groups, held captive, and forced into sexual servitude. Chinese, Russian, and Thai criminal syndicates are sometimes involved in bringing women into Macau for its legalized prostitution industry. Victims are sometimes confined in massage parlors and illegal but widely tolerated brothels, where they are closely monitored, have their identity documents confiscated, are forced to work long hours, or are threatened with violence. The control of some victims by organized crime syndicates makes it particularly dangerous for them to seek help. More rarely, Macau is also a source territory for women and girls trafficked elsewhere in Asia for commercial sexual exploitation.

The MSAR does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government passed a comprehensive anti-trafficking law and began to provide shelter, counseling, and medical and financial assistance to trafficking victims. Nevertheless, overall efforts to investigate and prosecute traffickers, particularly those involved in organized crime, remain inadequate. Victim identification and protection efforts also need improvement. Macau has the resources and government infrastructure to make greater efforts in addressing trafficking in persons.

Recommendations for the Macau Special Administrative Region: Push for greater investigations

and prosecutions of traffickers under the new comprehensive anti-trafficking law; cooperate closely with source country governments on cross-border trafficking cases; increase efforts to identify victims of trafficking among vulnerable groups such as migrant workers and foreign women and children arrested for prostitution; ensure that victims of trafficking are not punished for crimes committed as a direct result of being trafficked; provide specialized training to Social Welfare Bureau social workers in providing assistance to victims of human trafficking and designate a social worker to assist trafficking victims in the shelter; and support a visible anti-trafficking awareness campaign directed at employers and clients of the legalized sex trade.



Prosecution

The Macau government made some progress in its anti-trafficking law enforcement efforts during the reporting period. In June 2008, the Macau Legislative Assembly passed comprehensive anti-trafficking legislation, which prohibits all forms of trafficking in persons and prescribes penalties ranging from three to 12 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. While the government conducted some investigations into cases of human trafficking, there were several cases during the reporting period of Vietnamese and Mongolian women allegedly trafficked to Macau for commercial sexual exploitation that Macau authorities did not investigate. Reports from law enforcement officials in source countries indicate a lack of cooperation by Macau authorities when requesting assistance and follow-up in cases involving foreign nationals. Two sex trafficking prosecutions are awaiting trial, both of which resulted from victims filing complaints with authorities. Macau authorities have yet to obtain a conviction of a trafficking offender. In October 2008, two Macau female sex trafficking victims were rescued in Japan after one of the victims sent a text message to a relative. Macau authorities worked with INTERPOL and Japanese law enforcement in the repatriation of the victims. Macau police arrested one trafficker in this case, who has not yet been prosecuted. Corruption is a significant problem in Macau, and is often closely linked to the gambling industry and organized crime networks. One Macau police officer arrested in 2007 for allegedly blackmailing two women in prostitution for "protection" fees has not been brought to trial. Macau authorities did not report any allegations of official complicity with human trafficking in 2008. The control of Macau, Chinese, Russian, and Thai criminal syndicates over Macau's lucrative sex trade continued to challenge the effectiveness of prosecution efforts in Macau.

Protection

MSAR authorities demonstrated some efforts to protect trafficking victims in 2008. Although Macau authorities, with NGO assistance, developed guidelines for the proactive identification of trafficking victims, most trafficking victims were self-identified. Foreign victims found it extremely difficult to escape their state of servitude given the lack of services in their native language and the lack of their government's diplomatic representation in Macau. During the reporting period, several foreign women were trafficked to Macau for commercial sexual exploitation but were not identified by Macau authorities; they were instead assisted by foreign NGOs and their home governments, who arranged for their repatriation. The Macau government provided temporary shelter, counseling, and financial and medical services to 23 victims of trafficking in a shelter run by the Social Welfare Bureau. One additional victim stayed in a local NGO shelter. Victims are provided a weekly stipend during their time in the shelters, but are not offered legal alternatives to their removal to countries where they may face hardship or retribution. Due to the lack of effective victim identification, other victims were likely deported for immigration violations. Persons detained for immigration violations were usually deported and barred from re-entry to Macau for up to two years. The Women's General Association of Macau receives government funding to run a 24-hour trafficking victim assistance hotline. Although the Macau police also ran a trafficking hotline, the public appeared to lack awareness about the hotline's existence, and no trafficking cases were identified from hotline calls during the reporting period.

Prevention

The government demonstrated progress in its trafficking prevention efforts. The government continued to publish anti-trafficking brochures in multiple languages that were displayed at border checkpoints, hospitals, and public gathering areas. It also ran radio and television advertisements, and organized several seminars to increase public awareness of human trafficking, in which senior Macau government officials called on the public to help the government fight trafficking. Authorities set aside funding to conduct an independent evaluation of the trafficking situation in Macau in 2009. The government did not take measures during the reporting period to reduce the demand for commercial sex acts or conduct any awareness campaigns targeting clients of Macau's legalized prostitution industry.

MACEDONIA (Tier 1)

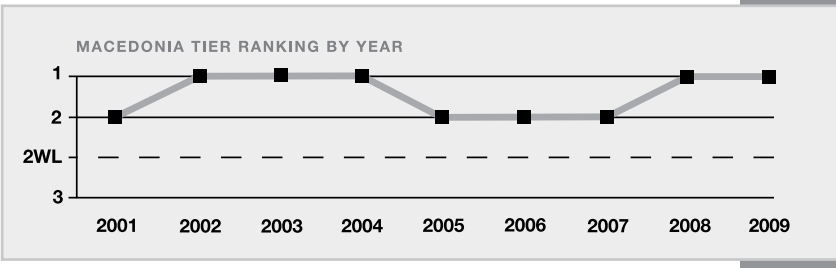
Macedonia is a source, transit, and destination country for women and children trafficked for the purpose of commercial sexual exploitation. Macedonian women and children are trafficked within the country. Victims trafficked into Macedonia are primarily from Albania and Kosovo. Macedonian victims and victims transiting through Macedonia are trafficked to South Central and Western Europe. Children, primarily ethnic Roma, are trafficked for the purpose of forced begging within the country. Victims were trafficked for the purpose of forced labor in Macedonia's service sectors. Traffickers' *modus operandi* continued to evolve in response to law enforcement tactics, including increased use of more hidden, private sectors, such as beauty salons and massage parlors.

The Government of Macedonia fully complies with the minimum standards for the elimination of trafficking. While the government could strengthen its performance in certain areas, the government improved implementation of the anti-trafficking statute to obtain convictions of trafficking offenders and continued to expand the usage of its victim-centered standard operating procedures for the treatment and protection of trafficking victims.

Recommendations for Macedonia: Continue appreciable progress in victim protection and assistance; proactively implement the new standard operating procedures on victim identification; ensure institutionalized protection and reintegration services for victims; continue to ensure convicted traffickers receive adequate jail time; vigorously prosecute, convict, and punish public officials complicit in trafficking; and expand overall prevention and demand reduction awareness efforts to educate clients of the sex trade and forced labor about trafficking.

Prosecution

The Government of Macedonia demonstrated some important progress in its anti-trafficking law enforcement efforts in 2008 by decreasing processing times for trafficking cases and securing increased sentences for convicted trafficking offenders. While one organization reported that traffickers were still sometimes prosecuted under smuggling laws, significant improvement in prosecuting suspected traffickers under the anti-trafficking statute was reported during the year. The government prohibits sex and labor trafficking through its 2004 criminal code; Article 418(a) and (g) covers all forms of trafficking in persons. The minimum penalty prescribed for trafficking for commercial sexual exploitation is four years' imprisonment, which is sufficiently stringent and commensurate with penalties prescribed for other grave crimes, such as rape. In 2008, the government prosecuted 11 cases under article 418(a) and (g) involving 28 trafficking suspects, resulting in the conviction of 17 trafficking offenders. The average sentence imposed was five years' imprisonment. The government prosecuted three cases on forced labor charges. These prosecutions resulted in eight sentences: four of four years, two of five years, one of six years, and one of seven years. There were reports that some law enforcement officials, including prosecutors and judges, continued to demonstrate an inadequate understanding of trafficking and insensitivity towards victims' rights, including in courtroom settings. The government did not prosecute any acts of trafficking-related complicity by government officials during the reporting period; however, reports indicated that corruption continued to directly hamper Macedonia's anti-trafficking efforts. For example, local brothel owners were occasionally tipped off prior to raids, allowing traffickers to elude law enforcement and brothel owners to hide potential trafficking victims.



Protection

The Government of Macedonia demonstrated some progress in its protection of trafficking victims in 2008. It continued to conduct training, with the support of international donors, on its standard operating procedures (SOPs) on the identification and referral of trafficking victims, and implementation of these procedures has continued to improve; however, application of the SOPs by local police was at times ad hoc and dependent on particular, victim-sensitive officers. The government has acknowledged that local police need more consistent understanding and application of the SOPs, and in January 2009 implemented a new requirement that all raids conducted by local police must include an officer from the police anti-trafficking unit. An international organization reported that border police did not employ systematic procedures to identify trafficking victims among migrants at Macedonian borders, although several victims were identified as a result of border police efforts. The government did not take proactive and systematic efforts to identify victims among vulnerable groups within its labor sectors. The government has not yet funded an NGO providing protection and assistance to domestic trafficking victims. It recently announced plans to take over full financial and material responsibilities for the country's domestic trafficking shelter, but there were concerns about the impact on victims' rights; these concerns were addressed and alleviated in a January meeting between the government and the NGO that voiced them. The

government continues to operate a reception center for foreign migrants and trafficking victims; victims' freedom of movement in this center is severely restricted. Although law enforcement reported it identified 130 "presumed" victims in 2008, only 18 victims, 14 of whom were Macedonian, qualified as trafficking victims during the reporting period. The government encouraged victims to participate in investigations and trials. The government in January 2008 created provisions for the offering of a six-month residency permit and reflection period to foreign victims; none of the 118 presumed foreign victims identified during the reporting period requested this permit. Presumed domestic victims were entitled to a 30-day reflection period in the domestic shelter before taking part in a formal interview process with a trained trafficking specialist. The government provided some reintegration support through its 27 Centers for Social Welfare. These centers assisted seven victims in 2008. NGOs and international experts reported some problems with the government's identification process, resulting in possible misidentification of potential trafficking victims by local authorities.

Prevention

The government collaborated with NGOs and the international community in its trafficking prevention efforts, and in December 2008 drafted a National Action Plan for the years 2009-2012. It did not provide any direct financial support for NGOs conducting anti-trafficking prevention activities during the reporting period, but continued to provide significant in-kind support. In May 2008, the government conducted a nationwide survey to determine the public's level of awareness about trafficking. Based on the findings, it conducted nine public roundtables throughout the country. The government included mandatory training in its primary and secondary school curriculum to prevent trafficking. In December 2008, the National Commission organized a national anti-trafficking week. The Commission set up booths in over a dozen cities throughout Macedonia to distribute anti-trafficking materials, and high-level officials spoke out about trafficking. In January 2009, the National Commission published an annual report on its anti-trafficking efforts. The government did not fund or initiate any awareness campaigns to reduce demand for forced labor or commercial sex in 2008; however, it used some IOM-funded materials aimed at demand during its anti-trafficking week.

MADAGASCAR (Tier 2)

Madagascar is a source country for women and children trafficked for the purposes of forced labor and sexual exploitation. Children, mostly from rural areas, are trafficked within the country for domestic servitude, commercial sexual exploitation, forced marriage, forced labor for traveling vendors, and possibly forced labor in mining, fishing, and agriculture. Some child sex trafficking occurs with the involvement of family members, friends, transport operators, tour guides, and hotel workers. A child sex tourism problem exists in coastal cities, including Tamatave, Nosy Be, and Diego Suarez, 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 exploited in the commercial sex trade on the coast. The main sources of clients for child sex tourism are France, Italy, Spain, Germany, Switzerland, and Reunion. Victims are usually girls, but reports of male tourists seeking sex with underage boys have increased. Young Malagasy women are trafficked within the country for domestic servitude and sexual exploitation, as well as in small numbers to the Middle East for domestic servitude.

The Government of Madagascar does not fully comply with the minimum standards for the elimination of trafficking but is making significant efforts to do so. This report covers the efforts of the Malagasy government until January 2009's political unrest, which resulted in an unlawful change in government in March. Efforts to verify implementation of the laws during the remainder of the reporting period, if any, were difficult given the level of political instability. The new regime's policies and perspectives on Madagascar's human trafficking problem are unknown; it remains to be seen whether the new government will maintain the previous administration's keen interest in combating trafficking. While the government sustained its efforts to raise awareness of child sex trafficking, lack of institutional capacity and funding remained significant impediments to its anti-trafficking efforts, particularly impacting the effectiveness of law enforcement activities.

Recommendations for Madagascar: Utilize the anti-trafficking law to prosecute trafficking offenses, including those involving forced labor, and punish trafficking offenders; institute a formal process for law enforcement officials to document trafficking cases and refer victims of both labor and sex trafficking for assistance; increase efforts to raise public awareness of labor trafficking; and investigate and prosecute public officials suspected of trafficking-related complicity.

Prosecution

Although the government enacted anti-trafficking legislation in January 2008, it reported no investigations or convictions of trafficking offenders during the reporting period and was unable to provide statistics regarding its anti-trafficking law enforcement efforts. Anti-Trafficking Law No. 2007-038, adopted in January 2008, prohibits all forms of human trafficking, though it only prescribes punishments for sex trafficking; these range from two years' to life imprisonment, penalties that are sufficiently stringent and commensurate with those prescribed for other grave crimes. The Ministry of Justice disseminated copies of the new law to all 22 regions during the year and magistrates received training in its use. Article 262 of the Labor Code criminalizes

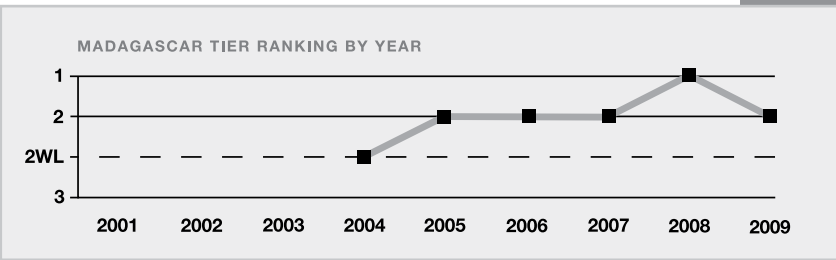
labor trafficking, for which it prescribes inadequate penalties of one to three years' imprisonment. Decree 2007-563 prohibits various forms of child labor, including prostitution, domestic slavery, and forced labor. The government has yet to use its January 2008 anti-trafficking law to punish traffickers; a lack of case precedent, poor coordination among ministries, lack of systematic information, lack of data shared between the regional and central levels, and the lack of a presidential decree mandating and codifying its use likely hinder the new law's implementation. Several alleged sex trafficking cases came to trial in 2008, but only two reportedly made use of the anti-trafficking law, and neither has reached a resolution; the remaining cases were tried under other laws, and either dismissed or punished with suspended sentences. The government did not investigate or prosecute cases of forced labor during the reporting period.

In September 2008, a foreign government-funded program finished the development of a centralized database for documenting and tracking trafficking cases nationwide. Training for personnel in the use of this database was conducted in the capital and areas of the country where high levels of trafficking have been reported. While a positive example of increased anti-trafficking cooperation between the gendarmerie and police, financial and legal issues threaten to derail this project; the center still lacks a presidential decree giving its work legal standing and financing remains uncertain. The database's use is limited to cases in Antananarivo.

In some tourist areas, local police appeared hesitant to prosecute child sex trafficking and child sex tourism offenses, possibly because of deep-rooted corruption, pressures from the local community, or fear of an international incident. Some officials were punished in 2007 for colluding with traffickers or accepting bribes to overlook trafficking crimes. The Ministry of Justice did not report any such cases in 2008, though the media ran stories alleging official complicity. The ministry began rotating magistrates to different jurisdictions within the country, in part to stem corruption.

Protection

The Government of Madagascar provided weak victim protections. During the last year, previously reported victim protection efforts were determined to mostly be provided by NGOs and international organizations and not by the government. The government did not operate victim assistance programs; the majority of trafficking victims identified in 2008 were assisted exclusively by NGO-run centers. Counseling centers run by local NGOs and supported by the Ministries of Justice and Health in Antananarivo and Fianarantsoa, however, provided psychological support and legal advice to child sex trafficking victims. An unknown number of parents of such children received advice on filing court cases, but most declined to do so, either for fear of reprisal or because of a payoff from the perpetrator. As Madagascar lacked a formal process to identify trafficking victims among vulnerable populations or refer victims for care, law enforcement officials began drafting such procedures during the year with UNICEF assistance. However, the Ministry of Health's local-level Child Rights Protection Networks – which increased in number from 14 in 2007 to 65 in 2008 with UNICEF support – brought together government institutions, law enforcement officials, and NGOs to fill this role. Networks coordinated child protection activities, identified and reported abuse cases, and assisted victims in accessing appropriate social and legal services. In 2008, for example, a protection network in Diego rescued two trafficked girls and the government returned them to their families in Ambanja and Nosy Be and provided money for school enrollment. Labor inspectors reportedly taught job-finding skills to rescued victims during the year. The government did not penalize trafficking victims for unlawful acts committed as a direct result of their being trafficked and encouraged them to assist in the investigation and prosecution of their exploiters. The government does not provide legal alternatives to the removal of victims to countries where they would face hardship or retribution.



Prevention

The government sustained its trafficking prevention efforts during the year. At the regional level, Local Anti-Trafficking Boards, comprised of ministerial representatives, improved information sharing among stakeholders and sensitized the population on trafficking issues, resulting in NGO care centers receiving an increasing number of cases in 2008. Although eight Regional Committees to Fight Child Labor increased coordination among government entities, NGOs, and ILO/IPEC under the framework of the National Action Plan for the Fight Against Child Labor, the Ministry of Labor's five child labor inspectors were insufficient to cover areas beyond Antananarivo or in informal economic sectors. The government continued its national awareness campaign against child sex tourism and conducted a number of law enforcement actions against foreign child sex tourists during the year. In December 2008, President Ravalomanana presented remarks in Nosy Be on the importance of protecting children from foreign sex tourists. In May 2008, the Ministry of Justice launched a national campaign against child sexual exploitation that included messages on sex tourism in posters, a short film, and TV and radio spots. The government continued distributing anti-sex tourism

information to tourists at national events and cultural celebrations, such as the Donia festival in Nosy Be, and a customs booklet to arriving international passengers containing a full-page warning of the consequences. In January 2008, a man from Reunion was arrested and prosecuted for the commercial sexual exploitation of a child in Nosy Be, but his case was dismissed for lack of evidence; four Reunionese considered accomplices were deported from the country. A French national was imprisoned in Tamatave for child sex tourism in September 2008. Also, three French citizens' cases for indecent assault or statutory rape were either dismissed or punished with suspended sentences.

MALAWI (Tier 2)

Malawi is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. The incidence of internal trafficking is believed higher than that of transnational trafficking, and practices such as forced labor exist, particularly on tobacco plantations. Children are trafficked primarily within the country for forced labor in agriculture, animal herding, domestic servitude, and to perform forced menial tasks for small businesses. Girls and young women are trafficked internally for forced labor and prostitution at local bars and rest houses. Malawian adults and children are lured by fraudulent offers of employment into situations of forced labor and commercial sexual exploitation in Mozambique, South Africa, and Zambia. In 2008, Malawian men were also trafficked to Tanzania for forced labor in the fishing industry. Children, as well as a smaller number of women, from Zambia, Mozambique, Tanzania, Burundi, and Zimbabwe are trafficked to Malawi for forced labor and commercial sexual exploitation.

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. While the government incrementally improved its efforts to identify victims and bring trafficking offenders to justice, the largely inconsequential punishments meted out to convicted traffickers during the reporting period demonstrated a continued lack of understanding of the seriousness of human trafficking crimes on the part of judicial and other government officials.

Recommendations for Malawi: Provide additional training to judges, prosecutors, and police – particularly those working near border areas – on how to identify, investigate, and prosecute trafficking cases utilizing existing laws; pass and enact comprehensive anti-trafficking legislation; expand the existing focus on protecting victims of child labor trafficking to include children exploited in domestic servitude or prostitution; and institute a system to compile data on cases investigated and prosecuted and victims assisted throughout the country.

Prosecution

The Government of Malawi's anti-trafficking law enforcement efforts improved over the last year, though punishments of trafficking offenders remained weak, inconsistent, and highly dependent on the knowledge level of the judges and prosecutors involved in the case. Malawi prohibits all forms of trafficking through existing laws, including the Employment Act and Articles 135 through 147 and 257 through 269 of the Penal Code, though a lack of specific anti-trafficking legislation allows for a range of potentially weak punishments to be imposed on convicted trafficking offenders. Prescribed penalties under the aforementioned statutes range from small fines to 10 years' imprisonment; these penalties are sufficiently stringent and commensurate with punishments prescribed for other grave crimes. The Child Care, Protection and Justice Bill, which defines child trafficking and sets a penalty of life imprisonment for convicted traffickers, remains in Cabinet and was not passed by Parliament during the reporting period. The Malawi Law Commission continued drafting comprehensive anti-trafficking legislation to specifically outlaw all forms of human trafficking.

In 2008, the government used laws against child labor, kidnapping, and profiting from prostitution to convict trafficking offenders; as in past years, the majority of trafficking cases involved forced child labor in the agricultural sector. According to the Ministry of Labor, the government conducted at least 24 such child labor trafficking investigations and prosecuted three cases under the Employment Act in 2008. A court in Mchinji district sentenced a man to eight years' imprisonment for trafficking children for agricultural labor. A Mchinji tobacco farm employee received a sentence of two years' imprisonment for his participation in child labor trafficking. A Kasungu district court sentenced a man to two years' imprisonment for attempting to sell his 17-year old daughter into slavery for $700. Most other offenders, however, received a warning for the first offense and a small fine for subsequent violations. The Ministry of Labor reported the out-of-court settlement of at least 13 possible trafficking cases for payment of back wages and repatriation costs. Responding to the trafficking of young Burundian girls for prostitution, a Malawian court convicted two Burundian nationals for profiting from prostitution; they received fines rather than prison sentences. In 2008, the government deported a Zimbabwean sex trafficking victim when her temporary residency status expired, resulting in the dismissal of the court case against the Malawian truck driver who trafficked her to Malawi. The Anti-Corruption Bureau did not provide information on the status of its 2007 investigation into two complaints of government corruption relating to trafficking.

Protection

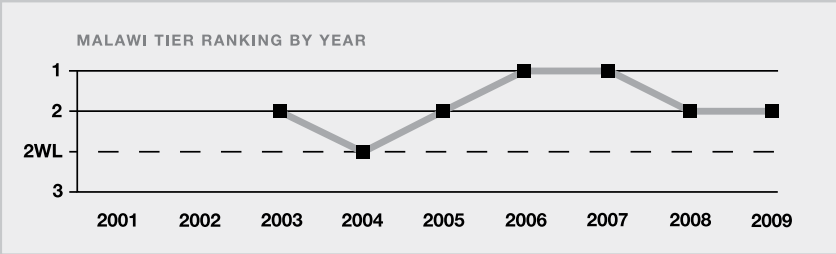
Malawi depends heavily on foreign donors and NGOs to fund and operate most of the country's anti-trafficking

programs, limiting the government's discretion in programming and placement of resources. The government funds and operates a social rehabilitation drop-in center in Lilongwe for victims of trafficking and gender-based violence, but does not maintain records specifically on trafficking victims receiving assistance or identify trafficking victims among the center's clients. The government provided shelter and legal assistance to one identified Zimbabwean trafficking victim in 2008. Using established procedures, district and local officials – police, social welfare officers, and labor officers – also referred victims to various NGO-run facilities that provided protective services and, in some districts such as Mchinji, facilitated their return to their home districts. There were no protective services available to Malawian trafficking victims returning from other countries. Police stations throughout the country housed victim support units to respond to gender-based violence and trafficking crimes. These units provided limited forms of counseling and, in some places, temporary shelter, though their capacity to identify and assist victims varied greatly among stations. Inter-ministerial district child protection committees monitored their districts for suspicious behavior and reported suspected trafficking cases to police and social welfare officers.

During the reporting period, the Ministry of Women and Child Development trained 289 volunteer community child protection workers to recognize child victims of all forms of exploitation, including trafficking. In early 2009, it began the process of converting these volunteer positions into paid positions within the ministry. The government allocated $176,056 to the Child Labor Control Unit for conducting inspections in 2008. The government encouraged victims' participation in the investigation and prosecution of trafficking crimes and did not inappropriately incarcerate, fine, or otherwise penalize victims for unlawful acts committed as a direct result of being trafficked. Government officials indicated that foreign victims were usually granted temporary residency status; the length of court proceedings, however, sometimes exceeded the duration of this status, resulting in deportation and dismissal of cases against alleged traffickers.

Prevention

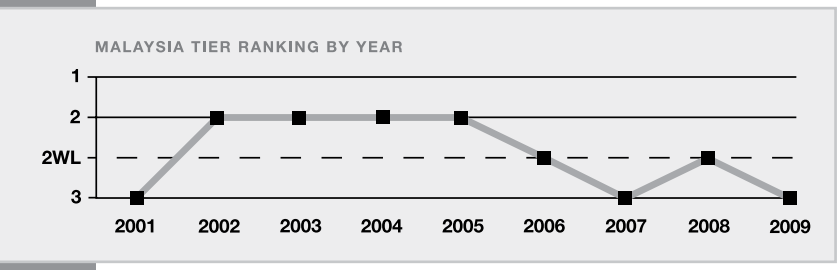
The Government of Malawi sustained its efforts to prevent human trafficking in 2008. Child trafficking issues fall under the purview of both the National Steering Committee on Orphans and Vulnerable Children and the National Steering Committee on Child Labor, which were created to provide policy guidance and coordinate the government's engagement on children's issues. Most districts have a district child labor committee, a district orphan and vulnerable child committee, and a district child protection committee, all of which have responsibility for trafficking issues. There is significant overlap and inadequate communication and coordination among these committees. The effectiveness of these committees in preventing child trafficking during the reporting period varied widely and was often dependent on the capacity of the individuals employed or their partnership with NGO- or foreign-funded projects in the vicinity. The government and UNICEF continued a child rights information campaign called "Lekani" or "Stop!" that included billboards, bumper stickers, newspaper ads, and radio programs which provided messages against trafficking, child labor, child sexual exploitation, and commercial sexual exploitation. Through the National AIDS Commission's Action Framework on HIV/AIDS Prevention, the government also provided community sensitization on the dangers of commercial sexual exploitation and attempted to reduce the demand for commercial sex acts. The Malawi Defense Force has a zero tolerance policy on human trafficking and provided training on human rights, child protection, and the elimination of sexual exploitation to its nationals deployed abroad as part of peacekeeping missions.



MALAYSIA (Tier 3)

Malaysia is a destination and, to a lesser extent, a source and transit country for women and children trafficked for the purpose of commercial sexual exploitation, and for men, women, and children trafficked for the purpose of forced labor. Malaysia is mainly a destination country for men, women, and children who migrate willingly from Indonesia, Nepal, Thailand, the People's Republic of China (PRC), the Philippines, Burma, Cambodia, Bangladesh, Pakistan, India, and Vietnam for work – usually legal, contractual labor – and are subsequently subjected to conditions of involuntary servitude in the domestic, agricultural, food service, construction, plantation, industrial, and fisheries sectors. Some foreign women and girls are also victims of commercial sexual exploitation. Some migrant workers are victimized by their employers, employment agents, or traffickers who supply migrant laborers and victims of sex trafficking. Some victims suffer conditions including physical and sexual abuse, forced drug use, debt bondage, non-payment of wages, threats, confinement, and withholding of travel documents to restrict their freedom of movement. Some female migrants from Indonesia, Thailand, the Philippines, Cambodia, Vietnam, Burma, Mongolia, and the PRC are forced into prostitution after being lured to Malaysia with promises of legitimate employment. Individual employment agents, which are

sometimes used as fronts for human trafficking, sold women and girls into brothels, karaoke bars, or passed them to sex traffickers. There were reports of Malaysians, specifically women and girls from indigenous groups and rural areas, trafficked within the country for labor and commercial sexual exploitation. Burmese migrants, including some Burmese registered with the United Nations as refugees, a legal status not recognized by the Malaysian government, are trafficked for forced labor. To a lesser extent, some Malaysian women, primarily of Chinese ethnicity and from indigenous groups and rural areas, are trafficked abroad to destinations including Singapore, Hong Kong, France, and the United Kingdom, for commercial sexual exploitation.



There were a number of credible reports of Malaysian immigration authorities' involvement in the trafficking of Burmese refugees from immigration detention centers to the Thai-Malaysian border. Several credible sources reported that immigration officials sold refugees for approximately $200 per person to traffickers operating along Thailand's southern border. In turn, the traffickers demanded ransom – ranging from $300 for children to $575 for adults – in exchange for their freedom. Informed sources estimated 20 percent of the victims were unable to pay the ransom, and were sold for the purpose of labor and commercial sexual exploitation. The Malaysian and Indonesian governments did not amend or replace a 2006 Memorandum of Understanding (MOU) between the two countries covering the employment of Indonesian women as domestic servants in Malaysia. The MOU authorizes Malaysian employers to confiscate and hold the passport of the domestic employee throughout the term of employment. Although the MOU stated that domestic workers should be paid directly and be given time off in lieu of overtime, it remained common practice for employers to deposit wages with recruiting agencies as repayment for debts. NGOs reported that many Indonesian household workers were required to work 14 to 18 hours a day, seven days a week.

The Government of Malaysia does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so, despite some progress in enforcing the country's new anti-trafficking law. While the government took initial actions under the anti-trafficking law against sex trafficking, it has yet to fully address trafficking in persons issues, particularly labor trafficking in Malaysia. Credible allegations of involvement of Malaysian immigration officials in trafficking and extorting Burmese refugees, including those released in April 2009 in a formal report by the U.S. Senate Foreign Relations Committee, overshadowed initial steps by the Immigration Department to address human trafficking. The Royal Malaysian Police is investigating the allegations with the cooperation of the Immigration Department, as publicly confirmed by the Prime Minister but no officials were arrested, prosecuted, or convicted for involvement in trafficking during the reporting period. The government did not develop mechanisms to screen effectively victims of trafficking in vulnerable groups. The government also continued to allow for the confiscation of passports by employers of migrant workers – a common practice in Malaysia. This practice is recognized by many in the international anti-trafficking community as facilitating trafficking. The practice of withholding the salaries of foreign domestic workers for three to six months so the employer can recover the levy paid to hire the worker remained widely practiced. As a regional economic leader approaching developed nation status, Malaysia has the resources and government infrastructure to do more in addressing trafficking in persons.

Recommendations for Malaysia: Fully implement and enforce the comprehensive anti-trafficking in persons law; increase the number of prosecutions, convictions, and sentences for both sex and labor trafficking; adopt and disseminate proactive procedures to identify victims of trafficking among vulnerable groups such as migrant workers and foreign women and children arrested for prostitution; apply stringent criminal penalties to those involved in fraudulent labor recruitment or exploitation of forced labor; ensure that victims of trafficking are not threatened or otherwise punished for crimes committed as a result of being trafficked; re-examine existing MOUs with source countries to incorporate victim protection and revoke passport or travel document confiscation; increase efforts to prosecute and convict public officials who profit from or are involved in trafficking; expand the training of law enforcement, immigration, prosecutors, and judges on the use of the 2007 trafficking law; implement and support a comprehensive and visible anti-trafficking awareness campaign directed at employers and clients of the sex trade; and increase efforts to prosecute and convict public officials who profit from, or are involved in trafficking, or who exploit victims.

Prosecution

The Government of Malaysia made some progress in investigating sex trafficking offenses and punishing trafficking offenders during the reporting period, but has not demonstrated efforts to investigate, prosecute, or convict offenders of labor trafficking. Malaysian law prohibits all forms of human trafficking through its July 2007 comprehensive anti-trafficking law, which prescribes penalties that are commensurate with those prescribed for other grave offenses, such as rape. In December 2008, the government convicted its first trafficking offender under the 2007 anti-trafficking law;

an Indian national convicted of forcing a female domestic worker into prostitution was sentenced to eight years in prison. The government also initiated prosecutions against an additional six alleged traffickers, one of whom fled while on bail. Although there were credible reports of government officials' direct involvement in human trafficking, none were arrested, prosecuted, or punished for trafficking. The Prime Minister and Inspector General of Police reported that the government is actively investigating the allegations. In July 2008, the Director-General of Immigration and his Deputy Director-General were arrested for graft and corruption involving the acceptance of bribes for issuance of visas and visitation passes. Informed observers speculate this corruption facilitated trafficking in persons. There were reports of a significant number of migrant laborers trafficked to Malaysia and widespread media reporting of the trafficking conditions many of these workers face. 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.

During the reporting period, there were several NGO and media reports of groups of foreign workers subjected to conditions of forced labor in Malaysia. In August 2008, following an investigative news report, more than 1,000 foreign workers at a Malaysian factory producing apparel for a U.S. company were found subjected to squalid living conditions, confiscation of their passports, withheld wages, and exploitative wage deductions—conditions indicative of forced labor. Following its own investigation, the U.S. company stated that it found labor violations committed by the local factory, though a Malaysian government official reportedly responded saying that the local factory's management did not breach any labor laws. Moreover, the Malaysian government did not respond with a criminal investigation of the allegations.

In February 2009, a Malaysian newspaper revealed a case of 140 Bangladeshi workers locked in a small apartment. The workers each reportedly paid recruiters $5,000 to $13,000 to find them jobs in Malaysia; however, the recruiters passed the workers to a Malaysian employment agency, which upon their arrival in Malaysia, confiscated their passports and work permits and did not pay their wages for three to six months in most cases, although some individuals were not paid in more than a year. The Malaysian government is investigating the case as a labor dispute rather than a human trafficking case. In 2008, a local NGO coordinated with police in Sarawak to rescue 17 male Cambodians forced to work on commercial fishing boats and repatriated them to Cambodia. The government did not prosecute any employers who confiscated passports of migrant workers or confined them to the workplace. Some employers who hired foreign migrant workers held the wages of their employees in 'escrow' until completion of a contract.

Protection

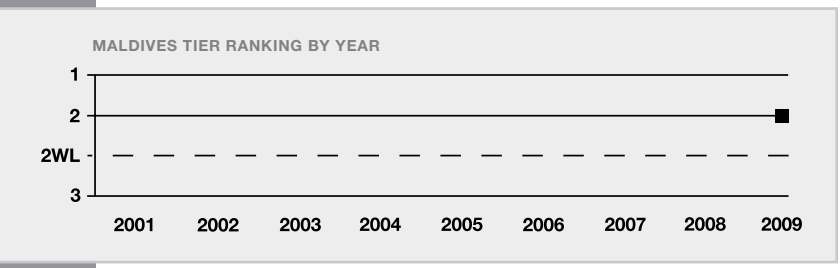
While Malaysia showed modest efforts to protect victims of sex trafficking during the reporting period, its efforts to protect victims of labor trafficking remained inadequate. Numerous source country governments of migrant workers in Malaysia expressed concern about the lack of legal protections in place for foreign workers, particularly those subjected to involuntary servitude. There was no widespread effort by the Government of Malaysia to identify trafficking victims among vulnerable migrant groups, such as girls and women detained for involvement in prostitution or the thousands of undocumented migrant workers rounded up by RELA, a government-sponsored public security auxiliary force. As a result, some unidentified victims, including children, detained by immigration authorities were routinely processed as illegal migrants and held in prisons or illegal migrant detention facilities prior to deportation. In some cases, especially those involving deportation over land borders, this made victims vulnerable to being re-trafficked by traffickers operating at the borders such as along the Malaysian-Indonesian border on Borneo. Police reported rescuing about 2,000 foreign women and minors forced into prostitution during raids on brothels in 2008. The government deported or voluntarily repatriated most of the victims to their home countries, referring some to their respective embassy shelters and processing a limited number as victims under the anti-trafficking law. The Ministry for Women, Family, and Community Development continued to run two trafficking shelters, which held suspected and confirmed trafficking victims until they were repatriated to their home countries. In 2008, the Ministry renovated a third shelter in the East Malaysian state of Sabah. In 2008, the police referred 98 potential trafficking victims to the government shelters in Kuala Lumpur, 34 of which were certified by magistrates as officially recognized trafficking victims. Police also referred hundreds of suspected trafficking victims to local and diplomatic missions operating victims' shelters; the government cooperated with the embassies' repatriation of victims, but did not offer other assistance. Foreign migrant laborers, legal and illegal, lacked regular access to legal counsel in cases of contract violations and abuse, although in a small percentage of cases workers filed complaints under the labor laws. Some suspected trafficking victims continued to be housed at immigration detention centers pending repatriation. The government offered no facilities for male trafficking victims. While victims may file a civil suit against exploiters under Malaysian law, they are unable to work while their suit is being considered, thus discouraging such attempts at restitution. Immigration authorities did not screen foreign women arrested for prostitution for identification as trafficking victims, but instead processed them for quick deportation. The government does not provide legal alternatives to the removal of victims to countries where they may face hardship or retribution.

Prevention

Malaysia made limited efforts to prevent trafficking in persons over the last year. Senior officials, including the Prime Minister, Inspector General of Police, and the Minister for Women, Family, and Community Development, spoke out more routinely against trafficking crimes, and the government-influenced media carried numerous reports that raised awareness of trafficking. The Women's Ministry developed information brochures on trafficking in English and Malay for NGOs to distribute to the public, and started a women's hotline for victims of trafficking. The government condoned the confiscation of passports by employers. Employers passed the government's "immigration levy" on to the low-skilled workers, which facilitated debt bondage. There were no visible measures taken by the government to reduce the demand for forced labor or for commercial sex acts. Protection officers from the Women's Ministry received specialized training on assisting victims. The government provided anti-trafficking training through its Peacekeeping Training Center at Port Dickson to troops preparing to deploy to international peacekeeping missions. Malaysia has not ratified the 2000 UN TIP Protocol.

THE MALDIVES (Tier 2)

The Maldives is primarily a destination country for migrant workers from Bangladesh and India trafficked into forced labor and, to a lesser extent, a destination country for women trafficked for the purpose of commercial sexual exploitation. An unknown number of the 80,000 foreign workers currently working in the Maldives – primarily in the construction and service sectors –face fraudulent recruitment practices, confinement, confiscation of identity and travel documents, debt bondage, or general slave-like conditions. Twenty thousand of these workers do not have legal status in the country, yet both legal and illegal workers were vulnerable to conditions of forced labor. While some migrant workers have paid agents up to $4,000 for the opportunity to work in the Maldives, most pay $2,000; these high fees may create vulnerabilities for debt bondage, as noted in a recent ILO report on forced labor. A small number of women from Sri Lanka, Thailand, India, and China reportedly are trafficked to Male, the capital, for purposes of commercial sexual exploitation. A small number of underage Maldivian girls reportedly are trafficked to Male from other islands for domestic servitude. Trafficking offenders usually fall into two groups: wealthy families that subject domestic servants to forced labor; and some of the 200 registered employment agents who bring low-skilled migrant workers to the Maldives under false terms of employment and subject them to conditions of forced labor upon arrival.



The Government of the Maldives 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 the human trafficking problem on the Maldives and began taking steps to confront it effectively, though overall efforts were insufficient.

Recommendations for the Maldives: Draft and enact legislation prohibiting and punishing all forms of trafficking in persons; develop and implement systematic procedures for government officials to identify victims of trafficking among vulnerable groups such as undocumented migrants and women in prostitution; ensure that identified victims of trafficking are provided necessary assistance and are not penalized for unlawful acts committed as a direct result of their being trafficked; increase efforts to investigate and prosecute trafficking offenses and convict and sentence trafficking offenders; raise public awareness of human trafficking through media campaigns; 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-trafficking law enforcement efforts during the last year. Although the Maldives does not have an anti-human trafficking law, its constitution prohibits forced labor and slavery and some laws covering sexual offenses and child protection can be used to prosecute sex trafficking and child trafficking offenses. The sexual offenses statute – Section 173 of the Rules of Procedure adopted in February 2008 – prescribes penalties of up to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. While overall awareness of the Maldives' trafficking problem seemed low among law enforcement personnel, the government provided them with some training in the recognition of trafficking victims. These officials, however, did not vigorously investigate possible cases of labor trafficking. The government prosecuted one case of forced labor during the year. A migrant worker had been chained in a small room for days and let out only for work; his employer was convicted and sentenced to only four months' imprisonment. A case of suspected transnational sex trafficking was investigated, but the case was dropped due to lack of evidence.

Protection

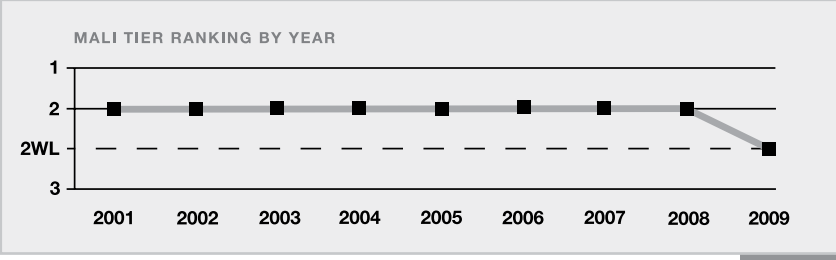
The Maldivian government made no discernable efforts to identify or assist victims of human trafficking for labor explotation. Over the year, there were reported cases of foreign workers suffering from conditions of fraudulent recruitment, confinement, withheld pay, physical abuse, poor living conditions, and even debt bondage; however, authorities' efforts to identify trafficking victims among these exploited workers were weak. The government provided no services, such as shelter, counseling, medical care, or legal aid, to foreign or Maldivian victims of trafficking. When workers in distress sought assistance from the government, they were returned to their countries of origin, as the government lacked adequate resources to support them. The government's general policy for dealing with trafficking victims was to get them out of the country as quickly as possible, noting that deportation is less costly than incarceration. Two foreign women identified by police as sex trafficking victims in 2008 were provided temporary shelter before being repatriated with the help of their home country's diplomatic mission in Male; there was no criminal prosecution related to their exploitation. There were no reported investigations of internal trafficking of Maldivian or transnational sex trafficking. Authorities did not encourage victims to participate in the investigation or prosecution of trafficking offenses and did not provide foreign victims with legal alternatives to their removal to countries where they might face hardship or retribution. The government did not ensure that victims of trafficking were not penalized for unlawful acts committed as a direct result of their being trafficked, though there were no reports during the reporting period of the government deliberately punishing trafficking victims.

Prevention

The Maldivian government made minimal efforts to prevent human trafficking over the reporting period. The government conducted one anti-trafficking informational campaign, however, in January 2008, which attempted to educate the public on the provisions of the 2008 Employment Law. Various government ministries and agencies lacked any mechanism – such as a committee or plan of action – for coordination on anti-trafficking matters. However, various ministries were in frequent contact and relied on their personal relationships rather than a formal mechanism for contact. The government did not take any measures to reduce the substantial demand for forced labor on the islands but did start operations of a Labor Tribunal which will address the main form of trafficking in the country. The Maldives has not ratified the 2000 UN TIP Protocol.

MALI (Tier 2 Watch List)

Mali is a source, transit, and destination country for women and children trafficked for the purposes of forced labor and, to a lesser extent, commercial sexual exploitation. In Mali, victims are trafficked from rural areas to urban centers, agricultural zones, and artisanal mining sites. Victims are also trafficked between Mali and other West African countries. Some notable destination countries for Malian child victims are Burkina Faso, Cote d'Ivoire, Guinea, Senegal, Mauritania, Niger, and Nigeria. Women and girls are trafficked primarily for domestic servitude and, to a lesser extent, forced prostitution, while boys are trafficked for forced begging and forced labor in gold mines and agricultural settings both within Mali and to neighboring countries. Reports in the last year indicate that Malian boys and girls are trafficked to Senegal and Guinea for labor in gold mines and to Cote d'Ivoire for forced labor on cotton and cocoa farms. Boys from Mali, Guinea, Burkina Faso and other countries are trafficked by Koranic masters within Mali and across borders for forced begging and other forms of forced labor. 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.



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, despite limited resources. Despite these overall significant efforts, the government failed to show evidence of progress in prosecuting and punishing trafficking offenders, and, therefore, Mali is placed on Tier 2 Watch List. The government arrested three alleged child traffickers during the year; they were released pending trial dates which have not been set. The government took some steps to protect victims and raise public awareness of trafficking.

Recommendations for Mali: Investigate and prosecute trafficking offenses, including cases of traditional slavery, and convict and punish trafficking offenders using existing laws; criminalize the trafficking of adults for all purposes, including slavery; develop a 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 servitude.

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. Conviction of child trafficking carries a penalty of from five to 20 years' imprisonment. Article 229 of the criminal code criminalizes the sexual exploitation of children and forced prostitution of adult women. Criminal Code Article 242, passed in 1973, prohibits individuals from entering into agreements or contracts that deprive third parties of their liberty.

During the reporting period, the government arrested three suspected traffickers though it failed to prosecute any trafficking offenders. A trial date has not yet been set for three individuals arrested in March 2008 for allegedly trafficking two Malian and 24 Guinean children to Mali from Guinea; they were released in June pending trial. Six cases of traditional enslavement are pending in Malian courts. Judicial authorities have taken no action on any of these cases. One of these cases involves a black Tamachek child taken from his parents in Kidal in September 2007 by an individual claiming traditional ownership rights over the child. The child remains in the custody of this traditional master.

Protection

The Government of Mali demonstrated moderate efforts to protect trafficking victims in the last year. Due to its limited resources, the government does not operate any victim shelters or provide direct aid to victims. Instead it refers victims to NGOs and international organizations for assistance. According to statistics provided by the Ministry for the Advancement of Women, Children and the Family, in 2008 Mali assisted in the repatriation of 21 boys of Malian origin discovered in neighboring countries and 40 boys and one girl of other nationalities discovered within Mali. The government also assisted with the return of four girls and one boy of Malian nationality trafficked within Mali.

The government continued to provide in-kind assistance, such as land and buildings to NGOs providing services to trafficking victims. These local NGOs and international organizations collaborated to repatriate the 41 non-Malian child trafficking victims discovered during the year. Most cases of trafficking identified by NGOs are reported to the government, and an official from the Ministry for the Advancement of Women, Children and the Family coordinates the process of repatriation with a counterpart in the government of the victim's country of origin. In February 2009, government officials in the towns of Gourma-Rharous and Bambara-Maounde facilitated the rescue of a woman held as a hereditary slave for 14 years. Government authorities also facilitated the rescue of the former slave's eight year old son.

There were no reports in the past year of the government interviewing victims to gather evidence for investigation and prosecution of their traffickers or, in the case of slavery allegations, their alleged masters. Mali does not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. Victims are not inappropriately incarcerated or fined for unlawful acts committed as a direct result of being trafficked.

Prevention

The Government of Mali made limited efforts to prevent trafficking, through awareness-raising or other means, during the last year. The government participated in an NGO-sponsored campaign to educate potential victims, primarily children, and their parents about trafficking. Officials overseeing the collection of statistics about trafficking victims participated in a donor-funded training on how to collect and disseminate this information. The government also assisted in organizing two IOM-funded anti-trafficking trainings, in June and December 2008, for NGOs on capacity building and information sharing. The National Steering Committee Against Child Labor, which is comprised of 43 government, NGO and international organization members, met five times during the year. Mali continued to work toward the formation of anti-trafficking committees in each of the country's eight regions to coordinate local anti-trafficking efforts. In 2008, Mali selected institutional members for each regional committee, including village leaders, mayors, and regional representatives. The government took no visible measures to reduce the demand for forced labor, though it did take steps to reduce the demand for commercial sex acts within Mali through periodic raids of prostitution houses. The government did not take measures to ensure that its nationals who are deployed abroad as part of international peacekeeping missions do not engage in or facilitate trafficking.

MALTA (Tier 2)

Malta is a destination country for women from Russia, Ukraine, Romania, and other European countries trafficked for the purpose of commercial sexual exploitation. In addition, irregular migrants from African countries arrive in Malta en route to Italy and elsewhere and may be vulnerable to human trafficking.

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. Malta demonstrated strong political will to combat human trafficking through several executive branch initiatives, including the development of victim assistance services, training of government officials, and expanded public awareness. There was limited visible progress on prosecution of cases and punishment of convicted trafficking offenders. Progress in the area of convictions and punishment of trafficking offenders during the next reporting period is necessary to fully comply with the minimum standards.

Recommendations for Malta: Vigorously prosecute and convict trafficking offenders; ensure convicted trafficking offenders, including officials complicit in trafficking, receive adequate punishment; continue to develop and implement procedures for identifying and caring

for victims, including possible child victims, among migrants and other vulnerable populations; continue to develop procedures, in consultation with international organizations or NGOs as appropriate, in relevant source countries to ensure safe, voluntary repatriation for victims; and consider raising awareness to deter the possibility of child sex tourism.

Prosecution

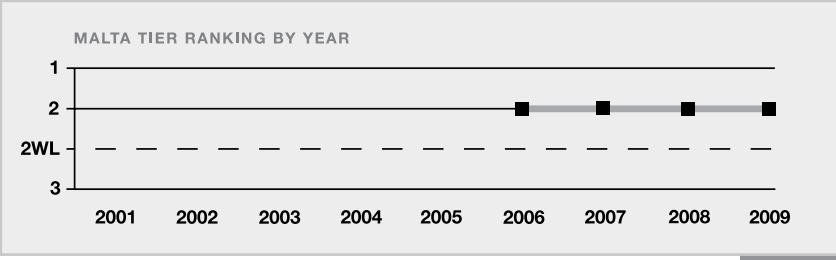
Malta demonstrated inadequate efforts to prosecute trafficking in persons offenses during the reporting period. Malta's criminal code prohibits trafficking for commercial sexual exploitation and involuntary servitude and prescribes punishments of two to nine years' imprisonment. These prescribed penalties are sufficiently stringent and commensurate with those prescribed for other grave crimes. In a 2004 case that came to trial in 2008, a Maltese woman was convicted of trafficking Russian women into forced prostitution in Malta and given a two-year suspended sentence. The ongoing cases cited in the 2008 Report, including the case of the police officer convicted in 2005 who remained out of jail pending an appeal, were slowly working their way through the Maltese legal system. In January 2009, the police trained 60 police officers in identifying and assisting trafficking victims.

Protection

Malta improved efforts to protect victims of trafficking during the reporting period. In February 2009, the Social Welfare Services Agency (Appogg) conducted a training session on victim assistance for government social workers, including those who work with the irregular migrant population. There are no NGOs in Malta specializing in assisting human trafficking victims; the government assists foreign victims through government-funded shelters that are used primarily for victims of domestic violence. An NGO assisting irregular migrants identified four potential trafficking victims in a migrant detention center. The government determined they were not trafficking victims and did not offer trafficking-specific services to them, though it released them from detention. On a case-by-case basis, the government can offer legal alternatives to the removal of identified foreign trafficking victims to countries where they may face hardship or retribution. There is no evidence that authorities punished victims of trafficking for unlawful acts committed as a direct result of their being trafficked. The government developed a formal system for referring all women in prostitution apprehended by police to government social workers, and began proactively seeking to identify victims among asylum seekers, though it did not identify any victims during the reporting period. Malta encourages victims to assist in the investigation and prosecution of trafficking crimes. In 2008, the one victim referred to Maltese police by a foreign embassy was allowed to provide testimony against her trafficker through video conferencing.

Prevention

The government boosted prevention activities over the last year. Appogg produced detailed brochures to raise awareness about human trafficking that included information about identifying potential victims and outlets for assistance and distributed them at health clinics, community centers, and churches. In addition, Appogg distributed these brochures in entertainment areas to target potential clients of the sex trade. Malta's government Employment and Training Corporation conducted informational sessions within migrant detention centers to inform migrants about their rights and the process by which to attain work permits and proper employment if they are granted asylum and released. The assistant commissioner of police raised awareness of human trafficking through a television appearance on a top rated talk show in 2008. The government did not report any specific actions to reduce the possible participation of Maltese nationals in child sex tourism abroad.



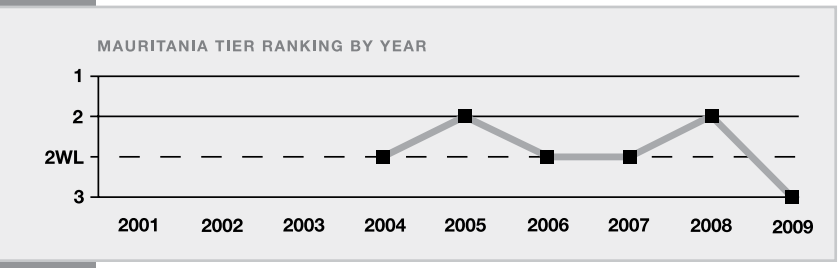
MAURITANIA (Tier 3)

Mauritania is a source and destination country for children trafficked for forced labor and sexual exploitation. Slavery-related practices, rooted in ancestral master-slave relationships, continue to exist in isolated parts of the country. Mauritanian boys called *talibe* are trafficked within the country by religious teachers for forced begging. Children are also trafficked by street gangs within the country that force them to steal, beg, and sell drugs. Girls are trafficked internally for domestic servitude and sexual exploitation. Mauritanian children may also be trafficked for forced agricultural and construction labor, herding, and for forced labor in the fishing industry within the country. Boys from Mali and Senegal are trafficked to Mauritania for forced begging by religious teachers. Senegalese and Malian girls are trafficked to Mauritania for domestic servitude and forced prostitution. Ghanaian and Nigerian women and girls may be trafficked to Mauritania for sexual exploitation. Reports indicate that while some slaves are forced by their masters to remain in conditions of servitude, others stay with their masters because they lack land and other means to live freely.

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 did not show evidence of overall progress in prosecuting and punishing trafficking offenders, protecting trafficking victims, and preventing new incidents of trafficking. Progress that the previous government demonstrated in 2007 through enactment of strengthened anti-slavery legislation and deepened political will to eliminate slavery and trafficking has stalled.

Recommendations for Mauritania: Improve on the current void of anti-trafficking law enforcement efforts by investigating and prosecuting slavery and other trafficking offenses, and convicting and punishing trafficking offenders; consider measures to allow NGOs to file complaints on behalf of slaves; provide slaves with land and other resources to live freely; increase assistance to child trafficking victims; end the practice of penalizing children trafficked in prostitution by placing them in prison and train authorities to identify trafficking victims among children detained for criminal conduct and illegal migrants; and increase efforts to educate the public about slavery and trafficking.



Prosecution

The Government of Mauritania decreased its law enforcement efforts to address human trafficking, including traditional slavery practices. Mauritanian law prohibits all forms of trafficking through its 2003 Law Against Trafficking in Persons, which prescribes penalties of from five to 10 years' imprisonment that are sufficiently stringent and exceed those prescribed for rape. Slavery is prohibited by Law number 2007-048, which was enacted in September 2007. This law defines slavery and prescribes an adequate penalty of from five to 10 years' imprisonment. It supplements a 1981 anti-slavery ordinance that failed to prescribe penalties or define slavery and it repeals a provision in the ordinance compensating slave owners for the liberation of their slaves. The law's effectiveness, however, is hampered by its requirement that slaves file a legal complaint before a prosecution may be pursued. The law also bars NGOs from filing complaints on behalf of slaves. Because many slaves are illiterate, they are often unable to complete the paperwork to file a legal complaint. Although the government in 2007 pledged $7.5 million to combat slavery, a portion of which was allocated to enforcing the new anti-slavery law, the government failed to enforce this law. The government reported no arrests or prosecutions of slave holders or trafficking offenders during the year. Although there were cases of slaves breaking free of masters, no legal action was taken against the masters.

The Ministry of Justice (MOJ) reportedly issued a directive for the enforcement of the new anti-slavery law. The ministry also reported to have sent delegations to all regions of the country to educate local authorities about the law. Local NGOs, however, were unaware of these initiatives. Labor inspectors lack the basic resources, such as transport and office equipment, needed to investigate forced labor cases. In May 2008, the MOJ collaborated with UNICEF to host a child trafficking seminar for judges and law enforcement officials

Protection

The Government of Mauritania demonstrated weak efforts to protect victims of human trafficking, including slavery. Although the government promised in 2007 to allocate funds in the 2008 budget to provide former slaves with land and other resources for their reintegration, this commitment was not fulfilled; no government programs assisted former slaves during the year. The government closed six centers that it jointly funded with a donor in Nouakchott to provide care to indigent children, many of whom were *talibe*.

The government did not encourage victims to assist in trafficking investigations or prosecutions. Mauritania does not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. Victims are inappropriately incarcerated or otherwise penalized for unlawful acts committed as a direct result of being trafficked. The government continued to place children in jail for stealing or engaging in commercial sexual activity, despite the fact that many of them are likely trafficking victims who have been forced into these activities. The government does not follow procedures to identify trafficking victims among illegal immigrants detained in a center in Nouadhibou, where conditions are extremely harsh.

Prevention

The Government of Mauritania made inadequate efforts to raise awareness of trafficking during the last year. In November 2008, the Ministry of Labor collaborated with the ILO to organize a National Forum on Fundamental Labor Principles and Rights. The government has not taken steps to reduce the demand for forced and child labor, including trafficking and slavery, or demand for commercial sex acts.

MAURITIUS (Tier 1)

Mauritius is a source for children trafficked within the country for the purpose of commercial sexual exploitation. Secondary school-age girls and, to a lesser extent, younger girls from all areas of the island, including from Rodrigues Island, are induced into

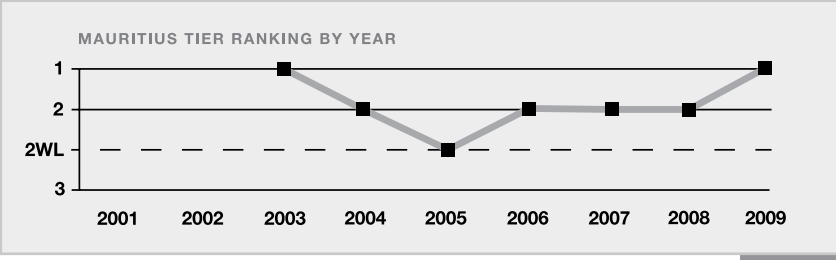
prostitution, often by their peers, family members, or businessmen offering other forms of employment. Taxi drivers are known to provide transportation and introductions for both the girls and the clients. Boys whose mothers engage in prostitution are reportedly forced into prostitution at a young age. Some drug-addicted women are forced to engage in prostitution by their boyfriends, who serve as pimps.

The Government of Mauritius fully complies with the minimum standards for the elimination of trafficking. Mauritius sustained its strong efforts to identify, address, and prevent incidences of trafficking during the reporting period. Government officials demonstrated an increasing level of awareness of human trafficking and commitment to addressing the problem. Public awareness projects, particularly those convened for school students by police officers and the National Children's Council, were frequently conducted and broad-reaching. Mauritius' parliament passed a comprehensive human trafficking law in April 2009.

Recommendations for Mauritius: Utilize newly passed anti-trafficking legislation to investigate and prosecute trafficking offenses and convict and punish trafficking offenders; 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; and increase protective services available to victims of child commercial sexual exploitation, particularly in regard to safe shelter and educational opportunities.

Prosecution

The Mauritian government demonstrated increased anti-trafficking law enforcement efforts, vigorously investigating cases of human trafficking throughout the year. During the year, the State Law Office drafted the Combating of Trafficking in Persons Bill and the Office of the Attorney General held consultations with relevant ministries and government agencies, including the Prime Minister's Office, Ministry of Women's Rights, Child Development, and Family Welfare (MOWCD), and the Mauritius Police Force on the law's implementation. The law, which was introduced in the Cabinet and passed by the parliament in April 2009, prescribes punishment of up to 15 years' imprisonment for convicted offenders, penalties which are sufficiently stringent and commensurate with those prescribed for other grave crimes. The Child Protection Act of 2005 prohibits all forms of child trafficking and prescribes punishment of up to 15 years' imprisonment for convicted offenders. In November 2008, however, the government passed the Judicial Provisions Act which provided for increased penalties for various offenses; the act prescribes punishment for child trafficking offenses of up to 30 years' imprisonment. The government reported eight child sex trafficking convictions during 2008: three under a brothel-keeping statute and five under a "debauching youth" statute. Sentences for these convicted offenders ranged between three months' and three years' imprisonment, with fines up to an equivalent $1,764. In January 2009, police in Curepipe arrested and charged a massage parlor owner for allegedly exploiting three girls in prostitution within the spa. Police completed the investigation resulting from the January 2008 arrest of a man and woman charged with inducing their 12-year-old niece into prostitution and referred the case to the Office of the Director of Public Prosecution. Ten trafficking cases remain under investigation, including two for brothel-keeping and three for causing a child to be engaged in prostitution. The Mauritius Police Force utilized a database for tracking trafficking-related cases.



Protection

The Mauritian government sustained its protection of child trafficking victims during the reporting period, paying NGO shelters $6 per day for the protection of each child, including victims of trafficking. Government officials regularly referred children to these organizations for shelter and other assistance. The government-funded, NGO-run drop-in center for sexually abused children, which provided counseling to approximately 16 girls engaged in prostitution in 2008, advertised its services through bumper stickers, a toll-free number, and community outreach; its social worker continued to promote the services in schools and local communities. Nevertheless, due to the drop-in center's lack of shelter facilities and the often crowded conditions at NGO shelters, comprehensive protective services were not readily available to all victims identified within the country. To remedy this, the MOWCD acquired land and obtained funding to construct a residential center for victims of child commercial sexual exploitation late in the year. The ministry also operated a 24-hour hotline for reporting cases of sexual abuse; three cases of child prostitution were reported to the hotline in 2008. Mauritius has a formal protocol on the provision of assistance to all victims of sexual abuse; minors victimized by commercial sexual exploitation are accompanied to the hospital by a child welfare officer and police work in conjunction with this officer to obtain a statement. Medical treatment and psychological support were readily available at public clinics and NGO centers in Mauritius. In December 2008, the parliament passed the Child Protection (Amendment) Act, which created a child mentoring scheme to provide support and rehabilitation

to children in distress, including children engaged in prostitution. In May 2008, the government launched a capacity-building program for its five District Child Protection Committees, which report cases of vulnerable children in their respective localities, including those involving child prostitution. The government encourages victims' assistance in the investigation and prosecution of trafficking crimes. The government ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked.

Prevention

The Mauritian government made notable efforts to prevent the sex trafficking of children and reduce the demand for commercial sex acts during the year. In 2008, the Ministry of Tourism, Leisure, and External Communications published and distributed to hotels and tour operators 3,000 pamphlets regarding the responsibility of the tourism sector to combat child sex trafficking. 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. The Police Family Protection Unit and the Minor's Brigade, in conjunction with the MOWCD's Child Development Unit, conducted a widespread child abuse awareness campaign at schools and community centers that included a session on the dangers and consequences of engaging in prostitution; this campaign reached over 12,035 persons in 2008, including 145 parents, 300 primary school teachers, and 35 youth leaders. In addition, the police provided specific training on avoiding child prostitution to over 100 children in Flic en Flac, a tourist destination on the west coast of the island.

MEXICO (Tier 2)

Mexico is a large source, transit, and destination country for persons trafficked for the purposes of commercial sexual exploitation and forced labor. Groups considered most vulnerable to human trafficking in Mexico include women and children, indigenous persons, and undocumented migrants. A significant number of Mexican women, girls, and boys are trafficked within the country for commercial sexual exploitation, lured by false job offers from poor rural regions to urban, border, and tourist areas. According to the government, more than 20,000 Mexican children are victims of sex trafficking every year, especially in tourist and border areas. The vast majority of foreign victims trafficked into the country for commercial sexual exploitation 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. In a new trend, unaccompanied Central American minors, traveling through Mexico to meet family members in the United States, increasingly fall victim to human traffickers, particularly near the Guatemalan border. Victims from South America, the Caribbean, Eastern Europe, and Asia, are trafficked into Mexico for sexual or labor exploitation, or transit the country en route to the United States. Mexican men and boys are trafficked from southern to northern Mexico for forced labor. 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 northern border cities like Tijuana and Ciudad Juarez. Foreign child sex tourists arrive most often from the United States, Canada, and Western Europe. Organized criminal networks traffic Mexican women and girls into the United States for commercial sexual exploitation. Mexican men, women, and children are trafficked into the United States for forced labor, particularly in agriculture and industrial sweatshops.

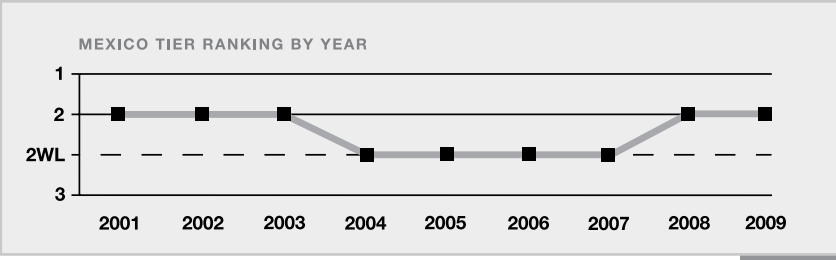
The Government of Mexico does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government took steps to implement its federal anti-trafficking law, issuing regulations in February 2009. As of May 2009, twenty-two Mexican states and its federal district had enacted legislation to criminalize some forms of human trafficking on the local level. However, no convictions or stringent punishments against trafficking offenders were reported last year, though the federal government opened 24 criminal investigations against suspected trafficking offenders. Moreover, the government has not completed renovations on its planned trafficking shelter, though it continued to refer victims to NGOs for assistance. While Mexican officials recognize human trafficking as a serious problem, the lack of a stronger response by the government is of concern, especially in light of the large number of victims present in the country.

Recommendations for Mexico: Vigorously implement the new federal anti-trafficking law and provide funding for such implementation; increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including complicit public officials; dedicate more resources for victim assistance; continue to develop and implement formal procedures to identify trafficking victims among vulnerable populations; and increase anti-trafficking training for judges and law enforcement, including immigration and labor officials.

Prosecution

The Government of Mexico failed to improve on its limited anti-trafficking law enforcement efforts against offenders last year. No convictions or sentences of trafficking offenders were reported by federal, state, or local authorities. In late 2007, the federal government enacted legislation to prohibit all forms of human trafficking, prescribing penalties of six to 12 years' imprisonment. 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 defendant is a public official, penalties increase by one half. The above penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. However, there are concerns over the new law's effective implementation, particularly that victims must press charges against traffickers, otherwise they will not be considered trafficking victims and will not be provided with victim assistance. During the reporting period, the Attorney General's Crimes Against Women and Trafficking in Persons Unit (FEVIMTRA), which prosecutes federal anti-trafficking cases in coordination with the Organized Crimes Unit, opened 24 investigations into suspected trafficking activity, including 11 cases of labor exploitation and 13 cases of commercial sexual exploitation; FEVIMTRA also handled a large number of domestic violence against women cases last year. In October 2008, FEVIMTRA filed one prosecution for forced labor in the state of Chiapas. In Mexico's federalist system, state governments investigate and prosecute trafficking activity on the local level. As of May 2009, twenty-two Mexican states and its federal district had enacted at least partial anti-trafficking laws. Federal jurisdiction is typically invoked in organized crime cases, or cases involving international or transnational trafficking; however, Mexico's federal government has yet to assert its clear jurisdiction over such human trafficking cases. Last year, prosecutors for the state of Chihuahua opened nine anti-trafficking cases; two are awaiting trial, and seven remain under investigation. The Mexican federal government continued to provide significant assistance to the U.S. government on cross-border trafficking investigations last year. The United States extradited a suspected child trafficker to Mexico in 2006; the defendant has yet to be prosecuted in Mexico, though he remained in federal custody during the reporting period. Last year, competing anti-crime priorities and security concerns in Mexico, along with scarce government resources, continued to hamper investigations against human traffickers. However, as organized crime groups continue to encompass human trafficking within the scope of their unlawful activities, the government's battle against organized crime, largely drug cartels, includes combating human trafficking. NGOs and other observers continued to report that corruption among public officials, especially local law enforcement and immigration personnel, was a significant concern; some officials reportedly accepted or extorted bribes or sexual services, falsified identity documents, discouraged trafficking victims from reporting their crimes, or ignored child prostitution and other human trafficking activity in commercial sex sites. No convictions or sentences against corrupt officials were achieved last year, although two immigration officials arrested in 2007 for their alleged leadership of an organized criminal group involved in extortion and smuggling remained under custody. Operation Limpieza, the Mexican government's investigation of high level corruption, resulted in arrests of senior officials from the Mexican Attorney General's Office, in addition to military officials. Newly instituted vetting procedures for the Attorney General's Office have resulted in multiple dismissals of lower-ranking officials. Government-sponsored anti-trafficking training for public officials continued, though NGOs noted that many public officials in Mexico, including state and local officials, did not adequately distinguish between alien smuggling and human trafficking offenses.



Protection

The Mexican government provided limited victim assistance last year, relying on NGOs and international organizations to provide the bulk of specialized assistance and services for trafficking victims, particularly adults. Mexico's social welfare agency operated shelters for children who are victims of violence, including child trafficking victims. In 2007, the Mexican Congress appropriated 70 million pesos ($7 million) for shelters for trafficking victims to house men, women, and children; the funds were allocated during the last year, and a dedicated property is now being renovated to hold up to 33 persons. The shelter will include a detoxification clinic, therapy rooms, and workshop studios. The Attorney General's Office at the end of 2007 donated a residence it confiscated from a convicted narco-trafficker for use as a human trafficking shelter. The residence was renovated last year and is fully operational, accommodating up to 22 victims. The government offered foreign victims a temporary legal alternative to their removal to countries where they may have faced hardship or retribution; however, most foreign trafficking victims, particularly adults, continued to be deported within 90 days. The government continued to issue renewable one-year humanitarian visas to foreign victims who assisted with the investigation and prosecution of their traffickers; however, foreign victims who declined to assist law enforcement personnel were repatriated to their home countries and were not eligible for aid or services. Only three trafficking victims received humanitarian visas last year. Many victims in Mexico were afraid to identify themselves or push for legal remedies due to their fears of retribution from their traffickers, many of whom are members of organized criminal networks. There were no confirmed reports of victims being penalized for unlawful acts committed as a direct result of being trafficked. The government did not employ formal procedures for identifying trafficking victims among

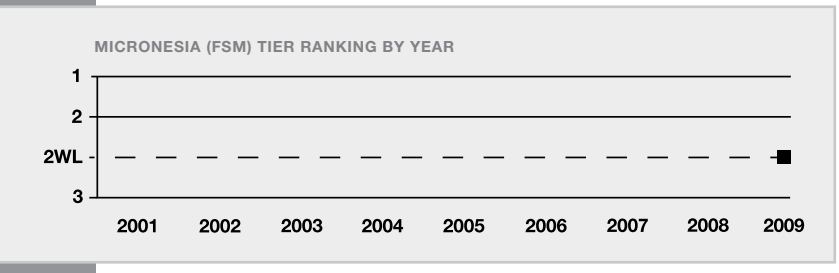
vulnerable populations, such as prostituted women in brothels. However, the government's immigration agency continued to develop guidelines for identifying trafficking victims, particularly children, among detainees. Last year Mexican authorities identified 55 trafficking victims within the country: 28 females and 27 males; trafficking allegations related both to commercial sexual exploitation and forced labor. FEVIMTRA directed identified victims to local resources for assistance.

Prevention

Federal and state governments sustained trafficking prevention efforts last year. In January 2009, FEVIMTRA inaugurated a widespread campaign to distribute anti-trafficking materials across the country. With assistance from NGOs and international organizations, the government continued additional activities to raise public awareness, particularly against the commercial sexual exploitation of children. In February 2009, the government issued implementing regulations to establish a formal interagency anti-trafficking commission and assign responsibilities to various federal agencies. Government collaboration with NGOs and international organizations on anti-trafficking efforts continued last year, but was reportedly uneven among the various federal agencies involved; under regulations issued pursuant to the federal anti-trafficking law, NGOs have limited involvement with the government's interagency anti-trafficking committee and related activities, such as developing anti-trafficking statistics. Authorities took some steps to reduce demand for commercial sex acts through state-level prosecutions of individuals engaging in commercial sex acts with children. No specific measures to reduce demand for forced labor were reported.

MICRONESIA, FEDERATED STATES OF (Tier 2 Watch List)

The Federated States of Micronesia (FSM) is a source country for some women trafficked to Guam for the purposes of commercial sexual exploitation, and possibly a destination for women from the People's Republic of China (PRC) trafficked for the purposes of commercial sexual exploitation. FSM may be a destination country for a few men and women from other Pacific nations trafficked for the purpose of forced labor. In one reported case, a small group of young women in the state of Chuuk were lured by job opportunities in the service and hospitality sectors with salaries unavailable locally to the U.S. Territory of Guam. Instead of working as store clerks or waitresses, however, the women were forced to engage in prostitution. Brothel owners reportedly confiscated their passports and physically harmed the victims to ensure their obedience. Very little data on human trafficking in FSM exists, as the government has not conducted any relevant investigations, studies, or surveys on the issue. Anecdotal reporting suggests that few victims are trafficked within or outside FSM.



The Government of the Federated States of Micronesia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite significant overall efforts, the government has not provided evidence of vigorous efforts to identify trafficking victims and to prevent trafficking incidents by educating the public about the dangers of trafficking; therefore FSM is placed on Tier 2 Watch List. In the two police academy classes that have taken place since 2007, anti-trafficking in persons techniques were a major part of the curriculum.

Recommendations for FSM: Develop and implement a comprehensive federal anti-human trafficking law; create or support campaigns to educate and inform the public about the dangers of trafficking; monitor the practices of overseas employment recruiters, and investigate recruiters who may be involved in trafficking; and develop an internal structure which ensures victims' access to protective services.

Prosecution

FSM national police has jurisdiction over trafficking issues, although no specific or comprehensive federal laws prohibit human trafficking or trafficking-related offenses such as slavery, forced labor, or forced prostitution. Each of the four states could prosecute trafficking offenses under related laws prohibiting false imprisonment, criminal coercion, kidnapping, and even "making threats." Penalties for trafficking offenders under these laws range from five to 10 years' imprisonment and are sufficiently stringent and commensurate with penalties for other serious crimes, such as rape. The government's Transnational Crime Unit (TCU), part of the Pacific Transnational Crime network, was the main conduit for general law enforcement information coming from international sources. The unit had regular contact with the FBI and the Australian Federal Police. FSM police cooperated with foreign law enforcement officials investigating the case of the women trafficked from Chuuk to a brothel in Guam, where prosecution of the illegal brothel owners for trafficking began in early 2009. FSM reportedly began an investigation into the activities of the Micronesian citizen who recruited the women in Chuuk and is believed to also have been trying to recruit women in the state of Pohnpei. Law enforcement agencies

operated under significant resource, personnel, and capacity constraints.

Protection

During the reporting period, the government did not identify any trafficking victims within FSM's borders, and therefore did not provide specific assistance to victims of trafficking, though it ensured that identified victims would have access to limited, general protective services provided by government agencies. No NGOs provide victim services independently or in cooperation with the government. FSM has no laws specifically protecting trafficking victims or witnesses, although general material witness laws give the government the right to detain witnesses for their own protection. Effective due process procedures in FSM criminal justice system generally ensured that the rights of all victims of crime were respected and protected. While no specific civil remedy for trafficking victims is spelled out in the state or national codes, each state's code does provide general redress for personal injuries caused by another. Victims may bring personal injury civil suits against traffickers, although no suits have ever been filed. The law did not provide legal alternatives to the removal of foreign victims to countries where they faced hardship or retribution.

Prevention

The government made no efforts to prevent trafficking or increase the public's awareness of trafficking risks in FSM and the region during the reporting period. Evidence and anecdotal reports suggest that the current number of internal or transnational trafficking victims is relatively low; the government's limited resources were thus often directed to meet more emergent priorities. The government, however, did initiate anti-trafficking in persons training for new police recruits in the last two police academy classes. FSM supports no anti-trafficking task forces or working groups. The government has run no campaigns aimed at reducing the demand for commercial sex acts. FSM has not ratified the 2000 UN TIP Protocol.

MOLDOVA (Tier 2 Watch List)

Moldova is a source, and to a lesser extent, a transit and destination country for women and girls trafficked for the purpose of commercial sexual exploitation and men trafficked for forced labor. According to an ILO report, Moldova's national Bureau of Statistics estimated that there were likely over 25,000 Moldovan victims of trafficking for forced labor in 2008. Moldovan women are trafficked primarily to Turkey, Russia, Cyprus, the UAE, and also to other Middle Eastern and Western European countries. Men are trafficked to work in the construction, agriculture, and service sectors of Russia and other countries. There have also been some cases of children trafficked for begging to neighboring countries. Girls and young women are trafficked within the country from rural areas to Chisinau, and there is evidence that men from neighboring countries are trafficked to Moldova for forced labor. The small breakaway region of Transnistria in eastern Moldova is outside the central government's control and remained a source for trafficking victims.

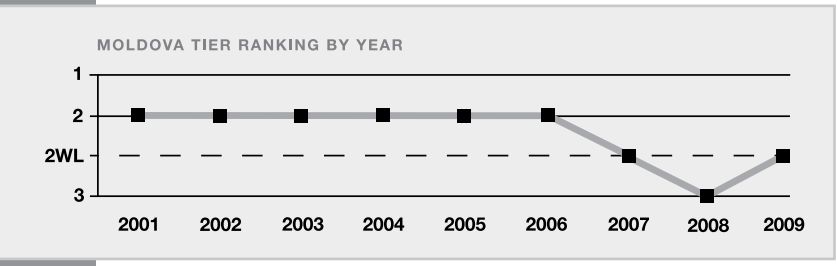
The Government of Moldova does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite initial efforts to combat trafficking-related complicity since the government's reassessment to Tier 2 Watch List in September 2008, and increased victim assistance, the government did not demonstrate sufficiently meaningful efforts to curb trafficking-related corruption, which is a government- acknowledged problem in Moldova; therefore, Moldova is placed on Tier 2 Watch List. While some of Moldova's anti-trafficking activities remained dependent on international donor funding, the government improved victim protection efforts, deployed more law-enforcement officers in the effort, and contributed direct financial assistance toward victim protection and assistance for the first time.

Recommendations for Moldova: Continue to investigate and prosecute law enforcement officials' complicity in trafficking, and seek punishment of any guilty officials; continue to improve data collection on investigations, prosecutions, convictions, and sentences for trafficking offenders, and demonstrate increased law enforcement efforts; continue to disburse resources for victim assistance and protection; boost proactive efforts to identify and protect trafficking victims, including child victims and victims trafficked within Moldova; consider prevention activities specifically targeted at reducing the demand for human trafficking in Moldova.

Prosecution

The Government of Moldova acknowledged a trafficking-related complicity problem and investigated some cases of trafficking-related complicity, though it did not convict any complicit officials or demonstrate increased overall law enforcement efforts over the reporting period. The Government of Moldova prohibits all forms of trafficking through Articles 165 and 206 of its criminal code. Penalties prescribed range from seven years' to life imprisonment, which are sufficiently stringent and commensurate with those prescribed for rape. Data collection on trafficking-related law enforcement statistics improved in 2008, though accuracy concerns remained. The government reported initiating 246 trafficking investigations (decreased from 507 reported last year) and 127 trafficking prosecutions (decreased from 250 reported last year), including 31 under the child trafficking statute. The government reported 58 convictions (comparable to 60 reported last year) with sentences ranging from seven to 23 years. Despite widespread reports of corruption related to human trafficking, the government still has not convicted any official for trafficking-related complicity. In June 2008, the government acknowledged a lack of adequate efforts to prosecute officials reportedly complicit in trafficking and at that time re-opened three high

profile cases involving allegations of trafficking-related corruption that had previously been dismissed under questionable circumstances. These investigations remain open. During 2008, the government prosecuted one trial court judge and investigated another suspected of unreasonably downgrading the charges in two trafficking cases and imposing on the defendants penalties more lenient than prescribed by the law; the government reported that the prosecution remains open, though it closed the separate investigation for lack of evidence. The government opened several additional investigations of alleged trafficking complicity of law enforcement officials in 2008 but later determined they were not trafficking-related cases. The national police academy included a regular segment on trafficking in its curriculum, the Ministry of Internal Affairs organized 32 trafficking seminars for employees, and officials held one seminar for consular officers on trafficking in 2008.



Protection

Moldova improved its victim protection efforts during the reporting period. For the first time, the government funded approximately $52,000 for the operation of an IOM-operated primary shelter for repatriated adult and child victims. In cooperation with IOM, the government expanded the national system of referring identified trafficking victims to shelters to cover 16 districts and two municipalities, an increase from seven districts covered in 2007. During the last year, the government enacted regulations for facilitating and funding victim repatriation. Moldovan law exempts victims from criminal prosecution for unlawful acts committed as a direct result of being trafficked. NGOs continued to document instances of trafficking victims' rights being violated in court, though the official government policy remained one of encouraging victims to participate in the investigation and prosecution of trafficking offenders. Most NGOs noted that the government's treatment of victims improved during the last year. Moldova's government Center to Combat Trafficking in Persons (CCTIP) continued operating a special unit for physical and psychological protection of victims and witnesses, and in September 2008, the government enacted a new witness protection law. Moldova does not provide legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship.

Prevention

The government sustained prevention efforts during the reporting period. In 2008, CCTIP participated in 27 interviews broadcast on radio and TV, conducted 30 seminars on trafficking prevention in schools and universities, and provided outreach to church leaders. The government's national committee charged with coordinating anti-trafficking activities in Moldova held only one meeting in 2008. The Ministry of Economy and Trade provided vocational training free of charge to at-risk persons and returned trafficking victims referred by IOM. The Ministry of Interior funded and operated a victim assistance hotline during the reporting period. The Ministry of Foreign Affairs and European Integration trains consular officers to assist victims in destination countries. There was no evidence that the government undertook prevention activities specifically targeted at reducing the demand for commercial sex or forced labor in Moldova.

MONGOLIA (Tier 2)

Mongolia is a source country for men, women, and children trafficked for the purposes of sexual exploitation and forced labor. Mongolian women and girls are trafficked to China, Macau, Hong Kong, Malaysia, and South Korea for both forced labor and sexual exploitation. Mongolian men and women are trafficked to Kazakhstan and Turkey for labor exploitation. There is also concern about involuntary child labor in the Mongolian construction, mining, and industrial sectors, where they are vulnerable to injury and face severe health hazards, such as exposure to mercury. Mongolian trafficking victims were documented over the last year in a greater number of destinations, including Germany, Switzerland, the United Arab Emirates, Israel, and other countries in the Middle East. Some Mongolian women who enter into marriages with foreign nationals – mainly South Koreans – were subjected to conditions of involuntary servitude after moving to their spouses' homeland. Mongolia continues to face the problem of children trafficked internally for the purpose of commercial sexual exploitation, reportedly organized by criminal networks. There have been several reports of Mongolian girls and women being kidnapped and forced to work in the country's commercial sex trade. According to NGOs, South Korean and Japanese child sex tourists are visiting Mongolia in greater numbers. Methods used by traffickers to lure victims grew increasingly organized and sophisticated. For instance, traffickers are beginning to utilize "TV Chat," a late-night broadcast through which viewers send and view text messages, as a method to recruit victims, typically through the promise of lucrative jobs. Around 150 North Koreans remain employed in Mongolia as contract laborers. In 2008, the Mongolian government signed an agreement with North Korea that could bring as many as 5,300 additional DPRK laborers to Mongolia. Once overseas, North Korean workers do

not appear to be free to leave their employment, their freedom of movement and communication are restricted, and workers typically only receive a fraction of the money paid to the North Korean government for their work.

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 use of laws other than trafficking-specific laws to prosecute traffickers resulted in generally lower sentences for convicted offenders. The government cooperated with NGOs on anti-trafficking measures, but did not provide sufficient assistance to victims. Despite continued reports of complicity by government officials in severe forms of trafficking, there were no investigations or prosecutions of such corruption.

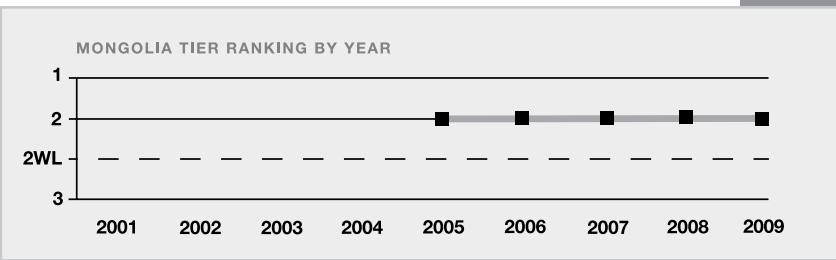
Recommendations for Mongolia: Make more effective use of Article 113, Mongolia's trafficking law, to prosecute suspected trafficking offenses; investigate and prosecute government officials complicit in trafficking; expand the number of police investigators and prosecutors dedicated to addressing trafficking cases; raise awareness among law enforcement officials and prosecutors throughout the country about trafficking crimes; develop and implement formal victim identification and referral procedures to ensure that victims are found among at-risk populations and referred for victim services; consider measures to protect victims who assist and testify in trafficking trials; and improve protection and rehabilitation services for victims.

Prosecution

The Mongolian government made some progress in enforcing its anti-trafficking laws during the last year. Mongolia criminalizes all forms of human trafficking through Article 113 of its criminal code, which was amended in 2007 and which prescribes penalties that are sufficiently stringent – up to 15 years' imprisonment – and commensurate with those penalties prescribed for other serious offenses. The government secured the convictions of 10 trafficking offenders under Article 113, compared to seven convictions in the previous reporting period. Those convicted under Article 113, including a woman who trafficked five young Mongolian women to Macau, received sentences of 10 to 15 years' imprisonment. Thirty-three other people were convicted under the lesser offense of forced prostitution (Article 124) and were sentenced to between one and three years' imprisonment. Several trafficking offenders convicted under Article 124 were fined and were not sentenced to prison. Two cases prosecuted in 2008 under Article 124 involved five victims who were children. During the year, the Supreme Court issued an interpretation of the amended Article 113 that created ambiguities as to when prosecutors and judges should apply the law. Police, judges, and prosecutors continued to exhibit a lack of knowledge regarding trafficking. There continued to be reports of law enforcement officials directly involved in or facilitating trafficking crimes during the year, including assisting traffickers in identifying potential victims. Anecdotal reporting suggests that some high-level government and police officials have been clients of minors exploited in prostitution, but the government did not investigate or take any disciplinary actions against law enforcement officers implicated in trafficking-related corruption.

Protection

The Mongolian government's efforts to protect trafficking victims were inadequate, and it continued to rely heavily on NGOs and international organizations to provide the bulk of victim services. Sixty-one trafficking victims were identified during the reporting period, compared with 115 victims identified during the previous year. Most victims were trafficked to China for sexual exploitation. It is unclear how many victims were identified by the government, as opposed to NGOs. Government personnel did not proactively identify trafficking victims, nor do they refer trafficking victims to appropriate government or NGO services. The government encouraged victims to participate in investigations and prosecutions of trafficking offenders, but Mongolian law continued to lack protection provisions for victims of any crimes, including trafficking. Victims were sometimes punished for unlawful acts committed as a direct result of their being trafficked, as they faced the risk of being prosecuted on charges related to prostitution. In February 2009, while in police custody, two trafficking victims filed charges against their trafficker. When they left police custody, their trafficker used threats to force them to recant the charges. Upon doing so, the trafficker had the victims charged with defamation and making false statements to the police. The girls were arrested and sentenced in the Sukhbaatar District Court on February 18, 2009, to two years in prison, but the sentence was suspended for one year and the girls placed under police supervision to provide time for their NGO-provided lawyer to prepare an appeal. Given its limited resources, the government did not run or fund shelters for victims of trafficking; nor did it provide direct assistance to Mongolian trafficking victims repatriated from other countries.



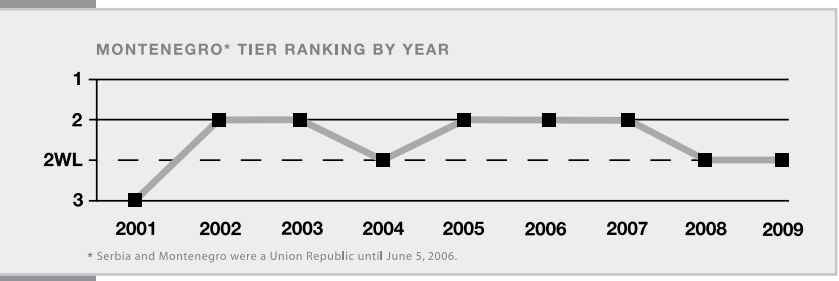
Prevention

The Government of Mongolia did not undertake any significant new trafficking prevention activities during the reporting period. Government personnel continued the distribution of NGO-sponsored passport and train

ticket inserts, which led to the repatriation of several additional Mongolian trafficking victims. The government sustained collaboration with NGOs providing anti-trafficking training to police, immigration officials, Border Force officials, and civil servants. NGOs continued to report, however, that cooperation varied considerably by government ministry. The government did not take any measures during the reporting period to reduce the demand for commercial sex acts. Mongolian troops deployed abroad for international peacekeeping missions were briefed on the fact that solicitation of prostitution while serving abroad would be considered a criminal act under Mongolian law.

MONTENEGRO (Tier 2 Watch List)

Montenegro is primarily a transit country for the trafficking of women and girls from Ukraine, Moldova, Serbia, Albania, and Kosovo to Western Europe for the purpose of commercial sexual exploitation. There have been reported cases of forced labor in the construction industry. There is anecdotal evidence that foreign children, mainly Roma, are also trafficked through Montenegro for the purpose of forced begging. In 2008, there were no reports of Montenegrins being trafficked to other countries. Groups that are vulnerable to trafficking include women in prostitution, unaccompanied foreign minors, ethnic Roma, and foreign construction workers. Refugees and displaced persons also are vulnerable, as their lack of legal status in Montenegro limits their access to legal employment and social rights.



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. Despite these overall significant efforts, the government did not provide adequate evidence of progress in punishing convicted traffickers or proactively identifying trafficking victims among vulnerable groups; therefore, Montenegro is placed on Tier 2 Watch List. In a positive development late in the reporting period, the new anti-trafficking coordinator has made it a priority to create a mechanism that accurately tracks anti-trafficking law enforcement statistics, conduct outreach to the judicial branch to address concerns about trafficking prosecutions, and raise awareness about human trafficking within Montenegro. It is expected that these positive steps should portend tangible results in the coming year.

Recommendations for Montenegro: Continue to vigorously investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders, including any public officials complicit in trafficking; ensure that convicted trafficking offenders receive adequate punishment; improve tracking of human trafficking law enforcement data; increase efforts to identify victims among vulnerable groups, such as women arrested for prostitution violations, undocumented migrants, and child beggars, and refer them to the government shelter or trafficking NGOs; provide protection for potential child victims of trafficking; continue the recently launched anti-trafficking public awareness campaign; and continue vigorous efforts to coordinate all anti-trafficking entities within Montenegro.

Prosecution

The Government of Montenegro did not demonstrate vigorous anti-trafficking law enforcement efforts in 2008. Montenegro prohibits sex and labor trafficking through Article 444 of its criminal code, which prescribes penalties that are sufficiently stringent and commensurate with those prescribed for rape. Precise trafficking-related statistics for 2008 were unavailable, but the new coordinator is working on establishing a mechanism that would address this concern as well as improving overall prosecution efforts. According to information provided by the government and media reports, the government initiated 18 trafficking prosecutions and secured the convictions of eight trafficking offenders during the reporting period. Sentences ranged from two years to six years' and 10 months' imprisonment. The government reported that four of the eight convicted traffickers are currently serving time in jail. The government also confirmed that three convicted trafficking offenders sentenced each to five years' imprisonment in 2007 were not serving their sentences in jail. Although corruption is a significant problem in Montenegro, during the reporting period, neither civil society, nor media outlets, nor government agencies reported specific allegations of official complicity in trafficking in persons crimes.

Protection

The Government of Montenegro continued efforts to protect trafficking victims over the last year, although results were mixed. The government funded all expenses for a trafficking victim shelter and provided medical and legal assistance as well as vocational training for victims. The government reported it used a formal mechanism to guide police in referring potential trafficking victims to the government shelter, but authorities reported identification of just three victims, two of whom were referred to the shelter in 2008. Also during the reporting period, at least 75 minors were apprehended for begging; police determined they were not trafficking cases and did not refer any of the children to the government's trafficking shelter, which can accommodate potential child victims. Police conducted raids on nightclubs and illegal construction sites but reported no additional referrals. According to official policy, the government

encouraged victims to participate in the investigations or prosecution of trafficking offenders; lengthy court proceedings lead to prolonged shelter stays and delayed repatriation for victims while they waited to participate in prosecutions. In practice, few victims have participated in the prosecution of their traffickers beyond giving statements to the police due to fear of reprisals; as noted previously, many convicted traffickers have not been sentenced to prison. The government reported that trafficking victims have not been penalized for unlawful acts committed as a direct result of their being trafficked. Under Montenegrin law, the government can provide temporary or permanent residency status to foreign victims, depending on the circumstances of the case.

Prevention

The government acknowledged that human trafficking was a regional problem, but has not specifically acknowledged that there is a problem occurring in Montenegro. During the reporting period, the government funded six workshops for various ministries involved in combating trafficking and performed an awareness raising campaign in schools. The government also signed a memorandum of understanding with NGOs to facilitate cooperation on combating human trafficking. The government adopted a new action plan in December 2008 valid through 2009. The government did not fund Montenegro's hotline for trafficking victims but pledged to do so in the future. The new coordinator has brought renewed focus to the government's efforts to combat trafficking in persons, reinstating regular meetings of the anti-trafficking working group. There were no awareness efforts aimed at reducing the demand for sex or labor trafficking during the reporting period.

MOROCCO (Tier 2)

Morocco is a source, destination, and transit country for men, women, and children trafficked for the purpose of forced labor and commercial sexual exploitation. Children are trafficked within the country from rural areas to urban centers to work as maids or laborers, or for exploitation in the sex trade. Men, women, and children are trafficked to European and Middle Eastern countries as illegal migrants who become exploited for forced labor and prostitution. Young Moroccan girls from rural areas are recruited to work as child maids in cities, but often face restrictions on movement, non-payment of wages, threats, and physical or sexual abuse. Moroccan boys experience involuntary servitude as apprentices in the artisan and construction industries and in mechanic shops. Transnational human trafficking in Morocco is associated with people smuggling and drug trafficking. Some Moroccan women are trafficked to Gulf States, Jordan, Libya, Syria, Cyprus, and European countries for commercial sexual exploitation. There were reports of Moroccan men who were promised jobs in the Gulf; upon arrival their passports were confiscated and they were forced into debt bondage. Men lured to Italy with job offers were forced to sell drugs. In addition, men and women 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 are coerced into commercial sexual exploitation.

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 did not take adequate steps to collect data on trafficking, identify victims, increase overall law enforcement efforts to investigate, convict, or punish traffickers, or provide adequate protection for victims of trafficking who were often detained and subject to deportation. Moroccan authorities, however, moved to engage international organizations to conduct a first baseline assessment of human trafficking in the country, which is expected to be completed in 2009.

Recommendations for Morocco: Enact comprehensive anti-trafficking legislation that increases prescribed penalties for forced labor; significantly increase prosecutions of trafficking offenders; collect data on incidence of trafficking (as distinct from smuggling); institute a victim identification mechanism; ensure that victims are not punished for acts committed as a direct result of being trafficked; and conduct public awareness campaigns, encompassing child sex tourism.

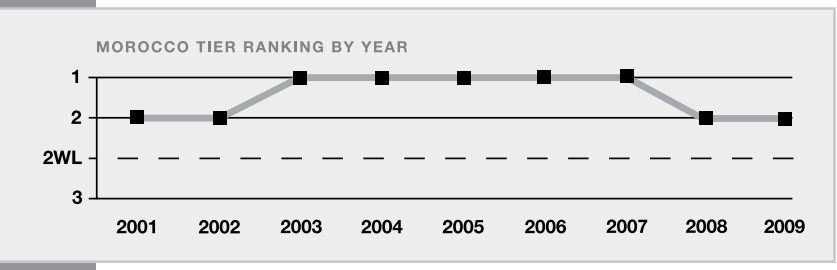
Prosecution

The Government of Morocco made inadequate efforts to investigate trafficking offenses and punish trafficking offenders during the reporting period. Morocco appears to prohibit all forms of trafficking. Its Penal Code prohibits forced child labor through Article 467, forced labor through Article 10, and forced prostitution and prostitution of a minor through Articles 497-499. The Government of Morocco reports that it also employs the Immigration Law of 2003 and other statutes, such as those prohibiting kidnapping, fraud, and coercion, to prosecute trafficking offenses. Penalties prescribed by these various statutes for sex trafficking offenses are sufficiently stringent, and commensurate with those prescribed for other grave crimes, such as rape. In contrast, prescribed penalties for labor trafficking appear not to be sufficiently stringent; penalties for child labor under Article 467 range from one to three years' imprisonment, while general penalties for forced labor under Article 10 are limited to fines for first-time offenders or six days' to three months' imprisonment for repeat offenders. Authorities claim they dismantled 220 trafficking or smuggling rings in 2008; however, the government made no distinction between migrant smuggling and trafficking, so it was unclear how many were truly human trafficking rings. Authorities reported prosecuting 42 individuals for exploiting children trafficked for the purpose of domestic servitude under trafficking-related statutes during the reporting period. In 2008, the government also prosecuted 200 individuals for "inciting" children into prostitution or sexually abusing children; some of these prosecutions likely involve

trafficking offenses. The government did not report the number of individuals convicted or punished for trafficking offenses in 2008. The government offered anti-trafficking training to judges, prosecutors, the territorial police, and border security officials.

Protection

Morocco made insufficient progress in protecting victims of trafficking over the last year. Foreign trafficking victims are often treated as illegal migrants, subject to arrest and deportation. Government officials continued to round up illegal sub-Saharan migrants – failing to make efforts to identify trafficking victims among them – and left them at the Algerian border, often without food or water; there were reports that some were robbed, assaulted, and sexually abused by criminal gangs that operate in the area. The government did not offer legal alternatives to the removal of foreign victims of trafficking to countries where they might face retribution. Morocco does not encourage victims to participate in investigations against their traffickers, although some victims reportedly testify during prosecutions. Reports from NGOs indicate that some potential trafficking victims suffered physical abuse at the hands of Moroccan police. NGOs provided most services to domestic victims of trafficking. Government-operated centers in Casablanca and Marrakech offered assistance to street children and other victims of violence, abuse, and sexual exploitation, including victims of trafficking. Also, during the reporting period, Moroccan diplomatic missions provided assistance with passports and transportation home to Moroccan women trafficked to Middle Eastern countries for commercial sexual exploitation.



Prevention

The government periodically undertook awareness-raising campaigns related to the abuse of children, child labor, and sexual exploitation during the year. The 2006-2015 National Plan for Action for Children includes the goal of protecting children from abuse, violence, and exploitation, in part by reducing the incidence of child labor. Authorities did not make significant efforts to raise public awareness of the commercial sexual exploitation of children and women, especially in tourist areas, and did not take any reported measures to reduce the demand for commercial sex acts.

The government fully supported UN efforts to investigate accusations that Moroccan peacekeepers in Côte d'Ivoire sexually abused underage girls. An inquiry team consisting of UN investigators and Moroccan army officers was unable to find any conclusive evidence of abuse. An investigation by the UN Office of Internal Oversight was ongoing at the end of the reporting period. The government provided Moroccan soldiers participating in UN peacekeeping missions with training on the issue of sexual exploitation and abuse. Morocco has not ratified the 2000 UN TIP Protocol.

MOZAMBIQUE (Tier 2)

Mozambique is a source and, to a much lesser extent, a destination country for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. The use of forced and bonded child laborers is a common practice in Mozambique's rural areas, often with the complicity of family members. Women and girls, often with promises of employment or education, are trafficked from rural to urban areas of Mozambique, as well as to South Africa, for domestic servitude and commercial sexual exploitation; young men and boys are trafficked to South Africa for farm work and mining. Trafficked Mozambicans often labor for months in South Africa without pay and under coercive conditions before their exploiters have them arrested and deported as illegal migrants. Traffickers are typically part of small networks of Mozambican and/or South African citizens; however, the involvement of larger Chinese and Nigerian syndicates have been reported. Small numbers of Mozambican children and adults are reportedly trafficked to Zambia for agricultural labor, while adults are trafficked to Portugal for forced labor and commercial sexual exploitation. Zimbabwean and Malawian women and girls are trafficked to Mozambique for sexual exploitation and domestic servitude. A recent NGO report found that human trafficking of Mozambican children and adults for the forcible removal of body parts is significant; so-called witchdoctors in Mozambique and South Africa seek various body parts of live victims for traditional medical concoctions commonly purchased to heal illness, foster economic advancement, or hurt enemies.

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. Mozambique demonstrated an increased commitment to combating trafficking in 2008, particularly through the enactment of comprehensive anti-trafficking legislation, the creation of an anti-trafficking police unit, and the conviction and sentencing of two child traffickers.

Recommendations for Mozambique: Utilize new anti-trafficking legislation to prosecute and convict suspected trafficking offenders; launch a nationwide public awareness campaign; build the capacity of the new police anti-trafficking unit and victim support units to investigate cases and provide short-term protection to victims; and investigate and prosecute public officials suspected of accepting bribes to overlook trafficking crimes or free traffickers.

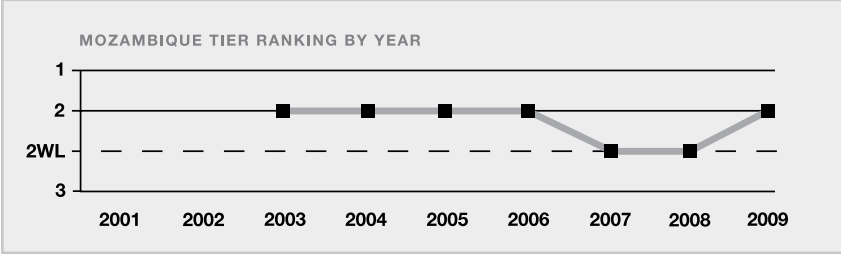
Prosecution

The government demonstrated progress in its anti-trafficking law enforcement efforts during the reporting period. In April 2008, the National Assembly passed the final version of a comprehensive human trafficking law. In June, the president signed the bill into law; it went into force in September after being gazetted. The law provides for penalties of 16 to 20 years' imprisonment for those recruiting or facilitating the exploitation of a person for purposes of prostitution, forced labor, slavery, or involuntary debt servitude; these penalties are sufficiently stringent and exceed those for other grave crimes. The government budgeted $360,000 to support the enforcement of this new law, though this funding has not yet been allocated to any government entity. Following passage of the law, the Mozambican Police created a six-person anti-trafficking unit to apprehend trafficking offenders, investigate cases, and reintegrate victims. This unit began developing procedures for interviewing potential victims and transferring them to the care of other organizations. In 2008, the Ministry of Justice launched a juvenile court system in Maputo specifically designed to handle trafficking cases, as well as other sensitive cases involving children; this new court has yet to hear a child trafficking case. In July 2008, under child abuse laws, a Maputo court sentenced two Turkish citizens to a year in prison and fined each $3,100 for physically and sexually abusing 17 children whom they brought to the capital under pretense of providing an Islamic education, but actually used for domestic servitude at their private residence. In mid-2008, the MOI worked closely with South African authorities to develop evidence needed for the trial of a Mozambican sex trafficker in Pretoria. During the reporting period, police also reported breaking up several trafficking schemes, arresting several drivers and facilitators, but not the organizers behind the operations.

Many low-ranking police and border control agents reportedly accept bribes from traffickers, severely hindering Mozambique's prosecution efforts. In response, the government institutionalized training on human trafficking as a standard part of the mandatory training program for new border guard and police cadets. In addition, the MOI's Office for Assistance to Women and Vulnerable Children began implementing a plan to augment trafficking awareness training for police officers; it also increased the availability of victim support services in each of the country's police stations.

Protection

The government's efforts to protect victims of trafficking continued to suffer from limited resources and a lack of political commitment; government officials regularly relied on NGOs to provide shelter, food, counseling, and rehabilitation. Moreover, the government continues to lack formalized procedures for identifying potential victims and transferring them to NGOs with the capacity to provide care. The Office of Assistance to Women and Vulnerable Children, however, continued collaboration with a network of anti-trafficking NGOs to respond quickly to tips on potential trafficking cases and provide care and protection to victims. Each of the 204 police stations has designated staff to respond to cases of women and children victimized by violence; these victim support centers registered complaints and filed reports of trafficking crimes before transferring victims to the care of NGOs. The Mozambican police force reportedly rescued more than 200 Mozambican children being trafficked to South Africa in the first half of 2008. The government also provided shelter and medical care for two Mozambican girls rescued from sex trafficking in South Africa in March 2008; the trial of their Mozambican trafficker is ongoing in Pretoria. The government encouraged victims to assist in the investigation and prosecution of traffickers, and did not penalize victims for unlawful acts committed as a direct result of their being trafficked. The government neither systematically seeks to identify trafficking victims among vulnerable groups nor provides legal alternatives to the removal of foreign trafficking victims to countries where they would face hardship or retribution.



Prevention

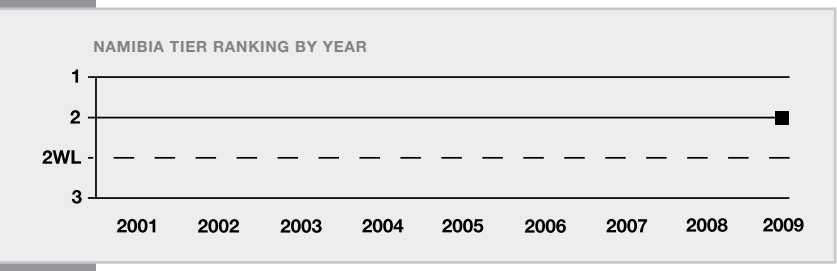
The government's prevention efforts remained weak during the reporting period; it has yet to launch a nationwide campaign to foster public awareness of human trafficking among government officials and private citizens. As a result, most Mozambicans, including many law enforcement officials, reportedly still do not have a clear understanding of what constitutes trafficking. In the year following the March 2008 arrest of a Mozambican sex trafficker in South Africa, the government-owned and private press ran frequent articles on updates to the case, the need for passage of the anti-trafficking law, and suspected cases of trafficked Mozambican children, including children abducted from school playgrounds in Maputo and Matola. At year's end, police and Ministry of Justice officials began regularly meeting with NGOs to develop a viable anti-trafficking strategy for the 2010 World Cup, which is expected to increase the incidence of Mozambicans trafficked to South Africa for sexual exploitation. Radio Mozambique and Television Mozambique continued to produce and air, with the assistance of international organizations, child-to-child programs focused on children's themes, including child trafficking. Radio Mozambique aired an IOM-produced radio drama on human trafficking. The government, however, did not take any significant measures during the

reporting period to reduce the demand for forced labor or commercial sex acts.

NAMIBIA (Tier 2)

Namibia is a source, transit, and destination country for children trafficked for the purposes of forced labor and commercial sexual exploitation. Namibian children are trafficked within the country for domestic servitude and forced agricultural labor, cattle herding, vending, and commercial sexual exploitation. In some cases, Namibian parents may have unwittingly sold their children into trafficking conditions, including child prostitution. There have been reports of Namibian children being trafficked to South Africa, typically by truck drivers, for the purpose of sexual exploitation. Zambian and Angolan children are trafficked to Namibia for domestic servitude, agricultural labor, and livestock herding. There is evidence that a West African labor trafficking syndicate transports West African adults through Namibia to Angola to work under false pretenses.

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. The Ministry of Gender Equality and Child Welfare's (MGECW) distribution of anti-trafficking brochures and commissioning, with foreign funding, of a baseline study on human trafficking in Namibia demonstrates the government's increasing awareness of the issue and commitment to addressing it. The government also hosted the ninth annual INTERPOL working group meeting on trafficking in persons in September 2008.



Recommendations for Namibia: Draft and enact anti-trafficking legislation that prohibits and punishes all forms of trafficking; implement already enacted legislation against forced labor to prosecute trafficking offenses and convict labor trafficking offenders; launch a national anti-trafficking public awareness campaign, particularly in the border areas; provide further training to law enforcement and social services officials on the identification and provision of assistance to trafficking victims; and begin maintaining statistics on specific human trafficking offenses.

Prosecution

The Government of Namibia's anti-trafficking law enforcement efforts were moderate during the reporting period. The Prevention of Organized Crime Act of 2004 has a provision that criminalizes trafficking in persons and prescribes up to 50 years' imprisonment or fines of up to $140,000 for those convicted. This act was implemented in May 2009. Section 4 of Namibia's Labor Act of 2007, which was signed into law in 2007 and came into force in November 2008, prohibits forced labor and prescribes penalties of up to four years' imprisonment or a fine of up to $2,000, or both. Section 3 of the Labor Act prohibits various forms of exploitative child labor, prescribing penalties equal to those for forced labor offenses. Existing laws prohibiting child prostitution, pimping, and kidnapping could also be used to prosecute trafficking cases. Prescribed penalties for the above crimes are sufficiently stringent and commensurate with those prescribed for other grave crimes. The government did not prosecute any cases of human trafficking during the reporting period. In mid-2008, before the November 2008 implementation of the Labor Act which prescribes criminal penalties for forced and child labor, the Ministry of Labor issued three administrative compliance orders to potential child trafficking offenders under the 2004 Labor Act. Though an August 2008 case involving Angolan children forced to herd cattle was slated to be reopened in 2009 under the Act's new criminal penalties, the Ministry of Labor discovered in March 2009 that the suspect, a farmer, had disappeared. Police initiated various investigations during the year into suspected cases of pimping and brothel-keeping, but the lack of appropriate anti-trafficking legislation prevented the prosecution of alleged perpetrators.

Protection

Though the Women and Child Protection Unit of the police and the MGECW's gender liaison officers attended a half-day workshop on trafficking during the reporting period, government officials did not identify any trafficking cases. The government lacked the financial resources and capacity to provide direct care to victims. NGOs and other civil society entities provided short-term shelter facilities to which government authorities referred victims of crime for assistance; however, shelters are often full and cannot accommodate all victims of abuse referred. Neither long-term shelter facilities nor services specifically tailored to the needs of trafficking victims exist in Namibia. MGECW social workers are assigned to the Namibian Police's 15 Women and Child Protection Units; these units implemented a formal referral agreement with a local NGO that offers counseling to victims of trauma, but there is no record they have ever referred a trafficking victim to this organization. The Namibian legal system provided protection to victims who wish to testify against their abusers, as well as a legal alternative to foreign victims' removal to countries where they faced hardship or retribution in the form of a comprehensive asylum policy.

Prevention

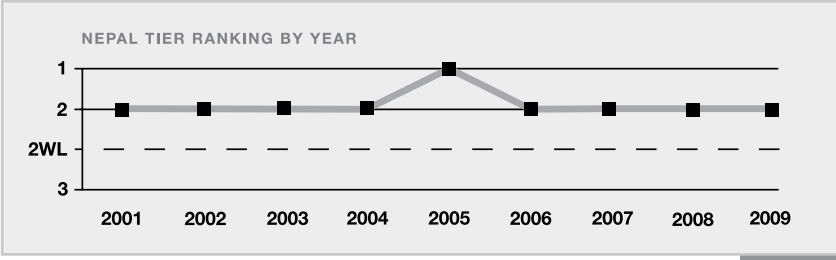
Understanding of what constitutes human trafficking remained limited in Namibia, though the government

made efforts during the year to raise awareness throughout the country. There were, however, no discernible efforts made to reduce the demand for commercial sex acts during the reporting period. In 2008, the MGECW designed, printed, and distributed 13,000 brochures explaining human trafficking to local populations in the country's 13 regions through its gender liaison officers, community liaison officers, social workers, and officials from each Regional Council. In addition, the Ministry of Labor conducted a national public awareness campaign to introduce the new labor legislation that included radio and television programs, visits by Ministry of Labor and Social Welfare officials to all regions, and the production and distribution of 300,000 copies of a 12-page pamphlet explaining the act's provisions, including those prohibiting exploitative child labor.

NEPAL (Tier 2)

Nepal is a source country for men, women, and children trafficked for the purposes of commercial sexual exploitation and involuntary servitude. Children are trafficked within the country and to India and the Middle East for commercial sexual exploitation or forced marriage, as well as to India and within the country for involuntary servitude as domestic servants, circus entertainers, factory workers, or beggars. NGOs working on trafficking issues report an increase in both transnational and domestic trafficking during the reporting period, although a lack of reliable statistics makes the problem difficult to quantify. NGOs estimate that 10,000 to 15,000 Nepali women and girls are trafficked to India annually, while 7,500 children are trafficked domestically for commercial sexual exploitation. In many cases, relatives or acquaintances facilitated the trafficking of women and young girls into sexual exploitation. Women and girls are also trafficked to other Asian destinations, including Malaysia, Hong Kong, and South Korea for commercial sexual exploitation and forced labor.

The Nepalese Youth Opportunity Foundation estimated that, annually in Nepal, 20,000 to 25,000 girls become involuntary domestic workers. Bonded labor also remains a significant problem, affecting entire families forced into labor as land tillers or cattle herders. Over one million Nepali men and women work abroad in countries other than India, which is, by far, the most popular destination for Nepali workers; many of them migrate willingly to Malaysia, Israel, South Korea, the United States, Saudi Arabia, the UAE, Qatar, and other Gulf states with the help of labor brokers and manpower agencies to work as domestic servants, construction workers, or other low-skill laborers, and subsequently face conditions indicative of forced labor such as withholding of passports, restrictions on movement, non-payment of wages, threats, deprivation of food and sleep, and physical or sexual abuse. Many are deceived about their destination country. Many Nepali trafficking victims are subjected to debt bondage, which can in some cases be facilitated by fraud and high recruitment fees charged by unscrupulous agents in Nepal. Many traffickers provide parents of victims a "salary advance" in order to place the victims in a state of indebtedness, which may then be used to compel those victims to perform labor or a service in order to avoid threatened serious harm. In 2008, there was an increased number of reports of Nepali men who had been recruited for work in Gulf States, but were subsequently trafficked into forced labor in Iraq and Afghanistan by manpower agencies. Nepal's role as a destination for foreign child sex tourists appears to be growing, as efforts to confront this problem in traditional Southeast Asian destinations have become more effective, according to local observers.



The Government of Nepal does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued modest efforts to prosecute traffickers and raise public awareness of trafficking during the reporting period, though its efforts to adequately punish labor trafficking could be improved. Additionally, trafficking-related complicity by government officials remained a serious problem in Nepal.

Recommendations for Nepal: Significantly increase law enforcement efforts against all types of trafficking, including bonded labor, forced child labor, fraudulent labor recruitment for the purpose of forced labor, and sex trafficking; increase law enforcement efforts against government officials who are complicit in trafficking; institute a formal procedure to identify victims of trafficking and refer them to protection services to ensure that they are not punished for unlawful acts committed as a direct result of their being trafficked; improve protection services available for victims of all forms of trafficking; and put in place more effective tracking mechanisms for both sex and labor trafficking cases.

Prosecution

Nepal made limited progress in its anti-trafficking law enforcement efforts over the reporting period. Through its 2007 Trafficking in Persons and Transportation (Control) Act (TPTA), Nepali law prohibits all forms of trafficking and prescribes penalties ranging from 10 to 20 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. The 2007 Foreign Employment Act, through its Chapter 9, criminalizes

the acts of an agency or individual sending workers abroad based on false promises or without the proper documentation, prescribing penalties of three to seven years' imprisonment for those convicted. Nepali law formally prohibits bonded labor, but the government does not enforce penalties for violators. According to the Office of the Attorney General (OAG), 14 individuals were convicted of trafficking offenses during the reporting period, six more than in the previous year, while 19 people were acquitted. The OAG did not provide information on the punishment imposed. In 2008, the government reported 400 cases filed under the Foreign Employment Act on behalf of workers for deceptive recruitment practices that may have led to situations of labor trafficking, including 137 cases against manpower agencies and 263 cases against individual labor recruiters, representing a significant increase from the previous reporting period. The government did not indicate, however, which of these cases involved acts of human trafficking. Of the 800 labor recruitment agencies licensed by the Department of Labor under the Act, 220 have had their licenses revoked for deceptive recruitment practices since late 2007. Trafficking-related complicity by government officials remained a serious problem in Nepal, with traffickers using ties to politicians, businesspersons, state officials, police, customs officials, and border police to facilitate trafficking. NGOs report that some police, border guards, and other officials routinely accept bribes to turn a blind eye to activities of traffickers. Many dance bars, "cabin restaurants," and massage parlors in Kathmandu that facilitate sex trafficking are reportedly co-owned by senior police and army officials. Additionally, given the large number of genuine Nepali passports containing false information that Indian officials have encountered in trafficking cases, it is clear that some Nepali officials are working with traffickers to provide them with these documents. Despite these serious concerns regarding the prominent role complicit government officials play in trafficking, the government did not prosecute any official complicit in trafficking during the reporting period. It is critical for the Government of Nepal to take serious and proactive efforts to investigate and punish this trafficking complicity.

Protection

Nepal made minimal efforts to protect victims of trafficking during the reporting period. Although the TPTA includes provisions for assistance to Nepali citizens trafficked abroad, these provisions have not been implemented due to lack of resources. Most of the facilities that can assist trafficking victims are run by NGOs. During the reporting period, the government began providing financial support to NGO-run trafficking shelters in Kathmandu, Sindhualchowk, and Kanchanpur, and made plans to fund four additional shelters in 2009. Child victims were placed in foster care in government institutions. The government did not directly provide any medical or psychological services to trafficking victims, though the Ministry of Women, Children and Social Welfare provided limited legal counseling through the Nepal Women's Commission. The government did not report the number of trafficking victims identified or assisted during the reporting period. The government encourages sex trafficking victims to participate in investigations against their traffickers, but lacks sufficient resources to ensure their personal safety. Additionally, victims who are material witnesses in court cases are not permitted to obtain employment or leave Nepal until the case has concluded; as such, many victims are reluctant to testify. NGOs complained that police and other authorities were not rigorous in their efforts to identify trafficking victims. Law enforcement officers do not employ formal procedures to identify victims of trafficking from among vulnerable groups, such as women arrested for prostitution, and did not ensure that victims of trafficking were not penalized for unlawful acts committed as a direct result of their being trafficked. As a result, some victims were arrested and fined for acts committed as a result of being trafficked. In September 2008, the police cracked down on entertainment establishments in Kathmandu, many of which were fronts for prostitution; hundreds of women and underage girls were arrested, though none were screened by police and identified as victims of trafficking, or given protection, and no manager, owner, or client of these establishments was arrested. It is of particular concern that Nepali police do not attempt to identify as trafficking victims children in prostitution in such establishments or adult women who are in prostitution involuntarily. The government does not provide victim protection services for men and women trafficked abroad for involuntary servitude, and there were a number of incidents in 2008 in which Nepali workers who may have been victims of labor trafficking were stranded overseas.

Prevention

Nepal sustained its efforts to prevent trafficking in persons throughout the reporting period. The Ministry of Women, Children, and Social Welfare increased its financial assistance to task forces in 26 high-risk districts to raise awareness and mobilize communities against trafficking, however it remains insufficient. In order to increase awareness of trafficking in the country, the government ran a public information campaign on the country's National Anti-Trafficking Day. There were no measures taken by the government to reduce the demand for commercial sex acts or raise awareness about child sex tourism. To date, the government has done little to prevent the exploitation of minors in the growing domestic sex industry, or to conduct an awareness campaign to reduce the demand for commercial sex acts. Nepal has not ratified the 2000 UN TIP Protocol.

THE NETHERLANDS (Tier 1)

The Netherlands is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. During 2008, most female victims were exploited

in forced prostitution, and the majority of identified sex trafficking victims were from the Netherlands. Within the Netherlands, victims are trafficked by so called "pimp boys" or "lover boys"—men who seduce vulnerable young women and girls and force them into prostitution. During the reporting period, women were also trafficked from Asia, Africa, other parts of Europe, and the Western Hemisphere; the most common countries of origin for foreign female trafficking victims were China, Nigeria, Hungary, and Sierra Leone. Males were trafficked into commercial sexual exploitation as well as forced labor in the catering, cleaning, agriculture, and construction sectors. The main countries of origin for male victims were China, India, Nigeria, Sierra Leone, and the Netherlands. According to the Dutch National Rapporteur for Trafficking in Persons, the highest risk sectors for labor trafficking are domestic employment, temporary employment agencies, agriculture and horticulture, restaurants, hotels, and construction. Groups vulnerable to trafficking include single underage asylum seekers, women with dependent residence status obtained through fraudulent marriages, and women recruited in Africa, China, and Thailand for work in massage parlors.

The Government of the Netherlands fully complies with the minimum standards for the elimination of trafficking. The government sustained strong anti-sex trafficking law enforcement efforts, sustained protections provided to female trafficking victims, and improved services available to male trafficking victims. It also expanded prevention activities, including a program targeted at raising trafficking awareness among clients of the sex trade.

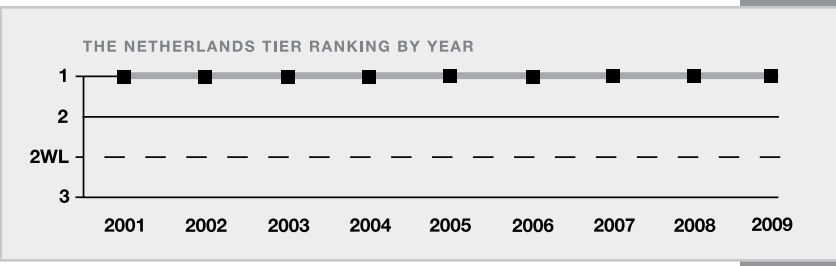
Recommendations for the Netherlands: Vigorously investigate and prosecute, and convict and punish labor trafficking offenders; enhance forced labor awareness training for prosecutors and judges; continue anti-trafficking awareness initiatives aimed at educating clients of the commercial sex trade as well as beneficiaries of forced labor about the causes and consequences of trafficking; continue efforts to proactively identify trafficking victims in the prostitution and relevant labor sectors of the Netherlands.

Prosecution

The government demonstrated progress in investigating and prosecuting sex trafficking offenses, though its prosecutions of labor trafficking offenses diminished. Since January 2005, the Netherlands has prohibited all forms of trafficking through Criminal Code Article 273, which prescribes penalties for any form of trafficking of six to 15 years' imprisonment, with fines of up to $58,000. These penalties are sufficiently stringent and commensurate with those prescribed for other grave crimes. There were no new labor trafficking prosecutions or convictions during the reporting period, compared with five during the previous reporting period. The government prosecuted 221 persons for human trafficking offences in 2007, the last year for which comprehensive statistics are available, compared to 216 during the previous year. In 2007, verdicts were handed down in 120 cases, 81 percent of which resulted in convictions, 12 percent resulted in acquittals, and 7 percent were dismissed. According to the National Rapporteur's office, average prison sentences imposed in 2007 ranged from 20 to 23 months, down from 27 months in 2006. The police included a module on trafficking as part of standard police training curriculum. The Netherlands, Netherlands Antilles, and Aruba signed a memorandum of understanding on increasing cooperation in combating human trafficking.

Protection

The Dutch government made increased efforts to protect trafficking victims during the reporting period. Dutch authorities provided a temporary residence mechanism to allow foreign trafficking victims and witnesses to stay in the Netherlands during a reflection period of three months and, separately, during the investigation and prosecution of their traffickers. During these periods, the government provided victims with legal, financial, and psychological assistance, including shelter (in facilities that also serve victims of domestic violence), medical care, social security benefits, and education financing. Child victims had access to a full range of specialized services. The government opened four new shelters specifically equipped to assist male victims of human trafficking during the reporting period. The government provided permanent residence status to some victims based on particular conditions. The government encouraged victims to press charges against traffickers and to assist in prosecutions. Nevertheless, victims were often reluctant to assist law enforcement personnel, due to fear of reprisals from traffickers. In 2008, the national victim registration center identified and registered 826 trafficking victims, including 46 males, compared with 716 identified victims in 2007. The Justice Ministry



took measures to prevent victims from being punished for unlawful acts committed as a direct result of being trafficked, including through training of prison staff on proactive victim identification. Police and prosecutors provided specialized training to help judges, labor inspectors, and immigration officers identify and assist trafficking victims during the reporting period. Local governments were responsible for regulating legalized prostitution sectors and for conducting anti-trafficking inspections of brothels in these sectors. The Hague's vice

squad checked sex establishments at least six times during the reporting period; the Amsterdam vice squad inspected brothels at least four times. The inspections included observation for any signals of trafficking, informal interviews with persons in prostitution, and the review of residence and work permits.

Prevention

The government demonstrated some progress in preventing trafficking during the year. In February 2009, the government introduced an information card entitled "exploitation at the workplace" that was made available to all municipalities and social welfare agencies during the reporting period. The card provides examples of labor exploitation, information on where to seek help, and details on victims' rights in several languages. The Justice Ministry funded the "Meld M" multimedia campaign, targeted at clients of the sex trade and persons in prostitution, as well as residents, shopkeepers and taxi-drivers in areas where prostitution occurs. The campaign encouraged people to report suspicions of trafficking to an anonymous hotline. In December 2008, the Interior and Justice Ministers released a draft act containing new regulations for legalized prostitution; the regulations reportedly would boost efforts to counter sex trafficking. The Ministry of Foreign Affairs funded $2.5 million for anti-trafficking programs in trafficking source countries in Europe, the Caribbean, Asia, and Africa. The National Rapporteur for Trafficking in Persons in July 2008 published its sixth report, which is available on the Justice Ministry's website. Since January 2008, the government provided single underage asylum seekers with intensive counseling in secured shelters to protect them against traffickers. The Foreign Ministry website includes travel information warning Dutch travelers that sex with children is prosecutable in the country of destination as well as in the Netherlands. The government funds several initiatives to prevent child sex tourism including a project to assist tour operators in Cambodia, Thailand, and the Philippines to adopt and implement a code of conduct aimed at preventing child sex tourism. The Justice Ministry estimates several dozen convictions annually in the Netherlands of Dutch residents found guilty of child sex tourism offenses abroad. 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 for duty as international peacekeepers.

The Netherlands Antilles (Tier 2 Watch List)*

The five islands of the current Netherlands Antilles are a transit and destination point for men and women from Colombia, Venezuela, Suriname, Cuba, the Dominican Republic, and other parts of South America and the Caribbean, trafficked for the purposes of commercial sexual exploitation and forced labor. The women in prostitution in the Netherlands Antilles' regulated and illegal sex trades are highly vulnerable to human trafficking. Credible reports have alleged the trafficking of over 100 Cuban construction workers employed by the Curacao Dry Dock Company in 2006—a case that garnered significant international press during the reporting period as a result of a related civil case in a U.S. court. Local authorities believe that men and women have also been trafficked into local domestic servitude as well as into the agriculture and construction industries. Groups vulnerable to labor trafficking include Haitian males in the agriculture and gardening sectors and Latin American and Caribbean males in construction. There is anecdotal evidence that some Middle Eastern and Asian migrants in restaurants and local businesses may be vulnerable to debt bondage.

The Government of the Netherlands Antilles does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall efforts, the government is placed on Tier 2 Watch List. The government has not enacted anti-trafficking legislation, although during the reporting period legislation was introduced, processed, and awaits final action. The government also did not develop and fund victim assistance policies and programs or raise awareness among clients of the sex trade and beneficiaries of forced labor about the causes and consequences of human trafficking. As noted above in the Netherlands narrative, in January 2009 the justice ministers of the Netherlands Antilles, the Netherlands, and Aruba signed a memorandum of understanding to promote increased anti-trafficking cooperation.

Recommendations for the Netherlands Antilles: Enact legislation criminalizing all forms of human trafficking; vigorously prosecute and convict sex and labor trafficking offenders throughout the Netherlands Antilles; establish formal procedures to guide officials in the proactive identification of trafficking victims and referral of these victims to service providers; consider ways to educate clients of the sex trade and beneficiaries of forced labor about the causes and consequences of trafficking.

Prosecution

The Netherlands Antilles' anti-trafficking law enforcement efforts were greatly hindered by the absence of specific anti- trafficking legislation. A draft amendment to the Netherlands Antilles penal code prohibiting trafficking for sexual exploitation and forced labor remained pending in the Antillean Parliament during the reporting period. There were two likely cases of human trafficking that officials in St. Maarten prosecuted using statutes prohibiting other non-trafficking offenses. In May 2008, a man who had held three women in a brothel against their will was convicted and sentenced to 36 months in prison for human smuggling and ill-treatment. Another man was detained briefly on allegations of keeping a household servant locked in his house. A court required

*The Netherlands Antilles is a semi-autonomous entity within the Kingdom of the Netherlands. The Kingdom Charter divides responsibility among the three co-equal parts of the Kingdom based on jurisdiction and matter. For the purpose of this report, the Netherlands Antilles 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 the Antilles would be assessed if it were a separate, independent country.

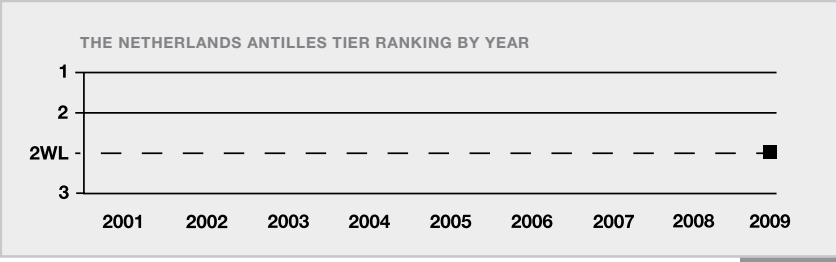
the man to pay the domestic servant's outstanding wages and the costs associated with the servant's repatriation. Antillean authorities cooperated with Suriname's request that the Dutch extradite several traffickers who fled to Curacao during a trafficking-related law enforcement action. Funding for and staffing of police and judicial offices remained a chronic problem in the Netherlands Antilles. Local media reported on corruption related to the issuance of immigration and work permits, though these did not involve specific trafficking allegations. The government provided training to individual prosecutors and members of the islands' police departments and has systematic anti-trafficking training in place for law enforcement authorities.

Protection

The government's victim protection efforts were mostly *ad hoc* during the reporting period. Trafficking victims received limited assistance through a combination of government agencies and NGOs that receive some government subsidies in the Netherlands Antilles, including the Bureau for Aid to Victims in Curacao and the Women's Desk in St. Maarten. There were no specific trafficking victim health care facilities in the Netherlands Antilles, but government health care providers were available to assist trafficking victims. The legal system allows witnesses to trafficking crimes to provide anonymous testimony or testimony from abroad. Island governors had the authority to issue temporary residency status for trafficking victims; it is unknown if any were issued. The government does provide long-term shelter for trafficking victims. In practice, consulates representing source countries often handled assistance to and repatriation of their citizens. Curacao has one legal, government-regulated brothel compound with approximately 90 foreign women in prostitution. International organizations have expressed strong concern about the working conditions, including possible involuntary servitude at this brothel. The government did not train health officials charged with regulating the Curacao brothel on identifying trafficking indicators and referring suspected victims for assistance. The justice ministry reiterated a directive in 2008 prohibiting immigration officials from holding the passports of foreign women entering the islands for the purpose of legal prostitution. One official in Curacao reported that some officials practiced proactive identification measures within detention facilities. There were no reported cases of victims being penalized during the reporting period for crimes that were a direct result of being trafficked. The government espoused a policy of encouraging trafficking victims to participate in investigations and prosecutions of trafficking offenders, but officials acknowledged that many victims were reluctant to participate.

Prevention

The government made some efforts to raise awareness of human trafficking during the reporting period but did not undertake any measures to reduce the demand for commercial sex acts. Formal interagency anti-trafficking working groups operated in Bonaire, Curacao, Saba, St. Eustatius, and St. Maarten during the reporting period. The anti-trafficking coordinator based in Curacao spoke out about the problem of human trafficking in the region and continued to promote an IOM-developed public awareness campaign. The anti-trafficking coordinator in Curacao also arranged for a short awareness raising documentary video to be aired on local television stations. Netherlands Antilles officials issued a contract for an outside evaluation of their anti-trafficking strategy in 2008. The government provided in-kind support for two human trafficking hotlines in the Netherlands Antilles. There were no awareness campaigns specifically targeting potential clients of the sex trade or beneficiaries of forced labor in the Netherlands Antilles.



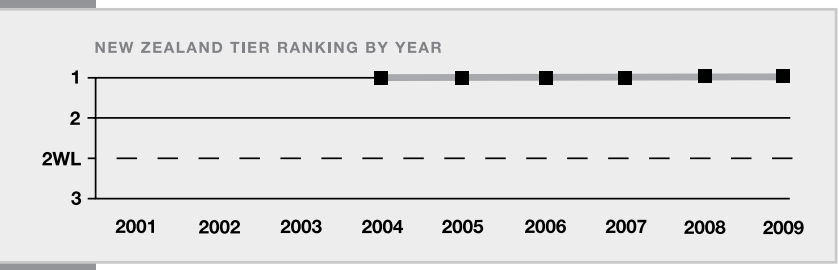
NEW ZEALAND (Tier 1)

New Zealand is a source country for underage girls trafficked internally for the purpose of commercial sexual exploitation. It is also reportedly a destination country for women from Hong Kong, Thailand, Taiwan, the People's Republic of China, Eastern Europe, and other Asian countries trafficked into forced prostitution. Very few minors are found in prostitution in legal or illegal brothels. Some underage girls engage in prostitution occasionally on the street without the obvious control of a third party, while other girls engaging in prostitution are tightly controlled by local gangs. A number of Asian women migrate voluntarily to New Zealand to work in the legal sex trade, although it is illegal for them to do so. Reports indicate that traffickers subsequently coerce them to work against their will in exploitive situations or by threatening them with abuses of the law like deportation or jail. Unskilled 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 of these workers report that manpower agencies placed them in positions of involuntary servitude or debt bondage by charging them escalating and unlimited recruiting fees, imposing unjustified salary deductions on them, restricting their travel by confiscating their passports, and significantly altering contracts or working conditions without their agreement. Relative to the population of New Zealand, the estimated number of trafficking victims is modest, although no 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. New Zealand's laws prohibit all forms of human trafficking, and the government funds and participates in international anti-trafficking initiatives. It offers an extensive network of protective services to internal and transnational trafficking victims, regardless of whether they are recognized as trafficking victims. It is likely, however, that foreigners in New Zealand exploited in forced labor and the commercial sex trade have not been identified by the government as trafficking victims.

Recommendations for New Zealand: Consider amending relevant laws to provide for minimum sentences for trafficking crimes, including the internal trafficking of children for commercial sexual exploitation; develop and implement a visible anti-trafficking awareness campaign directed at clients of the legal sex trade; and institute more effective formal procedures for law enforcement officials to proactively identify trafficking victims in vulnerable populations, such as women and children engaged in prostitution and migrant laborers.



Prosecution

The Government of New Zealand made uneven progress in law enforcement efforts against trafficking during the past year. New Zealand prohibits transnational sex and labor trafficking under Part 5 and various amendments of the Crimes Act of 1961, yet it has prosecuted no offenses under this law. Laws against rape, abduction, assault, kidnapping, child sexual abuse, sexual slavery, the receipt of financial gain from exploiting children in prostitution, and labor exploitation prohibit forms of internal trafficking, but such crimes are not specifically included within the anti-trafficking provisions of the Crimes Act. Sufficiently stringent maximum penalties of 20 years' imprisonment and/or a fine of $250,000 under the above statutes are commensurate with those prescribed for other serious crimes. Although the mandatory minimum sentence prescribed as punishment for rape is eight years, New Zealand law has no such minimum penalties prescribed for either transnational trafficking offenses or the commercial sexual exploitation of a child domestically. During 2008, law enforcement officers made 21 compliance visits to brothels, homes, and premises used for the sex industry and found nine foreigners in prostitution. Four of the women were processed for deportation, three left voluntarily, and two were allowed to remain in New Zealand. Law enforcement officers who interviewed the women did not uncover evidence of labor exploitation, and could not determine whether they were victims of sex trafficking. In July, a brothel owner from Christchurch became the first person charged under a law from 2006 banning sexual slavery. Two girls, ages 16 and 17, were found exploited in his brothel for more than a year. The prosecution is pending. Authorities charged a New Plymouth brothel owner in December with several offenses related to "employing" a 15-year-old girl as a prostitute for six months in 2005. Also in December, the Tauranga District Court sentenced a Bay of Plenty man to 27 months' imprisonment for assisting and receiving earnings from the prostitution of his 15-year-old girlfriend in 2006 and 2007. Police charged a 47-year old Auckland man with facilitating and profiting from the prostitution of underage children in February 2009. The government conducted 264 agricultural labor compliance checks in 2008. Although they received complaints of labor exploitation in agricultural work over several years, labor officials did not believe the situations indicated trafficking and opened no investigations or prosecutions in relation to the complaints.

Protection

The Government of New Zealand provides strong support and social services for victims of all crimes, including trafficking, through the New Zealand Council of Victim Support Groups. Under the Victim's Rights Act of 2002 police attend to victims' immediate welfare needs, such as food and shelter. The law currently allows foreign victims temporary legal residence and relief from prosecution for immigration offenses, and the Interagency Working Group (IWG) is considering a specific immigration status for trafficking victims and longer-term support services in the national plan of action. The government offers support services for children involved in, or at risk of, commercial sexual exploitation. No identified victims were jailed, fined, or deported. It is possible, however, that foreigners were not identified by police and immigration officials as possible trafficking victims. New Zealand significantly contributed to victim protection programs in the Mekong Sub-Region and the Pacific Island region. No victims of trafficking were proactively identified by the government during the reporting period, besides the aforementioned children found exploited in New Zealand's commercial sex trade.

Prevention

The Government of New Zealand demonstrated inconsistent efforts to prevent human trafficking. During the year, it did not run campaigns to raise public awareness of trafficking risks, nor did it take steps to reduce demand for commercial sex acts. It did make efforts, however, to educate officials on trafficking and their obligations under the laws and included funding for anti-traficking awareness campaigns in next year's budget. The IWG, as part of the national plan of action process,

worked with NGOs and civil society, and published its activities on a ministry website. An assumption that all women engaging in prostitution in New Zealand do so willingly appears to underpin official policy and programs, and has inhibited public discussion and examination of indications that trafficking exists within both the decriminalized and illegal sex industries. New Zealand remained active in international efforts to monitor and prevent trafficking. Its foreign assistance agency provided substantial funding to countries and organizations to build countries' anti-trafficking capacity, to prevent trafficking, and to provide services to victims. New Zealand emphasized its laws on child sex tourism, which apply extraterritorially, on its travel webpage. The government provided anti-trafficking training to military personnel assigned to international peacekeeping missions prior to their deployment. There were no reports of New Zealand peacekeeping personnel involved in trafficking or exploiting trafficking victims during the year.

NICARAGUA (Tier 2 Watch List)

Nicaragua is principally a source and transit country for women and children trafficked for the purposes of commercial sexual exploitation and forced labor. Women and children are trafficked within the country and to neighboring countries, most often to El Salvador, Costa Rica, Guatemala, Honduras, Mexico, and the United States, for commercial sexual exploitation. The most prevalent form of internal trafficking is the exploitation of children, both boys and girls, in prostitution. NGOs identify Managua, Granada, Esteli, and San Juan del Sur as destinations for foreign child sex tourists. NGOs report instances of forced child marriages between young girls and older foreign men, particularly in San Juan del Sur. Children are trafficked within the country for forced labor in construction, agriculture, the fishing industry, and for domestic servitude. Young Nicaraguan men and boys are trafficked from southern border areas to Costa Rica for forced labor in agriculture and construction. To a lesser extent, Nicaragua is a destination country for women and children trafficked from Colombia, Guatemala, and Honduras for the purpose of commercial sexual exploitation. All forms of human trafficking appear to be growing in Nicaragua, which NGOs indicate is underreported to authorities.

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. Despite such efforts, the government did not show evidence of progress in combating human trafficking, particularly in terms of providing adequate assistance to victims and confronting trafficking-related complicity; therefore, Nicaragua is placed on Tier 2 Watch List.

Recommendations for Nicaragua: Increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including government officials who may be suspected of complicity with trafficking activity; increase law enforcement efforts against forced labor; dedicate additional resources for victim assistance; provide adequate care for adult trafficking victims; and raise public awareness about human trafficking, particularly among young Nicaraguans seeking gainful employment.

Prosecution

The Government of Nicaragua demonstrated inadequate efforts to combat human trafficking through law enforcement during the reporting period. Nicaragua criminalizes all forms of human trafficking. A penal code reform law, which was passed by the Nicaraguan National Assembly in November 2007, came into force in July 2008. Article 182 of the new code prohibits trafficking in persons for the purposes of slavery, sexual exploitation, and adoption, prescribing penalties of from 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 from five to eight years' imprisonment. These prescribed punishments are sufficiently stringent and commensurate with penalties prescribed for other serious crimes such as rape. During the reporting period, the government investigated 13 trafficking cases and filed 10 prosecutions but achieved no convictions. Such results represent diminished efforts compared to the previous year, when the government investigated 17 cases, filed two prosecutions, and achieved two convictions, securing sentences of more than four years' imprisonment for each trafficking offender. The government opened no investigations of suspected official complicity with human trafficking, despite credible reports of trafficking-related corruption in the judiciary, in addition to police and immigration officials accepting bribes, sexually exploiting victims, or turning a blind eye to such activity, particularly at the nation's borders.

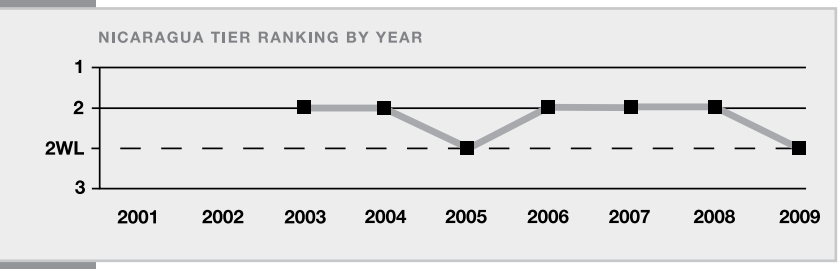
Protection

The Nicaraguan government made inadequate efforts to protect trafficking victims during the last year, and NGOs and international organizations continued to provide the bulk of assistance to victims. The government provided basic shelter and services to child trafficking victims, but such assistance was not readily accessible in all parts of the country, nor was it generally available for adult trafficking victims. Last year, the government's donor-funded anti-trafficking telephone hotline was reported as not working regularly. With assistance from IOM and OAS, the government trained diplomatic and consular personnel in identifying trafficking victims abroad. Consular officials assisted six Nicaraguan trafficking victims last year, aiding repatriation efforts from El Salvador, Costa Rica, Panama, Mexico, Guatemala, and France. The government encouraged victims to participate in trafficking investigations and prosecutions, though many were reluctant to do so due to social stigma, fear of

retribution from traffickers, and long court delays. The government provided a temporary legal alternative to the removal of foreign victims to countries where they may face hardship or retribution.

Prevention

The Nicaraguan government made inadequate efforts to prevent trafficking, such as through awareness-raising campaigns, during the last year. The government conducted no anti-trafficking outreach or education campaigns in 2008, relying on NGOs and international organizations to sponsor such activities. The government maintained an interagency anti-trafficking committee to direct anti-trafficking efforts, but it conducted few activities during the reporting period. Government collaboration with NGOs on anti-trafficking activities is reported to be better on the local level. The government reported no efforts to reduce demand for commercial sexual acts, such as enforcement of Article 177 – its penal code provision against child sex tourism – or awareness-raising campaigns on child prostitution; nor did it undertake efforts to reduce demand for forced labor.



NIGER (Tier 3)

Niger is a source, transit, and destination country for children and women trafficked for forced labor and commercial sexual exploitation. Caste-based slavery practices, rooted in ancestral master-slave relationships, continue primarily in the northern part of the country. An estimated 8,800 to 43,000 Nigeriens live under conditions of traditional hereditary slavery. Children within Niger are trafficked for forced begging by religious instructors, forced labor in gold mines, domestic servitude, sexual exploitation, and possibly for forced labor in agriculture and stone quarries. Nigerien children, primarily girls, are also subjected to commercial sexual exploitation along the border with Nigeria, particularly in the towns of Birni N'Konni and Zinder, and boys are trafficked to Nigeria and Mali for forced begging and manual labor. Women and children from Benin, Burkina Faso, Gabon, Ghana, Mali, Nigeria, and Togo are trafficked to and through Niger for domestic servitude, sexual exploitation, forced labor in mines and on farms, and as mechanics and welders. Nigerien women and children are trafficked from Niger to North Africa, the Middle East, and Europe for domestic servitude and sexual exploitation.

The Government of Niger does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The Nigerien government demonstrated marginal efforts to combat human trafficking, including traditional slavery, during the last year.

Recommendations for Niger: Pass and enact draft 2006 legislation against trafficking; strengthen efforts to prosecute and punish trafficking offenders, particularly those guilty of slavery offenses; increase efforts to rescue victims of traditional slavery practices; and increase efforts to educate the public about the law criminalizing traditional slavery practices.

Prosecution

The Government of Niger demonstrated weak law enforcement efforts to address child trafficking and traditional slavery. Niger prohibits slavery through a 2003 amendment to Article 270 of its Penal Code and prohibits forced and compulsory labor through Article 4 of its Labor Code. Penal Code Articles 292 and 293 prohibit procurement of a child for prostitution. Niger does not, however, prohibit other forms of trafficking. The government's 2006 draft law against trafficking still awaits adoption by the Council of Ministers. The prescribed penalty of 10 to 30 years' imprisonment for slavery offenses is sufficiently stringent. The penalty prescribed for forced labor, a fine ranging from $48 to $598 and from six days to one month's imprisonment, is not sufficiently stringent.

In the last year, law enforcement authorities arrested 11 individuals suspected of trafficking 81 children. Six suspects were released without being charged, while five were charged with the abduction of minors and remain in preventative detention pending investigation. The government cooperated with Malian and Togolese officials to investigate and arrest three suspected traffickers from Mali and one trafficker from Togo. Border officials cooperated with their Beninese counterparts to monitor the border of Niger and Benin for human trafficking activity. In December 2008, the Niamey Court of Appeals held hearings on the 2006 enslavement case *Timidria and Assibit Wanagoda vs. Tafane Abouzeidi*, found no grounds for prosecution, and dismissed the case. An additional 2006 enslavement case, *Midi Ajinalher vs. Hamad Alamine and three brothers* is still pending before the same court. In June 2008, senior Ministry of Labor officials delivered presentations on labor laws and core labor standards at an ILO-funded forced labor training event.

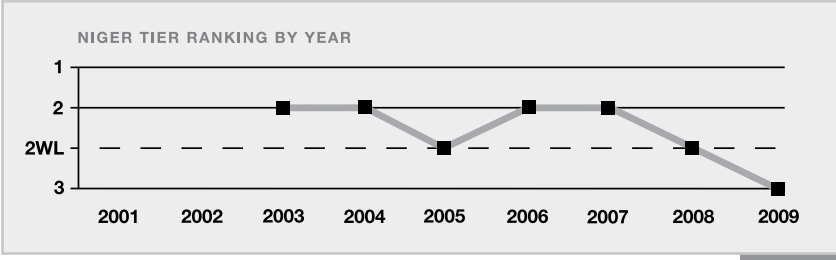
In October 2008, the ECOWAS Court of Justice ruled that the Government of Niger's administrative and legal services failed to protect a Nigerien woman sold into slavery in the case *Timidria and Hadidjatou Mani Koraou vs. the Government of Niger*. When the victim, who was sold into slavery at the age of 12 for $500, originally brought her case to a Nigerien court, the judge found

that no slavery existed. He then sentenced the victim to six months' imprisonment for bigamy for entering into a marriage by choice after she fled her forced marriage to her master. The ECOWAS court ordered the government to pay $20,000 in damages to the victim. In March 2009, the government paid the victim the ordered restitution and secured the conviction of the victim's former master, Naroua, who was given a sentence of one year in prison and a fine of $1,000. Naroua, however, has yet to be located and detained. The status of seven women who reportedly remained enslaved by Naroua after the victim's escape is unknown. The whereabouts of the victim's two children, who were enslaved by Naroua as well, is also unknown. NGOs reported to officials that in 2008, four Nigerien girls were sold to Nigerian businessmen in Zaria, on the border of Nigeria and Niger, but the government has failed to respond to these reports. The government reported that it was dismantling trafficking networks in the Konni region.

Protection

The Government of Niger demonstrated slightly decreased efforts to provide care to child trafficking victims and some increased efforts to assist victims of traditional slavery practices. Due to lack of resources, the government did not operate its own victim shelter, but refers child trafficking victims to NGOs for assistance. While the government lacked a formal system for identification and referral of trafficking victims, authorities referred trafficking victims to NGOs for care on an *ad hoc* basis. In Agadez, local authorities assisted UNICEF in rescuing 37 child trafficking victims and referring them to NGOs for care. At a government-operated but donor-funded victim transit center in Makalondi, police assisted with the rescue, rehabilitation, and return of 44 child victims. In February 2009, Nigerien and Togolese law enforcement officials conducted a joint investigation resulting in the rescue of a Nigerien female who had been abducted and trafficked to Togo in 1998, when she was 14 years old.

A 2007 government plan to combat child exploitation by religious instructors in Islamic schools has not been implemented due to lack of funding. During the year, government officials assisted a local NGO in rescuing 40 individuals subjected to traditional slavery practices by assisting with the purchase of land and animals for the former slaves. The officials also housed the NGO delegation and educated the community about slavery. During the year, the Ministry of Education paid the salaries for five teachers working at NGO-funded schools for children of former slaves. The government encouraged victims to report their traffickers to law enforcement officials and interviewed them for evidence for investigations and prosecutions. The Ministry of the Interior continued to operate a program to welcome and provide temporary shelter – for about one week – to repatriated Nigeriens, some of whom may be trafficking victims. While ministry officials interviewed these citizens to assist with their reintegration, they did not attempt to identify trafficking victims among them. The government did not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. Victims were not inappropriately incarcerated or fined for unlawful acts committed as a direct result of being trafficked.



Prevention

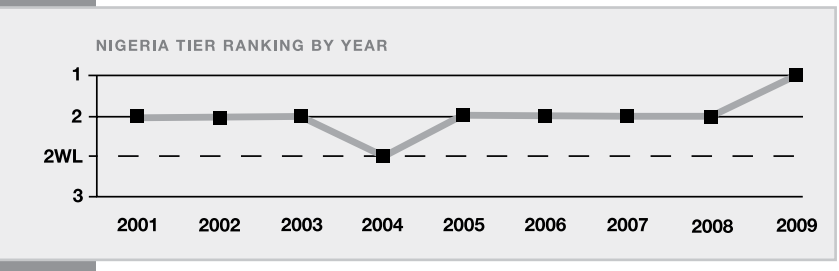
The Government of Niger made solid prevention efforts through campaigns to educate the public about child trafficking during the reporting period. State television broadcast a donor-funded anti-trafficking skit repeatedly in French and local languages. Niger's First Lady and the Minister of Justice made public appearances denouncing traditional slavery and child trafficking. In July 2008, the Minister of Women's Promotion and Children's Protection chaired a regional training workshop for journalists from nine countries on child trafficking and labor. In December 2008, Niger's Youth Parliament held its second ordinary session which focused on child rights, including child trafficking. In July 2008, the National Commission on Human Rights and Fundamental Liberties released a six-month study on forced labor, child labor, and slavery. In cooperation with UNICEF, the Nigerien government helped establish regional committees to prevent child trafficking. The government identified committee members and leaders and provided them with education and training. A 2006 draft anti-trafficking agreement between Niger and Nigeria remained unsigned. Niger's 2006 draft national action plan to combat trafficking and draft plan to combat forced labor linked to slavery has yet to be adopted. The Nigerien government did not take measures to reduce demand for commercial sex acts during the year. Nigerien troops deployed abroad as part of international peacekeeping missions did not receive human trafficking awareness training prior to deployment. In February 2009, however, the government revised the bylaws of its armed forces to prohibit such troops from engaging in or facilitating trafficking.

NIGERIA (Tier 1)

Nigeria is a source, transit, and destination country for women and children trafficked for the purposes of forced labor and commercial sexual exploitation. Within Nigeria, women and girls are trafficked primarily for domestic servitude and commercial sexual exploitation. Boys are trafficked for forced labor in street vending,

agriculture, mining, stone quarries, and as domestic servants. Religious teachers also traffic boys, called *almajiri*, for forced begging. Women, girls, and boys are trafficked from Nigeria to other West and Central African countries, primarily Gabon, Cameroon, Ghana, Chad, Benin, Togo, Niger, Burkina Faso, and The Gambia, for the same purposes listed above. Benin is a primary source country for boys and girls trafficked for forced labor in Nigeria's granite quarries. Nigerian women and girls are trafficked through Libya, Morocco, and Algeria to Europe, primarily for the purpose of commercial sexual exploitation, and to the Middle East, particularly Saudi Arabia, for forced prostitution and forced labor. While Italy is the primary European destination country for Nigerian victims, other common destinations are Spain, the Netherlands, Belgium, Austria, Norway, Denmark, Finland, Germany, Switzerland, Ireland, France, and Greece. Children from Nigeria and other African countries are trafficked from Lagos to the UK's urban centers for domestic servitude and forced labor in restaurants and shops.

The Government of Nigeria fully complies with the minimum standards for the elimination of trafficking. Over the last year, the government more than doubled the number of trafficking offenders convicted, while it improved assistance given to victims, demonstrated strong awareness-raising efforts, and increased funding to its anti-human trafficking organization, the National Agency for the Prohibtion of Trafficking in Persons (NAPTIP). Nigeria's strengthened anti-trafficking record over the last year reflects the cumulative impact of progressively increasing efforts made by NAPTIP over the last several years.



Recommendations for Nigeria: Continue strong efforts to prosecute and convict trafficking offenders; reconsider the practice of interrogating suspected traffickers in Lagos in the same building where trafficking victims are sheltered; and ensure that victims' rights are respected and that they are not detained involuntarily in shelters.

Prosecution

The Government of Nigeria demonstrated increased law enforcement efforts to combat trafficking during the last year. Nigeria prohibits all forms of trafficking through its 2003 Trafficking in Persons Law Enforcement and Administration Act, which was amended in 2005 to increase penalties for traffickers. This law's prescribed penalties of five years' imprisonment for labor trafficking, 10 years' imprisonment for trafficking of children for forced begging or hawking, and a maximum of life imprisonment for sex trafficking are sufficiently stringent and commensurate with penalties prescribed for other grave crimes, such as rape. Nigeria's 2003 Child Rights Act also criminalizes child trafficking, though only 20 of the country's 36 states have enacted it.

During the year, NAPTIP reported that it investigated 209 trafficking cases, 37 of which were prosecuted, resulting in the conviction of 19 sex traffickers and four labor traffickers. Sentences imposed on convicted traffickers ranged from six months' to 40 years' imprisonment. One sex trafficking offender received a sentence of 40 years' imprisonment, two received sentences of 24 years' imprisonment, and others received two-, five-, and seven-year sentences. Six sex traffickers received sentences of one year's imprisonment or less. While one labor trafficker was sentenced to 20 years' imprisonment, one was sentenced to one year imprisonment and two were given the option of serving one to two years in prison or paying fines of between $65 and $600. Over the year, the government provided anti-trafficking training for 823 law enforcement officials and integrated a trafficking training course in the National Police Force's standard curriculum. For several months in 2008, NAPTIP cooperated with European law enforcement counterparts in Operation Koovis. This resulted in the arrest of 60 Nigerian trafficking suspects in Europe, where they will be prosecuted.

Protection

Nigeria intensified its efforts to protect trafficking victims during the last year. NAPTIP continued to operate seven shelters in Lagos, Abuja, Kano, Sokoto, Enugu, Uyo, and Benin City. The Ministry of Women's Affairs operates two additional shelters, one in Kano and one in Akwa Ibom. The government collaborated with NGOs and international organizations to provide victims with care. NAPTIP continued to provide care to victims with HIV/AIDS through agreements with hospitals whereby the government pays portions of this care and hospitals agree to provide care at lower cost or sometimes for free. The government reported that between October 2007 and September 2008 it identified 887 trafficking victims, of whom NAPTIP rescued 291, the Immigration Service rescued 215, the Nigerian Police intercepted 304, the Civil Defense Corps intercepted 56, the Federal Road Safety rescued 18, the State Security Service intercepted two, and a Nigerian Embassy rescued one. NAPTIP reported that from February 2008 to February 2009 932 victims – 387 of whom were children – received care at its seven shelters. The agency's largest shelter in Lagos, with a capacity for 120 victims, housed an average of 35 to 40 victims at any given period during the year. This shelter offers victims vocational training and has 12 full-time counselors trained to treat trauma. NAPTIP detains suspected traffickers for questioning in the same building containing the Lagos shelter, a practice that threatened to jeopardize the safety of victims and contribute to their psychological distress. The government also reported

that some of its shelters lack adequate vocational training facilities. NAPTIP repatriated 45 victims back to Nigeria with some assistance from IOM and repatriated 54 foreign victims back to their African countries of origin. In August 2008, NAPTIP launched the Victims' Trust Fund, which accepts donations to provide restitution to victims on a case-by-case basis. In November 2008, Nigeria approved a National Policy on Protection and Assistance to Trafficked Persons to increase protection and rehabilitation efforts, though implementation has not begun. The government also operated hotlines for assistance to victims in each of NAPTIP's zonal areas. The government encouraged victims to participate in investigations and prosecutions of trafficking crimes, as victim testimony is usually required to prosecute traffickers. Because cases take so long to go to trial, victims often returned to their home communities before they could give testimony in court.

Nigeria provided a limited legal alternative to the removal of foreign victims to countries where they face hardship or retribution – short-term residency that cannot be extended. The government also placed foreign victims in shelters under guard until they were repatriated. Although there were no reports of victims inappropriately incarcerated, fined, or penalized for unlawful acts committed as a result of being trafficked, police and immigration officers did not always follow procedures to identify trafficking victims among females arrested for prostitution. While NAPTIP investigators follow formal procedures to identify sex trafficking victims, such procedures have not been formalized within the National Police Force or the National Immigration Service. In March 2009, NAPTIP dismissed two officers for attempting to extort bribes from trafficking victims during investigations.

Prevention

The Government of Nigeria demonstrated strong efforts to raise awareness about trafficking over the last year. In August 2008, on its five-year anniversary, NAPTIP organized the First Trafficking Awareness week, a series of anti-trafficking, awareness-raising events, including the launch of the "Red Card," a leaflet distributed to the public with information on the human trafficking phenomenon, including hotline numbers. In November 2008, Nigeria and Benin hosted a four-day, anti-trafficking forum attended by representatives from Togo, Gabon, and Congo. During the year, NAPTIP provided guidance to counterparts in Ghana on establishing a similar anti-trafficking agency. In August 2008, Nigeria adopted a new National Plan of Action on Trafficking in Persons, though implementation has not yet begun. In 2008, the government provided NAPTIP with $9.3 million in funding, up from $7.2 million in 2007. NAPTIP hosted two national stakeholders' forums during the year attended by government, NGO, and international organization representatives. Nigerian troops receive anti-trafficking awareness training through a donor-funded program before being deployed abroad as part of international peacekeeping missions. The government took steps to reduce the demand for commercial sex acts within Nigeria by closing down two commercial establishments for trafficking activities in July 2008.

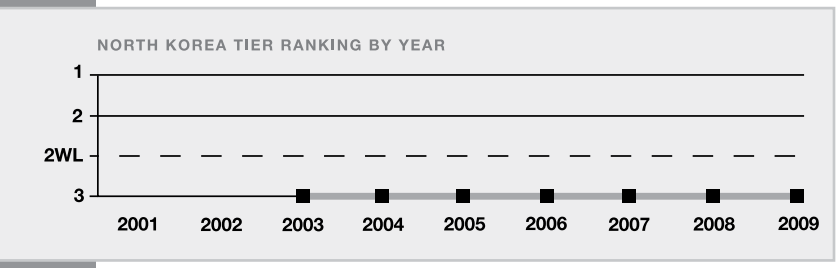
NORTH KOREA (Tier 3)

The Democratic People's Republic of Korea (DPRK or North Korea) is a source country for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. The most common form of trafficking involves North Korean women and girls subjected to involuntary servitude after willingly crossing the border into the People's Republic of China (PRC). Many of them are from North Hamgyong province, one of the poorest provinces in the country, located near the Chinese border. Once in China, they are picked up by traffickers and sold as brides to PRC nationals, often of Korean ethnicity. In other cases, North Korean women and girls are lured out of North Korea to escape poor economic, social, and political conditions by the promise of food, jobs, and freedom, only to be forced into prostitution, marriage, or exploitative labor arrangements once in China. North Koreans trafficked into or within the PRC are often passed from one trafficker to the next until they reach their ultimate destinations. In some cases, women and girls may be sold to traffickers by their families or acquaintances. Women sold as brides are sometimes re-abducted by the traffickers or are sold by husbands who no longer want them. In some cases, North Korean women are sold multiple times to different men by the same trafficker. Trafficking networks of Korean-Chinese and North Korean men operate in Northeast China and along the China-DPRK border, where they seek out North Korean women and girls. There are some reports that businessmen who operate along the China-DPRK border use their trade routes along the Yalu River to traffic North Korean women into China. While many women trafficked into China are sold as brides, some North Korean women in China are forced to work in the highly exploitative sex industry, including as prostitutes in brothels and in internet sex operations. Many victims of trafficking, unable to speak Chinese, are held as virtual prisoners. The illegal status of North Koreans in the PRC and other Southeast Asian countries increases their vulnerability to trafficking for purposes of forced labor and sexual exploitation. NGOs estimate that tens of thousands of North Koreans presently live in China, more than half of whom are women; according to some estimates, over 80 percent of North Korean refugees are victims of human trafficking

The North Korean regime continues to use forced labor as part of an established system of political repression. North Koreans do not have a choice in the jobs they work and are not free to change jobs at will; the DPRK regime determines what work each citizens will have. Hundreds of thousands of men, women, and children in political

prison camps are subjected to reeducation through labor, a common punishment in which prisoners, including children, are forced to participate in logging, mining, and crop tending. Reports indicated that conditions in camps for political prisoners are extremely harsh. Prisoners receive little food, little if any medical care, and many are not expected to survive.

While exact figures are unknown, estimates of the number of North Korean contract workers recruited by the DPRK regime to work overseas for DPRK entities and firms vary widely, ranging from 10,000 to as high as 70,000. There continue to be credible reports that North Koreans sent abroad are subjected to harsh conditions, with their movements and communications restricted by DPRK government 'minders' and facing threats of government reprisals against them or their relatives in North Korea if they attempt to complain to outside parties. Worker salaries are deposited into accounts controlled by the North Korean government, which keeps most of the money for itself, claiming fees for various "voluntary" contributions to government endeavors. Workers only receive a fraction of the money paid to the North Korean government for their work. Countries in which North Koreans reportedly work through such arrangements include Poland, Bulgaria, Romania, Russia, Qatar, Saudi Arabia, Iraq, Kuwait, Yemen, the United Arab Emirates, Libya, Angola, China, Mongolia, Malaysia, Cambodia, Thailand, and Laos. Approximately 10,000 to 20,000 North Koreans have worked in the logging industry each year in the Russian Far East since 1967. Wages of some North Korean workers employed in Russia reportedly were withheld until the laborers returned home, making them vulnerable to deception by North Korean authorities, who promised relatively high payments. 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 does not acknowledge the existence of human trafficking, either within the country or transnationally. The DPRK government does not differentiate between trafficking and other forms of illegal border crossing, such as illegal economic migration or defection. The regime actively punishes trafficking victims for acts they commit that are the direct result of being trafficked. Furthermore, the government contributes to the problem of trafficking 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 North Korea: Recognize human trafficking as a problem in North Korea distinct from people smuggling; institute a systematic victim identification procedure to identify and protect victims of trafficking; cease the punishment of trafficking victims for acts committed as a direct result of being trafficked; and support NGO presence in North Korea to assist victims of trafficking.

Prosecution

The DPRK regime made no effort to combat trafficking in persons through law enforcement efforts over the last year. The government denied that human trafficking is a problem, claiming it is not allowed and therefore does not exist in the country. Little information is available on North Korea's internal legal system. It is doubtful that North Korean laws are adequate to address the trafficking problem; there are no known laws that specifically address trafficking. Trials in the DPRK are neither fair nor transparent, so it is unclear under what provisions of the law, if any, traffickers are prosecuted. Article 150 of the Penal Code criminalizes *inter alia* the abduction, sale, or trafficking of children, but there are no known laws that address the trafficking of adults for labor or sexual exploitation. The penal code criminalizes crossing the border without permission and defection. However, the question of how laws are applied in North Korea is usually more important than their terms. The laws used to prosecute traffickers are those that seek to limit all cross-border migration, including refugee outflows, and often wind up harming trafficking victims. Without due process in criminal proceedings, the government sends political prisoners and some criminals to prison camps where they are forced to engage in harsh labor. The regime's claimed crackdowns on "trafficking networks" are a result of its desire to control all activity within its borders, particularly illegal emigration, rather than to combat trafficking in persons. There were no reported trafficking prosecutions or convictions during the reporting period.

Protection

The North Korean regime does not recognize or make any attempt to identify trafficking victims, nor does it provide any protection for, or assistance to, trafficking victims. In fact, victims often undergo severe punishment by the regime if caught in an attempt to cross the border or if deported back to the DPRK through invocation of the same cross-border migration laws used to punish the traffickers themselves. No distinction is made between trafficking victims and transnational migrants. North Koreans forcibly repatriated from China, including a significant number of women believed to be trafficking victims, are often jailed and forced into prison camps,

where they may undergo torture, forced labor, sexual abuse by prison guards, and other severe punishment. Repatriated victims who are suspected of having become pregnant in China are reportedly subject to forced abortions, and prison authorities kill some babies born to repatriated victims while in detention. The North Korean government places a priority on controlling all activities within its borders; protecting individuals from mistreatment, exploitation, and retribution are not government priorities. The government did not ensure that trafficking victims are not penalized for unlawful acts committed as a direct result of their being trafficked.

Prevention

The North Korean government made no significant efforts to prevent human trafficking. It did not acknowledge the existence of human rights problems, including trafficking in persons. The DPRK does not allow indigenous NGOs to exist, and the few international NGOs permitted to operate in the country work under intense government scrutiny. North Korea has not ratified the 2000 UN TIP Protocol.

NORWAY (Tier 1)

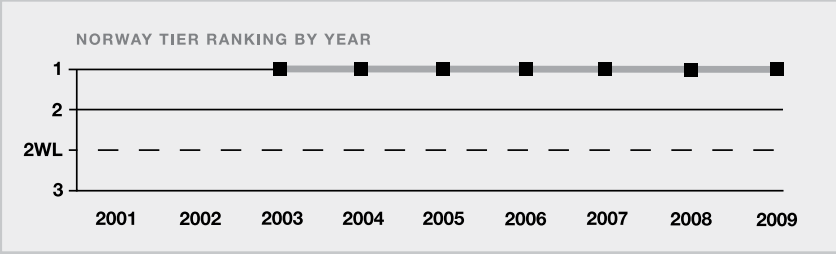
Norway is a destination country for women and girls trafficked from Nigeria, Bulgaria, Brazil, Estonia, Ghana, Eritrea, Cameroon, Kenya, and the Democratic Republic of Congo for the purpose of commercial sexual exploitation. Victims from Africa and Brazil are frequently trafficked through Italy, Spain, Morocco, and the Balkans. Men and children are trafficked from Thailand, the United Kingdom, India, Sri Lanka, Romania, and Bulgaria to Norway for the purposes of domestic servitude and forced labor in the construction industry. Children in Norwegian refugee centers are vulnerable to human trafficking.

The Government of Norway fully complies with the minimum standards for the elimination of trafficking. During the reporting period, Norway continued to fund anti-trafficking programs in key source countries with grants totaling $7.4 million, including $600,000 to anti-trafficking programs in Nigeria. The government also improved its victim identification system by publishing new victim identification guidelines in May 2008 and distributing them to all government agencies that may come in contact with potential victims of trafficking; this effort may have led to a 26 percent increase in the number of victims identified. In November 2008, the government amended its immigration law to prohibit the deportation of any victim who testifies in court against a trafficker.

Recommendations for Norway: Continue efforts to vigorously prosecute and convict both sex and labor trafficking offenders; continue to seek appropriate prison sentences for convicted trafficking offenders; and maintain efforts to reduce the domestic demand for commercial sexual exploitation in Norway.

Prosecution

The Norwegian government increased its anti-trafficking law enforcement efforts during the reporting period. Norway prohibits all forms of trafficking in persons through its Crimes Against Personal Freedom Law of 2004, which prescribes a maximum penalty of five years' imprisonment – a penalty that is sufficiently stringent and commensurate with punishments for other grave offenses, such as rape. In 2008, police significantly increased the number of trafficking investigations from 19 in 2007 to 45 in 2008—including 41 sex trafficking and four labor trafficking investigations. Norwegian authorities prosecuted five people for sex trafficking and one person for labor trafficking in 2008, compared to a total of six prosecutions in 2007. Six people were convicted of trafficking during the reporting period, compared to six convictions in 2007. All six traffickers were sentenced to some time in prison; no traffickers were given suspended sentences. Sentences imposed on the five convicted sex traffickers ranged from 18 to 36 months' imprisonment. One person convicted of labor trafficking was sentenced to 18 months' imprisonment. In 2007, six traffickers were sentenced to 18 to 30 months' imprisonment. Throughout the year, Norwegian law enforcement personnel collaborated on trafficking investigations with counterparts from numerous countries including the Czech Republic, Albania, Italy, Nigeria, Spain, the United Kingdom, Bulgaria, Romania, Germany, the Netherlands, Switzerland, Brazil, and all of the Nordic-Baltic countries.



Protection

The government continued to improve its impressive efforts to identify and protect victims of trafficking during the year. The government identified 256 victims in 2008, an increase from 190 victims identified in 2007. Law enforcement and other government officials referred at least 118 victims for assistance in 2008. Forty-four victims were assisted in 2008, up from 37 victims in 2007. The government provided direct social assistance services to victims as well as funding for assistance provided by anti-trafficking NGOs. In 2008, trafficking victims in Norway had access to shelter, medical care, vocational training, and legal assistance; however, many female victims of forced prostitution were provided shelter in domestic violence shelters rather than in trafficking-specific shelters. Victims are permitted to stay in Norway without conditions during a six-month reflection period in order to receive assistance; 40 victims benefited from the

reflection period in 2008 compared to 30 in 2007. After the reflection period, victims can apply for one-year residency permits; in 2008, 15 victims received one-year residency permits. The government encouraged victims to participate in trafficking investigations and prosecutions. Trafficking victims were not penalized during the reporting period for unlawful acts committed as a direct result of their being trafficked.

Prevention

The government continued its trafficking prevention outreach in key source countries while improving awareness efforts in Norway during the reporting period. The government conducted two campaigns aimed at reducing the demand for commercial sex acts; these campaigns were advertised on the internet and in Norwegian airports. Norway criminalized the purchase of sexual services in January 2009, which may have an impact on the demand for commercial sex within Norway. The government briefed all Norwegian troops on human trafficking prior to deployment overseas on international peacekeeping missions and monitored immigration patterns for evidence of trafficking.

OMAN (Tier 2)

Oman is a transit and destination country for men and women, primarily from India, Pakistan, Bangladesh, Sri Lanka, the Philippines, and Indonesia, most of whom migrate willingly to Oman as domestic servants or low-skilled workers in the country's construction, agriculture, and service sectors. Some of them subsequently face conditions indicative of involuntary servitude, such as withholding of passports and other restrictions on movement, non-payment of wages, long working hours without food or rest, threats, and physical or sexual abuse. Unscrupulous labor recruitment agencies and their sub-agents at the community level in South Asia and the United Arab Emirates (UAE) may coerce or defraud workers into accepting work in Oman that turns out to be exploitative and, in some instances, constitutes involuntary servitude. Oman is also a destination and transit country for women from China, India, Morocco, Eastern Europe, and South Asia who may be trafficked for commercial sexual exploitation. Male Pakistani laborers, as well as 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's enactment of anti-trafficking legislation and completion of its first prosecution under these provisions demonstrated increased commitment to combating trafficking during the reporting period. The government, however, continued to lack systematic procedures to identify trafficking victims among women in prostitution and illegal migrants, comprehensive victim protection services, and programming to raise general public awareness of all forms of human trafficking.

Recommendations for Oman: Increase investigations and prosecutions of trafficking crimes and convictions and punishment of trafficking offenders; continue training government officials in all relevant departments to recognize and respond appropriately to human trafficking crimes; institute formal procedures for identifying trafficking victims among women in prostitution and illegal migrants and transferring them to care facilities; complete construction and begin operation of a shelter that provides appropriate protection services to both labor and sex trafficking victims, including shelter and medical, psychological, and legal assistance; and enact and enforce penalties for employers who withhold their employees' passports as a measure to prevent labor trafficking.

Prosecution

The government's anti-trafficking law enforcement efforts increased during the reporting period, evidenced by its passage of a comprehensive human trafficking statute and prosecution of its first specific trafficking case. In November 2008, the government enacted Royal Decree No. 126/2008, the Law Combating Human Trafficking, which 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 grave crimes. The law became effective in early December 2008 after publication in the official gazette. Articles 260 and 261 of the penal code prohibit slavery and prescribe penalties of three to 15 years' imprisonment. Article 220 prohibits coerced prostitution and prescribes penalties of three to five years' imprisonment. A legally enforceable circular prohibits employers' withholding of migrant workers' passports, which often contributes to forced labor; the circular, however, does not specify penalties for noncompliance, and this trafficking-related practice continues to be widespread. In March 2009, the government charged 13 male suspects, of whom 11 were convicted (five Omanis and six expatriates) with bringing 13 foreign women into Oman as their wives and then transiting them to another Gulf country to engage in prostitution. This is the first trafficking case investigated and prosecuted under the recently enacted anti-trafficking law. The case concluded in May 2009, with the conviction and sentencing of 11 defendants to seven years' imprisonment and a fine of $26,000; two defendants were acquitted for lack of evidence. The government confiscated the Omani defendants' commercial establishments and forbade them from sponsoring additional expatriate workers.

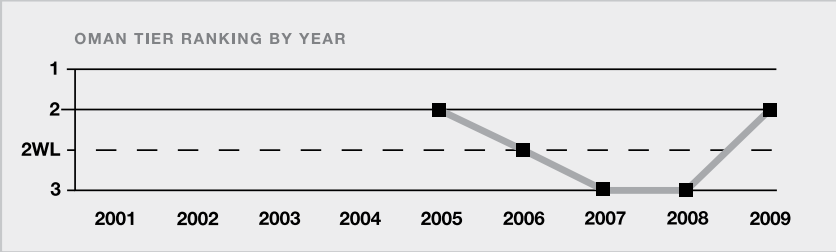
Protection

The government made efforts to improve protection services for victims of trafficking during the reporting

period. The government did not provide shelter services, counseling, or legal aid to trafficking victims in 2008. Beginning in March 2009, however, the government provided 13 female victims shelter at a Royal Oman Police "accommodation center." In December 2008, the Ministry of Manpower instituted a mechanism for identifying trafficking victims among migrant workers employed by private companies that involved reviewing bank statements, employment contracts, and salary slips, and speaking privately with randomly selected workers at each site. The government, however, lacked systematic procedures to identify victims of trafficking among other vulnerable groups, such as migrants detained for immigration violations and women arrested for prostitution, or to refer victims for assistance; there are limited NGO-run facilities for trafficking victims in Oman. The government advocates a policy of encouraging victims to participate in the investigation and prosecution of their traffickers. The government's new human trafficking statute enables the Public Prosecution or court to permit a victim to remain in Oman if an investigation or trial finds cause. Trafficking victims who have fled abusive employers without obtaining new employment sponsorship are allowed to remain in country one month in order to locate a new sponsor.

Prevention

The Omani government made efforts to prevent trafficking of migrant laborers during the reporting period, such as the launch of a public campaign to educate workers, employers, and the general public on laws and potential abuses, but did not take measures to raise awareness of sex trafficking or educate the general population about the nature of human trafficking as both a local and global phenomenon. In April 2009, the government's National Committee for Combating Trafficking in Persons convened its first meeting. To strengthen enforcement of labor laws that prohibit certain acts related to human trafficking, the government hired 94 additional male and female labor inspectors in September 2008, bringing the total to 160. The government funded the travel of ILO trainers to Oman, as well as provided venues for ILO-conducted anti-trafficking training of the labor inspectorate and other Ministry of Manpower officials. In November 2008, the government signed a memorandum of understanding with the Government of India strengthening cooperation in regard to the employment of Indian workers in Oman; the memorandum commits the countries to share information regarding illegal recruitment and trafficking of Indian workers. During the reporting period, Ministry of Manpower officials conducted seminars on workers' rights throughout the country for workers employed by private companies. The ministry also distributed 180,000 brochures in 11 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 also launched a broad public campaign on labor issues, which included weekly television and radio spots, the placement of articles weekly in government-owned newspapers, and presentations by government officials at schools, colleges, chambers of commerce, and women's associations in all major towns. The government did not take any known measures during the reporting period to reduce the demand for commercial sex acts.



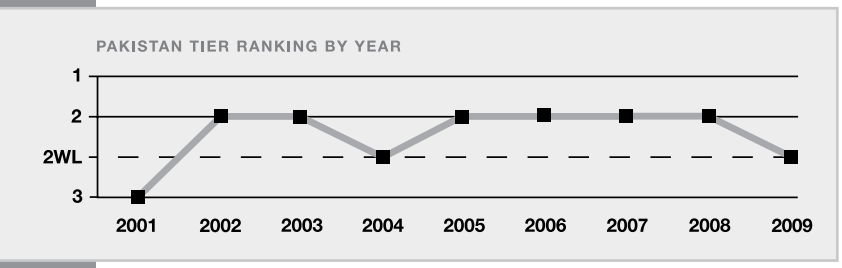
PAKISTAN (Tier 2 Watch List)

Pakistan is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. The country's largest human trafficking problem is that of bonded labor, which is concentrated in Sindh and Punjab provinces, particularly in brick kilns, carpet-making, agriculture, fishing, mining, leather tanning, and production of glass bangles; estimates of Pakistani victims of bonded labor, including men, women, and children, vary widely but are likely over one million. Parents sell their daughters into domestic servitude, prostitution, or forced marriages, and women are traded between tribal groups to settle disputes or as payment for debts. Pakistani women and men migrate voluntarily to Gulf states, Iran, and Greece for low-skilled work as domestic servants or in the construction industry. As a result of fraudulent job offers made and high fees charged during recruitment, however, some find themselves in conditions of involuntary servitude or debt bondage once abroad, including restrictions on movement, non-payment of wages, threats, and physical or sexual abuse. Moreover, NGOs contend that Pakistani girls are trafficked to the Middle East for sexual exploitation. Pakistan is also a destination for women and children from Afghanistan, Azerbaijan, Bangladesh, India, Iran, and Nepal trafficked primarily for forced labor. Women from Bangladesh and Nepal are trafficked through Pakistan to the Gulf states.

The Government of Pakistan 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 overall efforts, including the prosecution of some trafficking offenses and the launch of public awareness programming, the government did not show evidence of progress in addressing the serious issues of bonded labor, forced child labor, and the trafficking of migrant workers by fraudulent labor recruiters; therefore, Pakistan is placed on Tier 2 Watch List. Convictions of

trafficking offenders decreased during the reporting period. The government continued to punish victims of sex trafficking and did not provide protection services for victims of forced labor, including bonded labor.

Recommendations for Pakistan: Significantly increase law enforcement activities, including adequate criminal punishment, against bonded labor, forced child labor, and fraudulent labor recruiting for purposes of trafficking; continue to vigorously investigate, prosecute, and punish acts of government complicity in trafficking at all levels; and expand victim protection services for victims of forced labor and sex trafficking.



Prosecution

The Government of Pakistan made insufficient law enforcement efforts to address trafficking in 2008, particularly in regard to labor trafficking. Pakistan prohibits all forms of transnational trafficking in persons through its Prevention and Control of Human Trafficking Ordinance (PACHTO); the ordinance's prescribed penalties range from seven to 14 years' imprisonment. The government uses Sections 17 through 23 of the Emigration Ordinance to prosecute internal cases of trafficking. In addition, the Bonded Labor System Abolition Act prohibits bonded labor, with prescribed penalties ranging from two to five years' imprisonment or a fine, or both. Prescribed penalties for all above offenses are sufficiently stringent and commensurate with those for other grave crimes, such as rape.

Pakistan did not provide data to demonstrate any significant law enforcement efforts against labor trafficking. Though Pakistan has a substantial problem of bonded labor, neither the federal nor the provincial governments provided evidence of criminal prosecutions, convictions, or punishments for perpetrators of bonded labor, or for other acts of forced labor, including fraudulent recruitment for the purpose of forced labor, and forced child labor. With respect to sex trafficking, primarily prosecuted as a transnational crime under PACHTO, during the reporting period, the government secured the convictions of 28 trafficking offenders – 24 fewer than last year; unlike in past years, the Federal Investigation Agency (FIA) did not make available the specifics of the punishments given to trafficking offenders. During the reporting period, FIA, with assistance from IOM and NGOs, continued to offer training on investigating trafficking cases and sensitively treating victims; FIA did not provide data on the number of law enforcement officials that received such training. Government officials at all levels have been implicated in human trafficking; there were reports of bribery of government and law enforcement officials during the reporting period. Pakistani authorities disciplined 147 law enforcement officers for complicity with human trafficking under the Government Service Rules and Regulations; 12 were permanently removed, four were compulsorily retired, and seven were reduced in rank. The remaining cases resulted in administrative actions.

Protection

The government's efforts to protect victims of trafficking were inadequate during the reporting period. Pakistan did not report any programs to identify and protect victims of forced labor – the largest sectors of Pakistan's trafficking victims – particularly bonded labor and forced child labor in informal industries such as domestic work. Foreign victims of trafficking also did not receive government protection services. Protection for victims of commercial sexual exploitation remained limited; internally trafficked women could access 25 federal government-run "Women's Centers" or 276 provincial government-run "Darul Aman" centers offering medical treatment, vocational training, and legal assistance to abused women and children. Pakistani sex trafficking victims were sometimes arrested and incarcerated for prostitution without screening for evidence of trafficking, and some were subjected to punishment under Islamic law for fornication and adultery. During the year, the Punjab Government's Child Protection Bureaus in Lahore, Rawalpindi, Rahim Yar Khan, Multan, and Faisalabad sustained efforts begun in 2005 to rescue child beggars from the streets and provide rehabilitative services; at the time of this writing, Lahore's facility housed 219 boys. In past years, the government encouraged foreign victims to participate in investigations against their traffickers by permitting them to seek employment while awaiting trial; there is no evidence of the government providing assistance to foreign trafficking victims in 2008 or encouraging their participation in investigations. Foreign victims reportedly were not prosecuted or deported for unlawful acts committed as a direct result of being trafficked, but some foreign victims may have been subject to punishment for fornication, even as victims of sex trafficking. The government did not provide foreign victims with legal alternatives to their removal to countries where they may face hardship or retribution. The Ministry of Overseas Pakistanis provided assistance to repatriated Pakistani trafficking victims, such as medical, legal, and financial assistance.

Prevention

Pakistan made a number of efforts to prevent trafficking in persons during the reporting period, though lack of public awareness continued to be a problem. In 2008, the FIA sponsored anti-trafficking advertisements in major Urdu- and English-language newspapers, and its officers visited the five Punjab districts identified as major source areas to convene discussions with

typical source communities. The FIA launched a hotline for reporting cases of trafficking and smuggling that received 811 complaints, but did not specify the number of trafficking-specific calls. In addition, the Ministry of Interior produced and distributed a film about the dangers of trafficking on state television and to vulnerable populations along the border with India. The government, however, did not take any reported measures during the reporting period to reduce the country's considerable demand for bonded labor, nor did it address demand for commercial sex acts. The government did not provide anti-trafficking training to its nationals deployed abroad for international peacekeeping missions. Pakistan has not ratified the 2000 UN TIP Protocol.

PALAU (Tier 2)

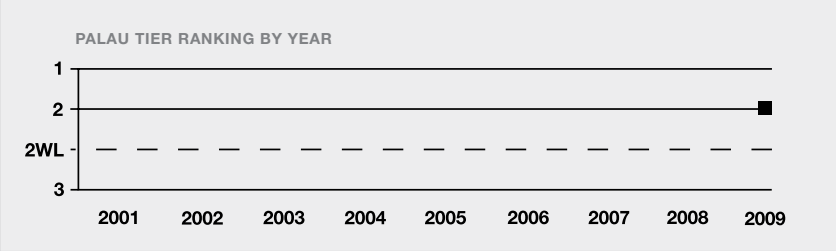
Palau is a transit and destination country for a small number of women trafficked from the Philippines and the People's Republic of China (PRC) for the purpose of commercial exploitation, and for a small number of men from the Philippines, the PRC, and Bangladesh for the purpose of forced labor. Some employers recruit foreign men and women to work in Palau through fraudulent representation of contract terms and conditions of employment. These foreign workers 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, confiscation of their travel documents, and the withholding of salary payments as a means of controlling their movement; these conditions may be indicative of involuntary servitude. Some workers are also threatened by their employers, and some women expecting to work as waitresses or clerks are forced into commercial sexual exploitation in karaoke bars and massage parlors. Since the late 1990s, the Philippines government banned its nationals from migrating to Palau to serve as domestic workers.

The Government of Palau does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government continued its law enforcement and prosecution efforts against trafficking offenders. Victim services and efforts to raise public awareness of human trafficking, however, remained limited.

Recommendations for Palau: Increase efforts to investigate, prosecute, and punish trafficking offenders; monitor employment agents recruiting foreign men and women for work in Palau to prevent trafficking for labor exploitation; establish formal procedures to identify and refer trafficking victims to protective services; work with NGOs or international organizations, as appropriate, to provide additional services to victims; and develop and conduct anti-trafficking information and education campaigns.

Prosecution

The Government of Palau made minor progress in its law enforcement and prosecution efforts against trafficking offenders during the reporting period. The Anti-Smuggling and Trafficking Act of 2005 prohibits all forms of trafficking in persons. Its sufficiently stringent penalties, ranging from 10 to 50 years' imprisonment and fines up to $500,000, are commensurate with penalties prescribed for other serious crimes, such as rape. Despite limited resources and a relatively small number of victims, Palau prosecuted and convicted four trafficking offenders in 2007. These traffickers had forced 15 Filipinas and nine Chinese waitresses into commercial sexual exploitation and subjected them to food deprivation, confinement, and illegal salary deductions. One of the traffickers appealed his conviction in 2008. In February 2009, the conviction was reversed and the case against the trafficker was dismissed without prejudice, meaning it can be refiled. There were no other investigations, prosecutions, or convictions during the reporting period. The government did not train law enforcement officers to proactively identify victims or to identify trafficking victims among vulnerable populations, such as foreign women in prostitution.



Protection

The government of Palau offered minimal protective services to victims of trafficking over the reporting period. No long-term protective services were available to victims, and Palauan government agencies did not employ formal procedures to identify and refer trafficking victims for the services which were available. The government did not identify or assist any victims of trafficking during the year although it has done so in the past. A religious organization provided limited assistance to victims of any crime. In the past, its services were available to trafficking victims and would be made available again, as needed. Palauan law does not penalize victims for illegal acts committed as a direct result of being trafficked, and encourages victims to assist in the investigation and prosecution of trafficking offenders. The government does not remove victims to countries where they may face hardship or retribution. In 2007, Filipina and Chinese victims were offered the choice of remaining in Palau and seeking different employment or returning home.

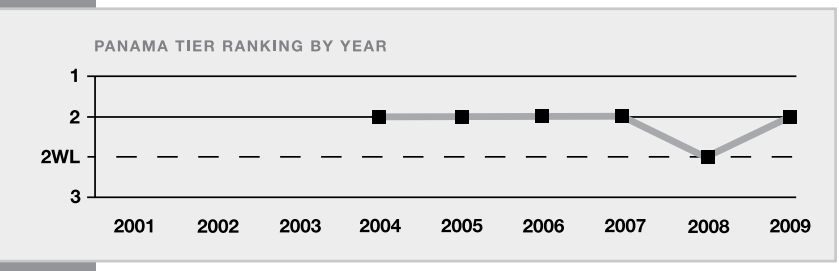
Prevention

The government made no discernable efforts to prevent human trafficking through planned campaigns to

educate the public about its dangers, but publicized its anti-trafficking activities at least twice during the year. Government agencies cooperated with each other, with foreign governments, and with international organizations on trafficking matters. No detailed information about Palau's national plan to address trafficking was available at the time of this Report's drafting. Palau Customs, Immigration and Police have formed a four-person training team which has created an identity crime training program for government employees, to help them recognize false documents which might be used by traffickers. Palau also improved its immigration controls, in part to deter trafficking in persons, in accordance with its participation in the Pacific Regional Immigration Identity Project and the Pacific Immigration Directors Conference. The government made no discernable efforts to address the demand for commercial sex acts or the demand for forced labor during the reporting period. Palau has not ratified the 2000 UN TIP Protocol.

PANAMA (Tier 2)

Panama is a source, transit, and destination country for women and children trafficked for the purpose of commercial sexual exploitation. Some Panamanian women are trafficked to Jamaica, Europe, and Israel for commercial sexual exploitation, but most victims are trafficked to and within the country into Panama's sex trade. NGOs report that some Panamanian children, mostly young girls, are trafficked into domestic servitude. Government agencies indicate that indigenous girls may be trafficked by their parents into prostitution in Darien province. Most foreign sex trafficking victims are adult women from Colombia, the Dominican Republic, and neighboring Central American countries; some victims migrate voluntarily to Panama to work but are subsequently forced into prostitution. Weak controls along Panama's borders make the nation an easy transit point for trafficked persons.



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. In 2008, the government showed some anti-trafficking progress by enacting a legislative reform package to strengthen Panama's anti-trafficking laws, and by increasing prevention efforts. The government also eliminated its *alternadora* visa category, which had been used to traffic foreign women, mostly Colombians, into Panama's sex trade. However, vigorous government efforts to prosecute human trafficking crimes and provide adequate shelter, particularly for adult victims, remained lacking.

Recommendations for Panama: Amend anti-trafficking laws to prohibit forced labor, including involuntary domestic servitude; intensify law enforcement efforts to investigate and prosecute trafficking offenses and convict and sentence trafficking offenders, including any public officials complicit with trafficking activity; dedicate more resources for victim services; and develop a formal system for identifying trafficking victims among vulnerable populations, particularly women in prostitution.

Prosecution

The Government of Panama increased its ability to investigate and prosecute trafficking crimes during the reporting period. In June 2008, the government published Law 26, a penal code reform package, to strengthen Panama's anti-trafficking laws and prohibit the internal sex trafficking of adults, a gap which existed under previous law. The new law will enter into force in June 2009. Article 178 of the new code criminalizes internal and transnational trafficking of persons for the purpose of sexual slavery or unauthorized paid sexual activity, through means of deceit, coercion, or retention of identity documents and prescribes penalties ranging from six to nine years' imprisonment. Additionally, Article 180 of the new code prohibits the internal and transnational trafficking of minors for commercial sexual exploitation, prescribing prison terms of eight to 10 years' imprisonment. The above punishments are sufficiently stringent and commensurate with those prescribed for rape. Panamanian law, however, does not specifically prohibit human trafficking for the purpose of forced labor, including domestic servitude. In September 2008, the government began investigating a case of potential labor trafficking activity, in which 52 Panamanian laborers were transported to Laurel, Mississippi, for work in a transformer manufacturing facility. During the reporting period, the government investigated 11 sex trafficking cases, resulting in two criminal trafficking convictions with sentences of 60 months' imprisonment each. This compares to 13 sex trafficking cases investigated and one trafficking offender convicted during the previous year.

In March 2008, the Department of Judicial Investigations created a specialized unit to investigate trafficking cases. While a lack of coordination among police, prosecutors, and immigration authorities on anti-trafficking cases remains a concern, the Panamanian attorney general developed a computerized information network to promote the sharing of information between prosecutors and other agencies. The government maintained anti-trafficking training efforts, and the attorney general decreed that one prosecutor in each of Panama's 13 provinces should be trained to prosecute trafficking crimes. An NGO reported anecdotally that some police officers sexually exploited prostituted minors in

exchange for providing protection, but it was unclear whether higher-level officials were aware of such activity. The government opened no formal trafficking-related corruption investigations during the reporting period.

Protection

The Panamanian government sustained its efforts to assist trafficking victims during the reporting period, though overall victim services – particularly those for adults – remained inadequate. Child trafficking victims accessed basic care at 43 government-funded shelters across the country. Although the government did not provide dedicated services for trafficking victims, it funded an NGO-operated shelter with dedicated housing and social services for child trafficking victims. Services and shelter care for adult trafficking victims remained limited, though newly enacted Immigration Law 3 required that the government build a dedicated shelter for adult victims. The government housed victims in hotels on an *ad hoc* basis. In one case, several foreign trafficking victims were housed at a police station because there was no place to take them. The government did not employ systematic procedures for identifying trafficking victims among vulnerable populations, but did require that women entering the country under entertainment visas attend a seminar on trafficking in persons. The high number of women in prostitution in the country may warrant the development of more thorough victim identification procedures. Panamanian authorities encouraged victims to assist with the investigation and prosecution of their traffickers. The government allowed foreign victims to remain in Panama during investigation of their cases by judicial order, but did not provide other legal alternatives to their return to countries where they may face hardship or retribution. Moreover, prosecutors indicated that some foreign victims were repatriated involuntarily before they could fully assist with legal efforts against their traffickers. Victims were not penalized for unlawful acts committed as a direct result of being trafficked. Panamanian consular officials were trained to aid Panamanians trafficked abroad, and provided repatriation assistance, including airfare, housing, and medical care.

Prevention

The government increased efforts to prevent human trafficking during the reporting period. In response to past reports of sex trafficking of foreign women holding *alternadora* visas, the government terminated this visa category as part of an immigration reform package that came into force in August 2008. While foreign women in the nation's sex trade may still apply for "entertainer" visas, the government increased efforts to prevent human trafficking by creating a registry of businesses requesting such visas and instituting tougher conditions for their issuance. No entertainer visas were issued under the new law during the reporting period. In 2008, the government conducted awareness-raising efforts and collaborated with NGOs and international organizations on other anti-trafficking prevention projects. Official recognition of human trafficking crimes appears to be increasing, though government officials tend to view Panama as principally a transit country. In June 2008, the government released a three-year national plan to combat the commercial sexual exploitation of minors, and a small office was established to implement the plan. In an effort to reduce demand for commercial sex acts, the government conducted media campaigns warning that commercial sexual exploitation is a prosecutable crime. The government's overall anti-trafficking efforts continued to suffer from limited resources, and a measure to dedicate one dollar from the tax imposed on each visiting tourist to anti-trafficking projects remained mired in an interagency process after five years.

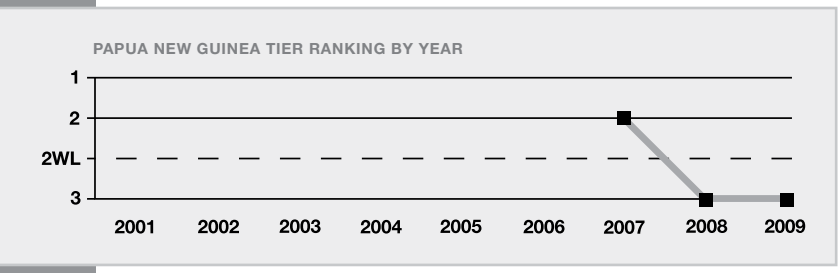
PAPUA NEW GUINEA (Tier 3)

Papua New Guinea is a source, destination, and transit country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Women and children are trafficked within the country for the purposes of commercial sexual exploitation and domestic servitude; men are trafficked to logging and mining camps for the purpose of forced labor. Women and children from Malaysia, Thailand, the People's Republic of China (PRC), and the Philippines are trafficked to Papua New Guinea for forced prostitution and PRC men are trafficked to the country for forced labor. Chinese organized crime groups still may traffic some Asian women and girls through Papua New Guinea to Australia, Indonesia, New Zealand, and other countries for forced prostitution and forced labor, though less frequently than in the past. Unique and enduring cultural practices in Papua New Guinea reinforce the perception of females and children as commodities - families often sell minor girls into marriages to settle their debts; tribes trade females for guns and political advantage; men compensate the relatives of a girl they have raped with a payment of pigs. Young girls sold into marriage are often also forced into domestic servitude for the husband's extended family. The majority of foreign victims voluntarily migrate to Papua New Guinea with valid passports and visas, lured by Chinese organized crime units, foreign logging companies, and Papuan businessmen with false offers to work as engineers, secretaries, cooks, and guards. After arrival in Papua New Guinea, most of the female victims are coerced into prostitution and domestic servitude at logging and mining camps. Foreign and Papuan men are more often exploited for labor at the camps. They work excessive hours in dangerous conditions, frequently with little or no safety gear. Many of these men are also compelled to continue working for the company indefinitely through induced debt bondage. Employers escalate the victims' indebtedness to the company by cutting workers' agreed-upon wages, taking unjustifiable payroll deductions, and artificially inflating prices at the only place in the region employees can buy food, the company store. 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. The government acknowledges the existence of forced labor in Papua New Guinea, but denies the widespread sex trafficking of women and children. Some corrupt government and law enforcement officials accept bribes to ignore trafficking-related activity. Despite evidence of a trafficking problem, to date no suspected trafficking offender has been arrested, prosecuted, or convicted of a human trafficking offense. The government lacks a systematic procedure to identify victims of trafficking in vulnerable populations, such as foreign women or children in prostitution, and has done little to prevent trafficking in Papua New Guinea.

Recommendations for Papua New Guinea: Continue the process of drafting and enacting legislation that prohibits and punishes all forms of trafficking; increase collaboration with civil society, religious, and tribal leaders to raise awareness about trafficking, including the need to reduce demand for forced labor and commercial sex acts; investigate, prosecute and punish officials who facilitate or benefit from trafficking; develop and institute a formal procedure to identify victims of trafficking among vulnerable groups; ensure victims of trafficking are not arrested, deported, or otherwise punished for acts committed as a direct result of being trafficked; and train law enforcement officers on victim identification and protection.



Prosecution

The Government of Papua New Guinea reported minimal progress in law enforcement efforts against trafficking offenders over the last year. The penal code of Papua New Guinea does not prohibit all forms of trafficking. Its criminal code, which does not prohibit the trafficking of adults, prohibits the trafficking of children for commercial sexual exploitation, slavery, and abduction. Labor laws prohibit fraudulent recruiting and employment practices, and prescribe weak penalties for offenders. Prostitution is prohibited in Papua New Guinea, but the relevant laws are either selectively or rarely enforced even in cases involving of children. In August 2008, the Transnational Crime Unit rescued a group of about 20 women forced to work in prostitution at a Chinese restaurant; no charges were filed against their alleged trafficker as none of the women would cooperate with police investigators. Trafficking-related crimes in rural areas were referred to village courts which administered customary law, rather than criminal law, and resolved cases through restitution paid to the victim, rather than through criminal penalties assigned to the trafficking offender. Wealthy business people, politicians, and police officials who benefit financially from the operation of establishments profiting from sex trafficking were not investigated or prosecuted. Most government offices and law enforcement agencies remained weak as the result of corruption, cronyism, a lack of accountability, and a promotion system based on patronage. In 2008, the government arranged for expert assistance with the drafting of a comprehensive anti-trafficking law, and began coordinating multi-agency preparations and contributions to the process.

Protection

The Government of Papua New Guinea demonstrated increasing efforts to protect and assist victims of trafficking. Due to severe resource constraints, the government continued to rely on international organizations or NGOs to provide victim services. The government contributed funds to a shelter for victims of domestic violence in Port Moresby run by an NGO, which could provide shelter and some legal aid to trafficking victims, although it did not do so during the year. Women's shelters in Port Moresby and Lae could also house foreign and local victims. The Department of Health, with NGO assistance, set up support centers in hospitals throughout the country for victims of domestic violence which could provide trafficking victims with direct counseling and outpatient services, although not long-term care. The government did not proactively identify trafficking victims among vulnerable populations. When potential victims of trafficking sought assistance from the government, they were often jailed, and some were sexually abused by police officers. Immigration inspectors routinely refused entry to potential trafficking victims identified at the borders. Other government officials, however, would more likely refer identified victims to social groups, churches, or NGOs for assistance. Rescued victims of internal trafficking often received compensation payments of cash or pigs from the offender, which is culturally acceptable in Papua New Guinea, and were reluctant to then notify police and bring additional criminal charges against their traffickers.

Prevention

The government continued to rely on international organizations and NGOs for the bulk of its trafficking prevention activities, such as efforts to raise public awareness about trafficking combined with education campaigns on child prostitution, HIV/AIDS, and domestic violence. The government increased cooperation with Australian and New Zealand Federal Police, as well

as other international law enforcement and customs agencies, to draft laws, and investigate and prevent transnational crimes including human trafficking. The government made some effort to reduce the demand for commercial sex acts as a way to halt the spread of HIV/AIDS. The government acknowledged that prostitution and child pornography are problems that need to be addressed. Papua New Guinea has not ratified the 2000 UN TIP Protocol.

PARAGUAY (Tier 2)

Paraguay is principally a source and transit country for women and children trafficked for the purpose of commercial sexual exploitation, as well as a source and transit country for men, women, and children trafficked into forced labor. Most Paraguayan victims are trafficked to Argentina and Spain; smaller numbers of victims are trafficked to Brazil, Chile, Italy, and Bolivia. In one case last year, two Paraguayan women were forced into arranged marriages with Korean men by a Brazilian-Korean trafficking syndicate in Sao Paulo. In another case, at least six children were trafficked to Japan for forced labor as domestic servants. The involuntary domestic servitude of adults and children within the country is a serious problem. Indigenous persons are vulnerable to forced labor exploitation, particularly in the Chaco region. Poor children are trafficked from rural areas to urban centers such as Asuncion, Ciudad del Este, and Encarnacion for commercial sexual exploitation and domestic servitude. Street children and working children are common targets for trafficking recruiters. According to the ILO, some traffickers coerce underage males, known as "taxi boys," into transgendered prostitution. Some of these boys are trafficked abroad, particularly to Italy. Trafficking of Paraguayan and Brazilian women, girls, and boys for commercial sexual exploitation commonly occurs in 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. Last year the government increased law enforcement efforts against trafficking offenders, but showed limited evidence of progress in providing adequate assistance to trafficking victims. The revised Penal Code, scheduled to come into force later this year, reinforces the existing legal framework available to prosecute trafficking offenses and strengthens penalties against trafficking crimes. However, the government did not make sufficient progress in confronting acts of official complicity.

Recommendations for Paraguay: Intensify efforts to identify and prosecute trafficking offenses, including domestic forced labor crimes, as well as efforts to convict and punish trafficking offenders; launch criminal investigations of public officials who may have facilitated trafficking activity; dedicate more resources for victim assistance; and increase efforts to raise public awareness about human trafficking, particularly among those seeking work abroad.

Prosecution

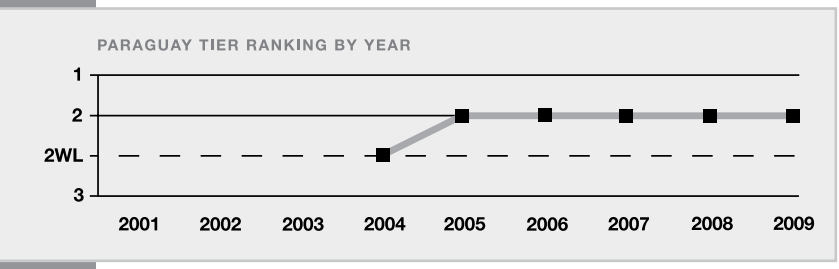
The Paraguayan government increased law enforcement actions against trafficking offenders during the past year, but made insufficient progress against official complicity in human trafficking. In October 2008, the Paraguayan Attorney General's office established an anti-trafficking prosecutorial unit with three attorneys and six assistants, which has increased the government's investigation of human trafficking crimes. However, during the past year, some government officials, including police, border guards, judges, and elected officials, reportedly facilitated trafficking crimes by accepting payments from traffickers; other officials reportedly undermined investigations or alerted suspected traffickers of impending arrests. Despite the serious nature of such allegations, Paraguayan authorities took only limited steps to investigate acts of trafficking-related corruption and there were no prosecutions related to official complicity in trafficking offenses.

Article 129 of the 1997 Paraguayan Penal Code prohibits transnational trafficking for the purpose of prostitution, prescribing penalties of six years' imprisonment. Articles 129(b) and (c) of a new code, which is scheduled to come into force in July 2009, will prohibit trafficking for the purposes of prostitution and forced labor through means of force, threats, deception, or trickery, prescribing penalties up to 12 years' imprisonment. All the above penalties are sufficiently stringent and commensurate with penalties prescribed for serious crimes, such as rape. To prosecute internal cases of human trafficking, including forced labor, prosecutors may also draw on deprivation of liberty and kidnapping statutes (articles 124 and 125), as well as other Penal Code provisions. During the reporting period, Paraguayan authorities opened investigations into 43 trafficking cases. Authorities indicted 11 traffickers and secured the convictions of four trafficking offenders in one case, who each received six years in prison. These results represent an increase in the government's investigative efforts compared to the previous year, when the government opened nine cases and obtained the convictions of five trafficking offenders in two cases. Cross-border cases investigated last year include two Paraguayan women who were trafficked to Chile for commercial sexual exploitation; the victims helped to identify nine other potential sex trafficking victims. In another case, a 15-year-old Paraguayan girl escaped from a brothel in Buenos Aires and filed a complaint with Paraguayan prosecutors; 25 women were subsequently rescued from the brothel with the assistance of Argentine law enforcement.

Protection

The government modestly increased efforts to protect victims of trafficking, but assistance in Paraguay remained inadequate overall. The government provides

short-term services such as medical, psychological, and legal assistance, in addition to temporary shelter care for adult women and girls. Paraguay does not have shelter facilities for men, and boys are typically placed with families or in foster care. Foreign trafficking victims generally do not have access to government-operated shelters. The government provides limited legal, medical, psychological, and shelter assistance to Paraguayans trafficked abroad and later repatriated to the country through the Secretariat of the Repatriated and Co-National Refugees (SEDERREC); however, follow-up with victims was inadequate. The government provides a small amount of funding to anti-trafficking NGOs, but relies on larger NGOs and international donors to furnish additional victim assistance. During the reporting period, prosecutors identified 67 trafficking victims, including 20 children, and referred 51 victims for care, compared to 14 victims assisted in the previous year. Paraguayan authorities encourage victims to assist with the investigation and prosecution of their traffickers, though some victims avoided the court system due to social stigma or fear of retaliation. Victims typically are not jailed, deported, or otherwise penalized for acts committed as a direct result of being trafficked. Paraguay does not have a formal system for proactively identifying trafficking victims among vulnerable populations such as prostituted women. Paraguay provides temporary or permanent residency status for foreign trafficking victims on a case-by-case basis.



Prevention

The government conducted prevention activities last year. The government's interagency anti-trafficking roundtable and the Women's Secretariat sponsored educational seminars for 663 government officials, and the government works closely with NGOs and international organizations on additional anti-trafficking efforts. The government reported no efforts to reduce consumer demand for commercial sex acts or forced labor.

PERU (Tier 2)

Peru is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. The majority of human trafficking occurs within the country. The ILO and IOM estimate that more than 20,000 persons are trafficked into conditions of forced labor within Peru, mainly in the mining and logging sectors, agriculture, the brick-making sector, and as domestic servants. Many trafficking victims are women and girls from impoverished rural regions of the Amazon, recruited and coerced into prostitution in urban nightclubs, bars, and brothels, often through false employment offers or promises of education. Indigenous persons are particularly vulnerable to being subjected to debt bondage by Amazon landowners. Forced child labor remains a problem, particularly in informal gold mines and coca production. To a lesser extent, Peruvians are trafficked to Ecuador, Spain, Italy, Japan, and the United States for commercial sexual exploitation, and to Argentina, Chile, and Brazil for forced labor. Peru also is a destination country for some Ecuadorian and Bolivian females trafficked for commercial sexual exploitation, and the trafficking of Bolivians for forced labor. The Peruvian government recognizes child sex tourism to be a problem, particularly in Iquitos, Madre de Dios, and Cuzco.

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. Last year, the government increased law enforcement efforts against sex trafficking crimes. Nonetheless, the government's efforts to combat forced labor crimes and provide victim assistance were inadequate. While Peruvian officials recognize human trafficking as a serious problem, and have taken concrete steps to address it, a stronger and more coordinated response by the government is required, especially in light of the estimated number of victims present in the country.

Recommendations for Peru: Increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including corrupt officials who may facilitate trafficking activity; increase investigations of forced labor crimes; increase protection services for victims or funding to NGOs with capacity to provide trafficking victims, including adult males, with specialized care; increase anti-trafficking training for prosecutors and judges and sustain training for police and other government personnel, including labor inspectors; increase public awareness of the dangers of human trafficking; improve data collection; and increase victim participation in their own cases.

Prosecution

The Government of Peru improved efforts to combat human trafficking through law enforcement last year. Peru prohibits all forms of trafficking in persons pursuant to Article 153 of its penal code, which prescribes penalties of eight to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Peru's anti-trafficking law was enacted in January 2007, and the law's implementing regulations were approved in November 2008, assigning anti-trafficking responsibilities to different government entities; the regulations also cite a strong need for increased anti-trafficking training. During the reporting period, the government opened 54 sex trafficking prosecutions and secured the convictions

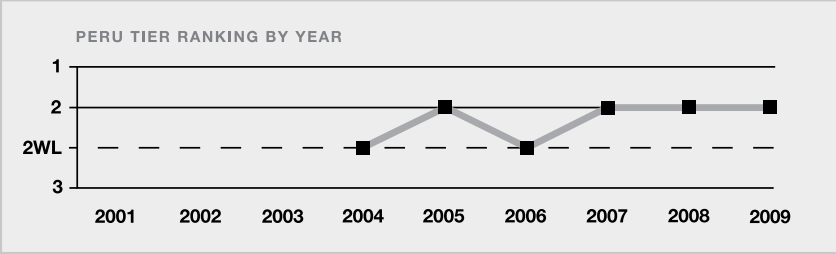
of five sex trafficking offenders, who received sentences ranging from eight to 12 years' imprisonment. Such results represent a significant increase from the previous year, when the government opened 15 prosecutions and achieved no convictions. Most defendants were convicted on charges involving the commercial sexual exploitation of minors, particularly in Iquitos. However, there were very few prosecutions or convictions reported for forced labor offenses, despite an estimated high incidence of forced labor in the country. In March 2008, the government established a dedicated anti-trafficking police unit, and it conducted raids of brothels that resulted in the rescue of 56 sex trafficking victims. Numerous barriers to effective police investigations of trafficking crimes remained, however, including an inadequate flow of information and coordination among police units at the local, metropolitan, and national levels, and with prosecutors and other actors in the criminal justice system, including social service providers. NGOs reported that many police still lacked sensitive interviewing techniques, and had limited knowledge of human trafficking crimes. Corruption among low-level officials enabled trafficking in certain instances, and individual police officers tolerated the operation of unlicensed brothels. No investigations of official complicity with trafficking activity were reported last year.

Protection

The government provided limited assistance to trafficking victims last year. Child victims of trafficking were referred to government institutions for basic shelter and care. Similarly, the government operated generalized shelters accessible to adult female victims of abuse, including trafficking victims. However, specialized services and shelter for trafficking victims remained largely unavailable. While the government provided some assistance to anti-trafficking NGOs, adequate victim services remained unavailable in many parts of the country. Last year, Peruvian authorities identified 153 trafficking victims, though the number of victims in the country is thought to be much higher. The government did not employ a formal mechanism for identifying trafficking victims among vulnerable populations, such as adult women in prostitution. Police made efforts to contact parents of identified child trafficking victims. Trafficking victims, however, often lacked personal identification documents and many police released them without classifying them as trafficking victims or referring them to shelters. Many minors exploited in prostitution ended up returning to brothels in search of shelter and food. Lack of victim participation in the investigation or prosecution of traffickers remained a problem. The government did not penalize victims 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 hardship or retribution, and the government assisted foreign victims with voluntary repatriation.

Prevention

The government sustained anti-trafficking prevention efforts, and continued operation of a toll-free IOM-assisted hotline for the reporting of trafficking crimes. The government aired anti-trafficking videos in transportation hubs, warning travelers of the legal consequences of engaging in trafficking activity or consuming services from trafficked persons. The government involved the private sector in its education campaigns and worked to gain public commitment from businesses not to participate in trafficking activity. The labor ministry and NGOs provided awareness campaigns to inform indigenous people of their rights and prevent debt bondage situations. The government provided specialized training on forced labor for a small number of labor inspectors last year. No additional efforts to reduce demand for commercial sex acts or forced labor were reported. Peruvian peacekeepers deployed to Haiti received standards of conduct training through the United Nations last year.



PHILIPPINES (Tier 2 Watch List)

The Philippines is a source, transit, and destination country for men, women, and children trafficked for commercial sexual exploitation and forced labor. A significant number of Filipino men and women who migrate abroad for work are subjected to conditions of involuntary servitude in Bahrain, Brunei, Canada, Cote d'Ivoire, Cyprus, Hong Kong, Japan, Kuwait, Lebanon, Malaysia, Palau, Qatar, Saudi Arabia, Singapore, South Africa, Taiwan, Turkey, and the United Arab Emirates. Muslim Filipina girls from Mindanao were trafficked to the Middle East by other Muslims.

Filipinas are also trafficked abroad for commercial sexual exploitation, primarily to Hong Kong, Japan, Malaysia, Singapore, South Korea, and countries in Africa, the Middle East, and Western Europe. Internally, women and children are trafficked from poor farming communities in the Visayas and Mindanao to urban areas such as Manila and Cebu City, but also increasingly to cities in Mindanao, for commercial sexual exploitation or for forced labor as domestic servants or factory workers. An increasing number of women and children from Mindanao were trafficked internally and transnationally for domestic work. Traffickers used land and sea transportation to transfer victims from island provinces to major cities. A growing trend continued to be the use

of budget airline carriers to transport victims out of the country. Traffickers used fake travel documents, falsified permits, and altered birth certificates. Migrant workers were often subject to violence, threats, inhumane living conditions, non-payment of salaries, and withholding of travel and identity documents. A small number of women are occasionally trafficked from the People's Republic of China, Russia, South Korea, and Eastern Europe to the Philippines for commercial sexual exploitation. NGOs suggested that organized crime syndicates, including syndicates from Japan, were heavily involved in Manila's commercial sex industry, where there are many domestic and some foreign victims of trafficking. International organized crime syndicates also transited trafficked persons from mainland China through the Philippines to third country destinations. Child sex tourism continues to be a serious problem for the Philippines, with sex tourists coming from Northeast Asia, Australia, Europe, and North America to engage in sexual activity with minors.

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. Despite these overall efforts, the government did not show evidence of progress in convicting trafficking offenders, particularly those responsible for labor trafficking; therefore, the Philippines is placed on Tier 2 Watch List. Although there was an increase in the number of trafficking cases filed in court, only four trafficking convictions were obtained under the 2003 anti-trafficking law during the reporting period, and there were no reported labor trafficking convictions, despite widespread reports of Filipinos trafficked for forced labor within the country and abroad. The number of convictions for sex trafficking offenders is low given the significant scope and magnitude of sex trafficking within the country and to destinations abroad. Achieving more tangible results in convicting trafficking offenders, and in investigating and prosecuting officials complicit in trafficking is essential for the Government of the Philippines to make more progress toward compliance with the minimum standards for the elimination of trafficking.

Recommendations for the Philippines: Significantly improve efforts to prosecute, convict, and punish trafficking offenders, including officials complicit in trafficking; dedicate more resources to efforts to prosecute trafficking cases; assess methods to measure and address domestic labor trafficking; implement anti-trafficking awareness campaigns directed at domestic and foreign clients of the sex trade in the Philippines; dedicate increased funding for the Inter-Agency Council Against Trafficking (IACAT) and improve anti-trafficking coordination between government agencies; disseminate information on the 2003 law throughout the country; and train law enforcement officers and prosecutors on the use of the 2003 law.

Prosecution

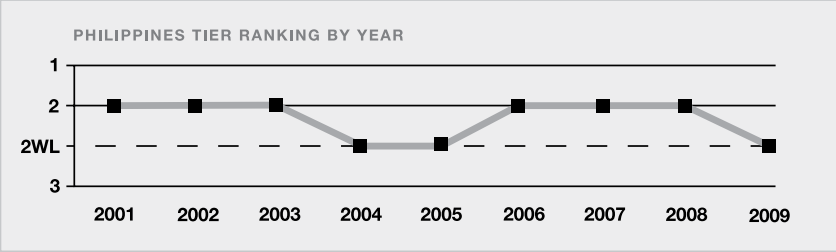
The Philippine government demonstrated sustained but inadequate efforts to convict trafficking offenders during the reporting period. The Philippines criminally prohibits trafficking for both sexual and labor exploitation through its 2003 Anti-Trafficking Persons Act, which prescribes penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government has convicted 12 individuals of trafficking since the passage of this act, all for sex trafficking offenses. During the reporting period, four individuals in three cases of sex trafficking were convicted in Philippine courts; three of the convictions were a result of cases filed and prosecuted by an NGO on behalf of victims under an approach where the Philippines allows private attorneys to prosecute cases under the direction and control of public prosecutors. One convicted trafficker was sentenced to life imprisonment, and the remaining three were sentenced to 20 years' imprisonment, in addition to fines and damages. In December 2008, after a four-year trial, a judge acquitted an accused trafficker charged with transporting minors from Mindanao to Manila with the intent of forcing them into prostitution because the minors were rescued before they were actually forced into prostitution. The case is being appealed. NGOs report that an impediment to successful trafficking prosecutions is the lack of understanding of trafficking among judges, prosecutors, and especially law enforcement officers, some of whom have limited knowledge of using evidence to build cases. The government did not convict any offenders of labor trafficking during the reporting period. Philippine law enforcement agencies reported 168 alleged trafficking cases to the Department of Justice (DOJ) in 2008, of which prosecutors initiated prosecutions in 97 of the cases, an increase of more than 60 percent over the prior year. The remaining cases remain under preliminary investigation or were dismissed for lack of evidence or witnesses, or on other grounds. In November 2008, the Philippine government assisted Malaysian authorities in the case of a Singaporean recruiter who allegedly trafficked Filipina women to Malaysia for commercial sexual exploitation.

The government's ability to effectively prosecute trafficking crimes is severely limited by an inefficient judicial system and endemic corruption. Despite a 2005 Department of Justice circular instructing that all trafficking cases receive preferential attention, trials often take years to conclude because of a lack of judges and courtrooms, high judge turnover, and non-continuous trials, which cause some victims to withdraw their testimony. Prosecutors with the DOJ's Anti-Trafficking Task Force handle trafficking cases along with many other types of cases, but receive special training to handle trafficking cases. A high vacancy rate among judges significantly slowed trial times further. In 2008, the Philippine Overseas Employment Agency (POEA) filed 318 administrative cases against licensed labor recruiters who used fraudulent and deceptive offers to entice job seekers abroad or imposed inappropriately high or illegal fees on prospective employees. There were seven convictions under the illegal recruitment law in 2008.

Corruption among law enforcement agents remained pervasive, and some law enforcement and immigration officers were complicit in trafficking and permitted organized crime groups involved in trafficking to conduct their illegal activities. It is widely believed that some government officials were directly involved in or profited from trafficking operations within the country. Law enforcement officers often extracted protection money from illegitimate businesses, including brothels, in return for tolerating their operation. During the reporting period, there were several reports of immigration officials involved in the trafficking of Filipinos overseas. The government conducted investigations during the year into official complicity or involvement in trafficking, but cases were still pending. The government did not prosecute or convict any officials for trafficking-related corruption during the reporting period. In September 2008, an Immigration officer was apprehended for her alleged role in aiding the trafficking of 17 Mindanao children to Syria and Jordan, but charges against her were dropped due to insufficient evidence. The 2005 case of police officer Dennis Reci, charged for allegedly trafficking minors for commercial sexual exploitation at his night club in Manila, was still pending in early 2009.

Protection

The Philippine government continued to provide support services to victims of human trafficking, including through sustained partnerships with NGOs and international organizations. Police sometimes brought charges of vagrancy against victims, despite laws that seek to ensure that victims are not penalized for crimes related to acts of trafficking. The government actively encouraged victims to assist in the investigation and prosecution of trafficking and related crimes, but the financial and emotional costs of prolonged and delayed court proceedings, which may take place in other provinces, often deterred victims from doing so. Fear of retaliation by their traffickers sometimes led victims to recant their testimony. Although the government offered victims modest protection from reprisals and economic dislocation, a lack of funding and awareness prevented victims from being offered more effective incentives for assisting in prosecutions of trafficking offenders. The government provides temporary residency status, relief from deportation, shelter, and access to legal, medical, and psychological services to trafficking victims. The Department of Social Welfare and Development operated 42 temporary shelters for victims of all types of crimes throughout the country that were available to trafficking victims. The Philippine Ports Authority provided buildings and amenities at halfway houses for trafficking victims at seven ports, which were managed by an NGO. The Manila International Airport Authority and a partner NGO opened a halfway house at the Ninoy Aquino International Airport in 2008. The Department of Foreign Affairs (DFA) extended assistance to Philippine citizens trafficked abroad and managed repatriations. The Department of Labor and Employment (DOLE) deployed 40 labor attaches who served in embassies around the world to help protect migrant workers. DOLE operated 20 Filipino Worker Resource Centers in 17 key labor destination countries, providing services and shelter to Filipinos who have suffered abuse or trafficking conditions. In addition, DOLE's Overseas Workers Welfare Administration (OWWA) continued to send welfare officers abroad to support the work of labor attaches. The IACAT released a manual on the recovery and reintegration of trafficking victims and developed national performance standards for government handling of cases of violence against women, including trafficking.



Prevention

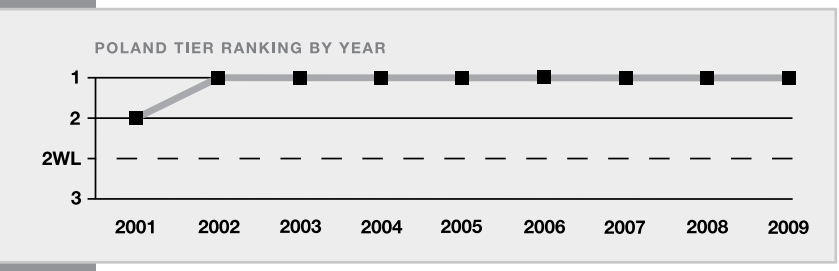
The Philippine government demonstrated continued efforts to raise awareness and prevent trafficking in persons, mainly for migrant workers, during the reporting period. In 2008, POEA conducted 1,250 pre-employment orientation seminars for over 60,000 departing overseas Filipino workers and trained approximately 130 local government units on how to identify warning signs of illegal recruitment and human trafficking, representing a significant increase over the number of local government units trained in 2007. POEA also trained diplomatic staff and overseas labor and social welfare officers in methods for assisting trafficking victims abroad. Since its establishment in 2004, the government has not provided funding to IACAT. While lacking a substantial budget, the IACAT cooperated with NGO anti-trafficking initiatives, including a road-show campaign against human trafficking in Mindanao. IACAT continued to support the creation of local IACAT councils and created model anti-trafficking local ordinances. The government continued to turn over suspected U.S. citizen child sex tourists to the U.S. government for prosecution in the United States. The government did not make any efforts to reduce the demand for child sex tourism. Prior to deployment of troops for peacekeeping operations, the Department of National Defense and the Philippine National Police conducted seminars and training for peacekeepers, including a training module on trafficking. The government routinely provided training on anti-trafficking and victim protection to personnel bound for overseas assignments. In 2008, DFA, with support from an international NGO, developed a computer-based, anti-trafficking course that trained 350 foreign service officers. The government did not make any other efforts to reduce the demand for commercial sex acts in the Philippines, despite the country's thriving commercial sex industry;

nor did the government take discernable steps to address the demand for forced labor.

POLAND (Tier 1)

Poland is a source country for men and women trafficked to Italy, Austria, Germany, Belgium, France, Spain, Sweden, the Netherlands, and Israel for purposes of forced labor and sexual exploitation. It is also a transit and destination country for women trafficked from Moldova, Ukraine, Bulgaria, Romania, Belarus, Russia, Sudan, Senegal, Uganda, Kenya, Djibouti, China, and Vietnam for the purpose of commercial sexual exploitation. Women from Ukraine, Bulgaria, Mongolia, and Vietnam are trafficked to Poland for purposes of forced labor, forced begging, and debt bondage.

The Government of Poland fully complies with the minimum standards for the elimination of trafficking. The government increased its reflection period for foreign victims to 90 days. The government also significantly increased funding for victim assistance programs, by pledging additional support for the only specialized trafficking shelter in the country and expanded the capacity of non-specialized shelters and crisis intervention centers to provide assistance to trafficking victims. The government worked with NGOs and international organizations to raise awareness of trafficking in Poland and abroad, including a limited number of campaigns to reduce demand for commercial sex acts.



Recommendations for Poland: Continue training for prosecutors and judges on the application of the existing trafficking law; ensure that a majority of trafficking offenders serve time in prison; expand sensitivity and awareness training for municipal and regional police and border guards; ensure that male trafficking victims are provided with adequate housing; continue to increase the shelter system's capacity to assist victims; and conduct additional awareness campaigns to reduce the demand for commercial sex acts.

Prosecution

The Government of Poland demonstrated progress in its overall law enforcement efforts during the reporting period. Poland prohibits all forms of trafficking through its criminal code. Article 203, Article 204, Sections 3 and 4, and Article 253 of the criminal code are used to prosecute sex trafficking cases. Article 253 and organized crime statutes are used to prosecute labor trafficking cases, though there are no provisions that specifically define and address trafficking for labor exploitation. Prosecutors rely on trafficking definitions in the 2000 UN TIP Protocol when pursuing cases against traffickers. Penalties prescribed under Article 253 range from three to 15 years' imprisonment, and Articles 203 and 204 prescribe from one to 10 years' imprisonment; these punishments are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. Law enforcement officials and NGOs continued to report that the lack of a clear legal definition of trafficking in Poland's criminal code limits effective prosecutions. Police investigated 119 alleged trafficking violations in 2008 under Articles 253, 203, and 204 (Sections 3 and 4), compared to 122 alleged trafficking violations in 2007. Authorities prosecuted 78 individuals in 2008, under Articles 253, 203, and 204 (Sections 3 and 4), an increase from 62 prosecutions in 2007. In 2008, 46 traffickers were convicted in Courts of First Instance under Articles 253 and 203, an increase from 43 convictions in 2007. Post-appeal sentences, which are considered final, are collected for Articles 253, 203, and 204 (Sections 3 and 4). In 2007, the most recent year for post-appeal sentencing data, 24 out of 42 convicted traffickers – or 57 percent – received suspended sentences; the remaining 18 convicted traffickers were given sentences ranging from one to five years' imprisonment. In 2006, 39 out of 86 – or 45 percent – of convicted traffickers were given suspended sentences. In 2008, the government continued to provide trafficking-related training to judges and prosecutors. There were also numerous training programs for law enforcement officials on victim identification. In March 2009, Poland's Central Anti-Trafficking Police Unit issued a new set of guidelines on identifying victims of forced begging to regional police units around the country.

Protection

The government demonstrated improved efforts to assist trafficking victims during the reporting period. Specifically, the government increased its direct assistance to the country's only specialized trafficking shelter by 40 percent (to $70,000) and in January 2009 pledged an additional $215,000 in emergency funding to keep the shelter open through December 2009. The promised grant was awarded in April 2009. In addition, the government expanded its network of specialized crisis intervention centers, which served both trafficking and domestic violence victims, from 33 in 2007 to 37 in 2008, and initiated a nationwide training program with the centers to improve provision of assistance to trafficking victims. The Law on Social Assistance provides that all foreign victims of trafficking are entitled to assistance. There are no specialized shelters for male victims of trafficking; as a result, male trafficking victims who require temporary housing are placed in facilities that provide social services and shelter for homeless people, as well as half-way houses for recently released prison inmates. Over the last year, 315 victims were identified by NGOs and authorities; most victims requested and received government-funded

assistance. In October 2008, the government extended the reflection period for foreign victims from two to three months; two victims used the reflection period in 2008. There were reports that police encouraged victims to cooperate immediately with law enforcement and to forego the reflection period. In 2008, 21 victims assisted law enforcement with trafficking investigations.

Prevention

The government demonstrated adequate efforts to prevent trafficking through awareness-raising activities in 2008. For example, the Ministry of Foreign Affairs (MFA) published a guidebook for Poles working abroad, warning them about the dangers of labor exploitation. A local government also conducted an awareness campaign through posters and leaflets targeting Polish labor migrants and provided information on methods of trafficking recruitment and offered practical advice on what to do if a person is trafficked. The MFA also distributed approximately 140,000 leaflets through Polish consulates in Eastern Europe and Central Asia for foreigners granted Polish work visas. The government carried out a limited number of law enforcement and public awareness campaigns to reduce demand for commercial sex acts over the year. The government provided anti-trafficking training for all military personnel and police being deployed abroad for international peacekeeping missions.

PORTUGAL (Tier 2)

Portugal is a destination, transit, and a source country for women, men, and children trafficked from Brazil and, to a lesser extent, from Ukraine, Moldova, Russia, Romania, and Africa for the purpose of commercial sexual exploitation and forced labor. The majority of trafficking victims identified in Portugal are Brazilian women trafficked for commercial sexual exploitation. Male victims from Eastern European countries are trafficked for forced labor into the farming and construction industries. According to a 2008 ILO Report, Portuguese men are also trafficked to Western Europe for forced labor. Trafficking victims also transit through Portugal to other European countries. There are an estimated 50-100 Roma children in Portugal, brought by family networks; some are trafficked for the purpose of forced begging.

The Government of Portugal does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government improved its collection of national data on trafficking, more vigorously investigated and prosecuted trafficking offenses, and implemented proactive anti-trafficking prevention campaigns during the reporting period. The government did not provide, however, comprehensive data on the number of trafficking offenders convicted and sentenced in 2008. Although the government identified a significant number of trafficking victims during the year, it reported that very few accepted law enforcement's offers for protection and assistance while detained; thus, many confirmed trafficking victims were not referred to NGOs for comprehensive care.

Recommendations for Portugal: Provide data on sentences given to convicted trafficking offenders; improve procedures for the proactive referral of potential trafficking victims to care and assistance; consider involving NGOs in the initial identification of potential trafficking victims; conduct awareness campaigns that educate clients about trafficking for sexual exploitation; and conduct specific anti-trafficking prevention training for military personnel being deployed abroad on international peacekeeping missions.

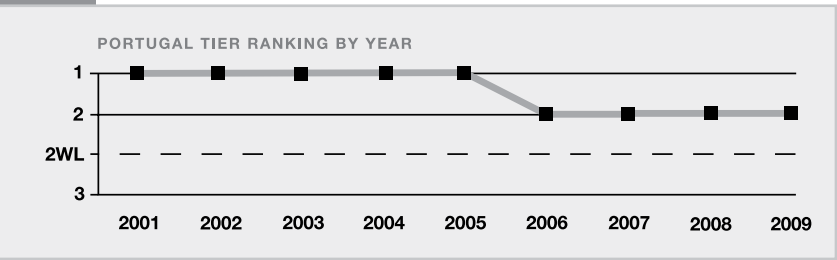
Prosecution

The Government of Portugal sustained its investigation and prosecution efforts in 2008 and improved its collection of national law enforcement data on trafficking. Portugal prohibits transnational and internal trafficking in persons for both labor and sexual exploitation through Article 160, which prescribes penalties of three to 12 years' imprisonment, which are sufficiently stringent and commensurate with those for other serious crimes. During 2008, the government investigated 55 suspected cases of trafficking, prosecuting 57 cases of sexual exploitation and forced labor, involving 190 charges. Some of these cases may include the prosecution of clients of prostitution. The government did not provide data on individuals convicted or sentenced. Law enforcement officials received periodic specialized anti-trafficking training during the reporting period. There were no reported cases of government officials complicit in trafficking.

Protection

The Government of Portugal continued to fund government and NGO shelters providing assistance to trafficking victims, and it provided protection to some identified victims in 2008. While authorities identified 138 trafficking victims during the reporting period, only 22 of these victims were permitted a 30- to 60-day reflection period during which to decide whether they wished to participate in a criminal investigation or prosecution against their traffickers. There continued to be a significant gap between the number of identified victims and those that accepted protection and assistance. Two victims were housed at the government shelter and eight were housed at an NGO shelter in 2008. The government employed a standardized method for collecting information on victims and informing those victims about available assistance while temporarily detaining them. However, gaps remain in the referral of victims for care, as questioning is done in a detention setting and NGOs are not involved in the initial identification process. In June 2008, the government signed a protocol guaranteeing the long-term funding for the safe house it opened for trafficking victims in January 2007. It continued to fund the majority of costs for an NGO-run shelter, provided an annual subsidy for another, and provided a fixed subsidy for each victim, including their children, for another. The government provided

foreign victims of trafficking with short-term legal alternatives to their removal; victims are given a limited time to legalize their residency status or are repatriated. Reportedly, the government worked with IOM to ensure that victims were returned responsibly to source countries; however, it did not provide data on repatriations for 2008. Victims reportedly did not face penalties for unlawful acts committed as a direct part of their being trafficked. The government encouraged victims to participate in investigations and prosecutions of trafficking offenders; eight victims testified against their traffickers during the reporting period. The government reported that police made proactive and systematic efforts to identify sex trafficking victims within its legal prostitution sectors.



Prevention

The Government of Portugal continued its proactive efforts to prevent trafficking during the reporting period. In October 2008, the government launched and publicized a national level campaign to raise public awareness about trafficking and publicized its immigrant hotline. The theme of the campaign was "Wake up to Reality: Don't Ignore It – Report It." Also in October 2008, it promoted an awareness campaign in one town in northern Portugal, to prevent the exploitation of Romanian immigrant farm workers. It also distributed 200,000 brochures to front-line responders with the goal of reaching more potential victims of trafficking. Portuguese officials also launched a campaign in October 2008 to alert students all over the country to the issue of trafficking. The government did not conduct awareness campaigns that educate clients of prostitution about trafficking for sexual exploitation. Although the Government of Portugal contributes troops to international peacekeeping efforts abroad, it did not provide specific anti-trafficking prevention training for these troops before deployment.

QATAR (Tier 2 Watch List)

Qatar is a transit and destination country for men and women trafficked for the purposes of involuntary servitude and, to a lesser extent, commercial sexual exploitation. Men and women from India, Pakistan, Bangladesh, Nepal, the Philippines, Indonesia, Vietnam, Sri Lanka, Ethiopia, Sudan, Thailand, Egypt, Syria, Jordan, and China voluntarily travel to Qatar 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. One Nepali man was reportedly recruited for work in Qatar as a domestic servant, but was then coerced or forced into labor in Saudi Arabia as a farm worker. Qatar is also a destination for women from China, Indonesia, the Philippines, Morocco, Sri Lanka, Lebanon, India, Africa, and Eastern Europe for prostitution, but it is unknown how many are trafficked for the purpose of commercial sexual exploitation.

The Government of Qatar does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In February 2009, Qatar enacted a new migrant worker sponsorship law that criminalizes some practices commonly used by trafficking offenders, and it announced plans to use that law effectively to prevent human trafficking. Senior members of the Qatari government have indicated their plans to finalize and enact a draft comprehensive law on human trafficking. These measures constitute significant efforts by the Qatari government; because they are steps that the government has indicated it will carry out over the coming year, Qatar is placed on Tier 2 Watch List. The Qatari government in early 2009 launched a month-long public outreach campaign that involved local imams advocating anti-trafficking norms and designed to heighten citizen awareness of trafficking in persons. However, punishment for offenses related to trafficking in persons remains lower than that for crimes such as rape and kidnapping, and the Qatari government has yet to take significant action to investigate, prosecute, and punish trafficking offenses. In addition, the government continues to lack formal victim identification procedures and, as a result, victims of trafficking are likely punished for acts committed as a direct result of being trafficked.

Recommendations for Qatar: 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; and abolish or significantly amend provisions of Qatar's sponsorship law – such as the provision requiring workers to obtain their sponsor's permission to leave Qatar – to prevent the forced labor of migrant workers.

Prosecution

The Government of Qatar made modest efforts to investigate and prosecute trafficking offenses during the reporting period. Qatar does not prohibit all acts

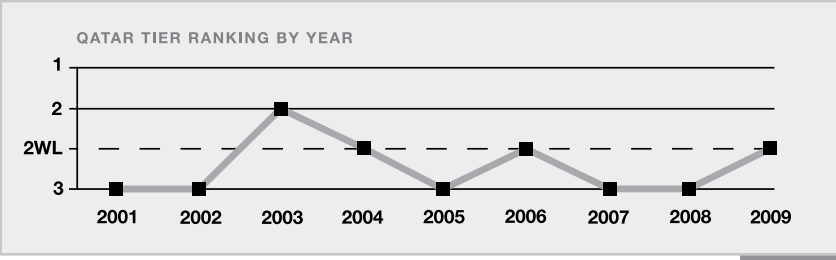
of trafficking, but it criminalizes slavery under Section 321 and forced labor under Section 322 of its Criminal Law. The prescribed penalty for forced labor – up to six months' imprisonment – is not sufficiently stringent. Article 297 prohibits the forced or coerced prostitution of a child below age 16; the prescribed penalty is up to 15 years' imprisonment, which is commensurate with penalties prescribed for other grave crimes, such as rape. In February of 2009, the Qatari government enacted a new sponsorship law that explicitly prohibited certain acts found to be common to trafficking in persons. Under this new law, employers face stiff penalties and up to three years in jail for such offenses as withholding employees' passports and forcing employees to work for people other than their sponsors. Nonetheless, the government does not have any laws that specifically target all trafficking offenses. During the reporting period, the government prosecuted two individuals under trafficking-related laws. One of these resulted in the conviction of a foreign national for murdering a domestic worker who was believed to have been subjected to conditions of forced labor; the defendant was sentenced to seven years' imprisonment. The government provided no other evidence of criminally prosecuting or punishing employers or recruiters for forced labor or fraudulent recruitment. Similarly, the government failed to report any law enforcement efforts against trafficking for commercial sexual exploitation.

Protection

Qatar failed to make signficant efforts to protect 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 offered protection. Qatar 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 the underlying causes. Some potential victims remain in deportation centers for several months pending resolution of their cases, permission from their sponsors to leave the country, or in retaliation for seeking to recover unpaid wages or request a new sponsor. The government-operated shelter for victims of trafficking remained underutilized, although it provides some victims with medical, psychological, and legal assistance. During the reporting period, the shelter assisted five victims in filing civil charges against their employers. Qatar sometimes offers relief from deportation so that victims can testify as witnesses against their employers. Nonetheless, 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

Qatar made significant efforts to prevent trafficking in persons during the reporting period. The government continued to produce informational anti-trafficking brochures in several targeted languages, posters, and radio and TV commercials. In addition, a large outreach program that enlisted the support of local imams began in March 2009 with the aim of educating Qatari citizens about the moral and legal implications of trafficking in persons. During the year, senior Qatari officials made public statements reflecting the government's recognition that trafficking in persons is a serious problem in Qatar, though the problem was characterized as a phenomenon that originates in the country of origin rather than Qatar itself. Qatar also tightened visa requirements to prevent the entry of women suspected of engaging in prostitution, but did not report efforts to distinguish these women from victims of trafficking to protect them. The government did not take any other reported measures to reduce the demand for commercial sex acts. Similarly, Qatar did not undertake any known public awareness campaigns targeting citizens traveling to known child sex tourism destinations abroad. Qatar has not ratified the 2000 UN TIP Protocol.

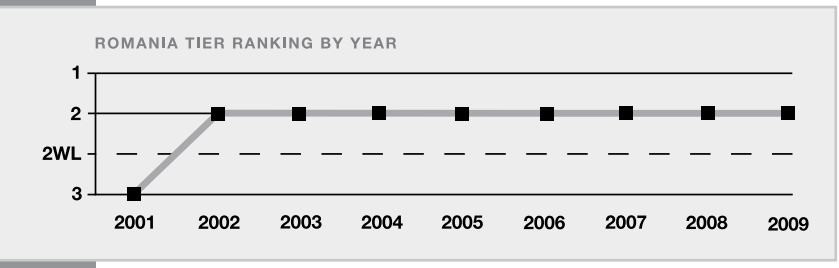


ROMANIA (Tier 2)

Romania is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Romanian men, women, and children are trafficked to Spain, Italy, Greece, the Czech Republic, and Germany for commercial sexual exploitation, forced begging, and forced labor in the agriculture, construction, and service sectors. Men and women from Romania are trafficked to Cyprus, the Netherlands, Slovakia, Poland, Portugal, Belgium, Turkey, Sweden, Hungary, and Denmark for the purposes of commercial sexual exploitation and forced labor. Romanian men, women, and children are trafficked within the country for commercial sexual exploitation and forced labor, including forced begging and petty theft. In 2008, 69 percent of victims identified were trafficked for forced labor. Romania is a destination country for a small number of women from Moldova, Colombia, and France trafficked into forced prostitution and a small number of men from the Democratic Republic of the Congo and Honduras trafficked for forced labor.

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. In 2008, the government significantly increased its funding of NGOs providing victim assistance, made notable improvements in victim referrals by law enforcement, and continued efforts to raise awareness of both sex and labor trafficking. The government also demonstrated strong cooperation with foreign law enforcement counterparts, resulting in the disruption of several high-profile trafficking rings. However, the number of victims who received government-funded assistance significantly decreased in 2008. Although 69 percent of identified victims were trafficked for the purpose of labor exploitation, the government was again unable to report significant efforts to address labor trafficking. The Government of Romania announced plans in March 2009 to reorganize the government's lead anti-trafficking agency – the National Agency against Trafficking in Persons (NAATIP). Experts expressed concern that the proposed reorganization could reduce the authority and independence of NAATIP, and could negatively affect government cooperation with NGOs, and victim treatment, assistance, and protection.



Recommendations for Romania: Take concerted steps to investigate and punish acts of labor trafficking; increase the number of victims provided access to government-funded assistance; and provide victim sensitivity training for judges.

Prosecution

Romania sustained its law enforcement efforts over 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 grave crimes, such as rape. In 2008, authorities investigated 494 new cases, up from 232 new cases in 2007. The government prosecuted 329 individuals for trafficking in 2008, compared to 398 individuals prosecuted in 2007. During the reporting period, Romania convicted 125 trafficking offenders, down from 188 individuals convicted in 2007. During the reporting period, 106 of the 125 convicted traffickers served some time in prison; 19 traffickers were given suspended sentences and served no time in prison. In 2008, forty-eight traffickers were sentenced to one to five years' imprisonment, 56 traffickers were sentenced to five to 10 years' imprisonment, and two traffickers were sentenced to more than 10 years' imprisonment. There were no reports that government officials were involved in trafficking during the reporting period

Protection

Romania demonstrated adequate efforts to protect and assist victims of trafficking during the reporting period. In 2008, the government provided $270,000 in support to four NGOs to provide assistance to victims of trafficking compared to $72,000 in 2007. Three hundred-six victims were provided with government-funded assistance, down from 669 victims assisted by the government in 2007. An additional 234 victims were assisted by non-government funded programs. In 2008, the government identified 1,240 victims, compared to 1,662 victims identified in 2007. In 2008, there were at least 649 identified victims of forced labor and at least 287 identified victims of sexual exploitation. The government operated nine shelters for victims of trafficking, though their quality varied and most victims preferred to go to NGO-operated shelters. Victims were encouraged to participate in trafficking investigations and prosecutions; 1,053 victims assisted such law enforcement efforts in 2008. Foreign victims receive a 90-day reflection period to decide whether they would like to cooperate in a criminal proceeding. Law enforcement proactively identified and referred 540 victims of trafficking for assistance. While the rights of victims were generally respected and victims were not punished for acts committed as a result of being trafficked, some judges were disrespectful toward female victims of sex trafficking which discouraged victims from participating in trafficking cases.

Prevention

Romania continued its efforts to raise awareness and prevent human trafficking during the reporting period. The government, in conjunction with NGOs, conducted two demand reduction campaigns that specifically targeted clients of the sex trade. The government also worked with counterparts in the Czech Republic and IOM to raise awareness about Romanians trafficked to the Czech Republic for forced labor. In 2008, the government provided 24 trafficking awareness training sessions for Romanian troops prior to their deployment abroad on international peacekeeping missions.

RUSSIA (Tier 2 Watch List)

Russia is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. Men and women from the Russian Far East are trafficked to South Korea, China, Bahrain, Oman, Japan, and South Korea for purposes of sexual exploitation, debt bondage, and forced labor, including in the agricultural and fishing sectors. Some Russian women are trafficked to Turkey, Greece, South Africa, Germany, Poland, Italy, Israel, Spain, Vietnam, Thailand, Australia, New Zealand, and the Middle East for the purpose of commercial sexual exploitation. Men and women from Central Asia and Ukraine are trafficked to the Russian Far East for the

purpose of forced labor, including victims trafficked for forced labor in the fishing industry. The ILO reports that labor trafficking is the most predominant form of trafficking in Russia. Men and women are trafficked within Russia and from Kyrgyzstan, Tajikistan, Uzbekistan, Ukraine, and Moldova to Russia for the purposes of commercial sexual exploitation and forced labor, including work in the construction industry. A significant number of men from Belarus are trafficked to Russia for the purpose of forced labor in the construction, manufacturing, and fishing sectors. Moscow and St. Petersburg have been destinations for children trafficked within Russia and from Ukraine and Moldova for purposes of sexual exploitation and forced begging. Men from Western Europe and the United States travel to Western Russia, specifically St. Petersburg, for the purpose of child sex tourism; experts continue to credit a decrease in the number of child victims in these cities to aggressive police investigations and Russian cooperation with foreign law enforcement.

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 significant efforts, the government over the last year: decreased the number of reported trafficking investigations, prosecutions, and convictions; did not vigorously prosecute, convict, and punish government officials; made no significant efforts to improve identification of and assistance to victims of trafficking; and did not make adequate efforts to address labor trafficking; therefore, Russia is placed on Tier 2 Watch List. Victim identification and assistance remained inadequate and varied in quality and availability, despite efforts by some regional and local authorities. The federal government did not dedicate funding to anti-trafficking activities or trafficking victim assistance during the reporting period; and, despite limited funding by some local governments, the majority of shelter and direct trafficking assistance continued to be provided by foreign-funded international organizations and NGOs.

Recommendations for Russia: Develop and implement a comprehensive national strategy that addresses all forms of trafficking and provides comprehensive victim assistance throughout Russia; provide funding from federal, regional, and/or municipal budgets to implement this national strategy; allocate funding to anti-trafficking NGOs that provide victim assistance and rehabilitative care; increase the number of victims identified and assisted; designate trafficking-specific responsibilities to relevant government ministries on the national and regional levels; establish an official federal coordinating body with the authority to implement the national strategy; increase the number of investigations, prosecutions, and convictions for trafficking offenses, particularly government officials complicit in trafficking; ensure convicted traffickers and convicted complicit officials are sentenced to some time in prison; create a central repository for investigation, prosecution, conviction, and sentencing data for trafficking cases; continue efforts to raise public awareness of both sex and labor trafficking; increase efforts to investigate, prosecute, convict, and punish labor trafficking offenses; and continue to take steps to prevent the use of forced labor in construction projects for the 2014 Winter Olympics.

Prosecution

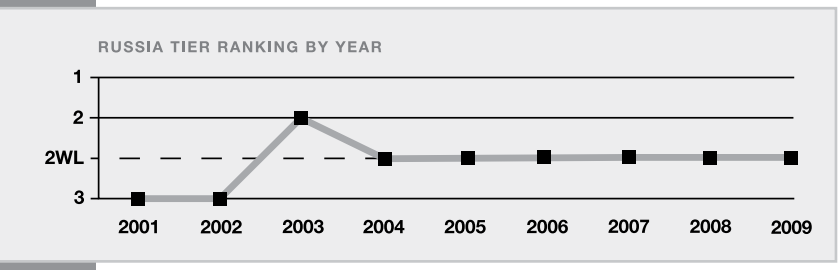
The Government of the Russian Federation sustained its investigation efforts, but reported limited prosecution and no conviction efforts during the reporting period. Article 127 of the Russian Criminal Code prohibits both trafficking for commercial sexual exploitation and forced labor. Other criminal statutes are also used to prosecute and convict traffickers. Article 127 provides punishments of up to five years' imprisonment for trafficking crimes and aggravating circumstances may extend penalties up to 15 years' imprisonment; this is commensurate with punishments prescribed for other grave crimes, such as rape. In 2008, police conducted 111 trafficking investigations under Article 127 – 95 for sex trafficking and 16 for forced labor cases – down from 139 trafficking investigations in 2007. It was difficult to ascertain the exact number of prosecutions and convictions resulting from these investigations because the government again did not collect and maintain such statistics. At least nine traffickers were prosecuted during the reporting period, compared with at least 46 prosecutions in 2007. The government did not report the number of convicted traffickers or those sentenced to serve time in prison during the reporting period. In July 2006, the Duma passed asset forfeiture legislation that permits prosecutors to forfeit the assets of convicted persons, including traffickers; however, there were no reports that the law has been used against human traffickers since its enactment.

In 2008, authorities reportedly investigated three high-level officials for possible involvement in human trafficking, including one military official for organizing an international sex trafficking syndicate which was allegedly responsible for trafficking 130 women and girls from Eastern Europe to Western Europe and the Middle East between 1999 and 2007. One low-level police officer was arrested for trafficking women to the UAE and two low-level police officers were arrested for trafficking women within Russia for commercial sexual exploitation; these investigations were ongoing at the end of the reporting period. There was no updated information on whether the three officials that were arrested for trafficking-related complicity in 2007 – as reported in the 2008 Report – were prosecuted, convicted, or punished during the reporting period. There was no updated information on whether the five military officials investigated in 2007 for the labor exploitation of military conscripts under their command were prosecuted, convicted, or punished for their actions during the reporting period.

Protection

Russia demonstrated limited progress in improving its inadequate efforts to protect and assist victims during the reporting period. Russia lacks national policies and

national programs to provide specific assistance for trafficking victims. The majority of aid to NGOs and international organizations providing victim assistance continued to be funded by international donors. Some local governments reportedly provided modest financial and in-kind support to some anti-trafficking NGOs. A local government in the Russian Far East provided facility space for a foreign-funded shelter that opened in February 2009; one victim was assisted during the reporting period. The City of St. Petersburg continued to fund a number of shelters for children which provided assistance to some child victims of trafficking in 2008. Although the government did not track the number of victims assisted by local governments and NGOs in 2008, some victims of trafficking were provided with limited assistance at regional and municipal-run government-funded domestic violence and homeless shelters. However, the quality of these shelters varied and they were often ill-equipped to provide for the specific legal, medical, and psychological needs of trafficking victims. Also, foreign and Russian victims found in regions where they did not reside were sometimes denied access to state-run general health care and social assistance programs, as local governments could restrict eligibility to these services to local residents.



Russia demonstrated inadequate efforts to identify victims; the majority of assisted victims continued to be identified by NGOs or international organizations. Some municipalities across Russia had cooperation agreements between NGOs and local authorities to refer victims for assistance, and in 2008, an increasing number of the victims assisted nation-wide were referred by government officials; IOM reported that approximately 48 percent of the 117 trafficking victims assisted by their foreign-funded shelter in Moscow were referred by law enforcement and other government authorities. In October 2008, a local government in Tatarstan signed a Memorandum of Understanding with a local NGO to improve victim identification and referral for assistance. In early April 2009, an NGO-run shelter in Vladivostok also signed a similar agreement with the local police. Police in some communities encouraged victims to participate in trafficking investigations and prosecutions. The Ministry of Interior introduced anti-trafficking training in its police academies. No victims of trafficking were assisted by the witness protection program in 2008. Foreign victims were permitted to reside in Russia pending the investigation and prosecution of their trafficker and may petition for asylum to remain in Russia. There were no reports that victims were punished for unlawful acts committed as a direct result of being trafficked.

Prevention

Russia maintained its modest awareness efforts from the previous reporting period. Government-owned media in newspapers, television, and over the Internet reported numerous stories and aired documentaries relating to human trafficking, and often detailed preventative measures for potential victims to avoid falling prey to traffickers. The Russian Academy of Sciences conducted a recent survey of 837 potential victims of trafficking; the results indicated that more than 70 percent of those surveyed were aware of the dangers of both sex and labor trafficking. The Ministry of Foreign Affairs continued to maintain a website warning Russian citizens traveling abroad about the dangers of trafficking. The government did not take specific steps to reduce the demand for commercial sex acts. In 2008, one American man was arrested by authorities for the commercial sexual exploitation of a child; the defendant subsequently pleaded guilty and was expected to be sentenced after the conclusion of the reporting period. The government did not report trafficking-specific training for its troops deployed abroad as peacekeepers. The regional government in Yekaterinburg continued to fund a migrant center that worked with local Diaspora organizations to shelter and legalize migrants, making them less vulnerable to labor trafficking in the region.

RWANDA (Tier 2)

Rwanda is a source country for some women and children trafficked for the purposes of forced labor and sexual exploitation. Rwandan girls are trafficked within the country for domestic servitude, as well as for commercial sexual exploitation; in a limited number of cases, this trafficking is facilitated by loosely organized prostitution networks. There were isolated reports of such sex trafficking networks operating in secondary schools and universities. In addition, older females reportedly offer vulnerable younger girls room and board, eventually pushing them into prostitution to pay for their keep. Rwandan children are also trafficked to Uganda, Tanzania, and Kenya for agricultural labor or use in commercial sexual exploitation. Recruiters for the National Congress for the Defense of the People (CNDP), fraudulently promising high paying employment, defrauded Congolese men and boys from Rwanda-based refugee camps, as well as Rwandan adults and children from towns in western Rwanda, into forced labor and soldiering in the Democratic Republic of the Congo (DRC). In December 2008, the UN Group of Experts on the DRC released a report accusing Rwandan authorities of complicity in the fraudulent recruitment of soldiers, including children, by the CNDP and their movement across the border. Rwandan police or administrative

officers reportedly were sometimes present during such recruitment.

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 concluded its first known anti-trafficking prosecution.

Recommendations for Rwanda: Enact and enforce the anti-trafficking provisions of the draft Penal Code through increased investigations and prosecutions of traffickers; take additional steps to assist children trafficked into prostitution and domestic servitude and to provide for their care; and launch a nationwide anti-trafficking public awareness campaign.

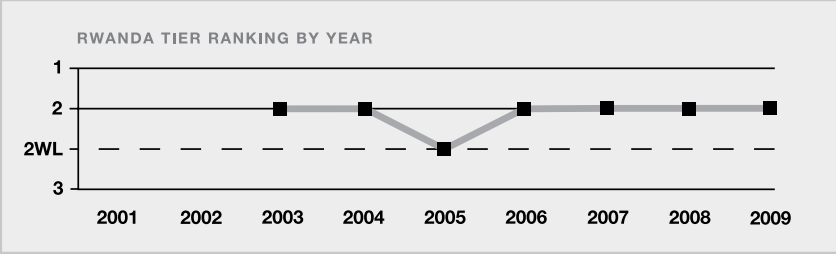
Prosecution

The government's anti-trafficking law enforcement efforts increased modestly during the reporting period. Rwandan law does not prohibit all forms of trafficking in persons, though existing penal and labor code statutes prohibit slavery, forced labor, forced prostitution, and child prostitution, under which traffickers are prosecuted. Prescribed penalties under these statutes range from small fines to six years' imprisonment, which are sufficiently stringent but not commensurate with penalties prescribed for other grave crimes. Penal code revisions that encompass draft anti-trafficking legislation remained under consideration by the plenary of the Chamber of Deputies in 2008. Amendments to the Child Protection Law, which include draft provisions criminalizing the actions of hotels and cinema halls that provide venues for child prostitution, were not passed during the reporting period. In 2008, the Cabinet approved revisions to the labor code and transferred them to Parliament for review. On the local level, more than 10 districts have instituted bylaws against child labor that prescribe fines for employers and parents; NGOs reported that these bylaws' provision of fines, accompanied by sensitization campaigns, has had a deterrent effect on child labor in local jurisdictions.

The government did not provide statistics on the punishment of trafficking offenders during the year. However, in May 2008, the Gasabo district court sentenced a man to 30 years' imprisonment for operating an underage prostitution ring. Due to her status as a minor, his 17-year-old accomplice received a suspended sentence of five years' imprisonment. This is the country's first known conviction of a trafficking offender. In December 2008, the government arrested but has yet to charge three Rwandans suspected of illegally recruiting children and adults on behalf of the CNDP. Labor inspectors issued warnings and levied fines during the reporting period against those illegally employing children; no cases of forced labor were brought to court. At border crossings and security checkpoints throughout the country, the National Police questioned men traveling with children but without an adult female and inspected suspected irregularities, including any possible indications of trafficking; such inspections yielded no reported cases of trafficking.

Protection

With the exception of its care for former child combatants, some of whom are trafficking victims, the government provided few protective services to victims. The Rwandan Demobilization and Reintegration Commission (RDRC) continued operation of a center for child ex-combatants in Muhazi, which provided three months of care and education to children returned from the DRC by the United Nations Mission to the Congo; 28 children arrived at the center during the reporting period, joining 13 children who remained at the center from the previous reporting period. The RDRC worked with local authorities and an NGO to locate the children's families, and social workers sensitized the families before their child's return; in 2008, 12 children were reunited with their families. RDRC's social workers and district integration officers track each child's progress for two years and provide assistance with school fees and expenses, as well as offering income-generating support to their families.



In January 2009, Rwandan authorities cooperated with Ugandan law enforcement to repatriate a trafficked Rwandan boy to the country. During the reporting period, some local authorities identified children in prostitution and brought them to the attention of local organizations for assistance. The police headquarters in Kigali operated a hotline and an examination room for victims of gender-based violence; both were staffed by trained counselors and could be used by female victims of trafficking. Fully equipped examination rooms were also operational in Gasabo and Rwamagana. In June 2008, the Supreme Court distributed three checklists developed for police officers, prosecutors, and judges, respectively, on proper investigative, protective, and judicial procedures for addressing the needs of sexual and domestic violence victims; these measures are also applicable to the provision of protective services to trafficking victims. Resource and capacity constraints hindered full implementation of these procedures nationwide. In "catch-up" education programs spread over 80 centers, the Ministry of Education provided education for approximately 9,000 children who had missed all or part of their primary education due to involvement in child labor. The government encouraged victims to participate in investigation and prosecution of trafficking crimes and

did not penalize victims for unlawful acts committed as a direct result of their being trafficked during the reporting period. Beyond a temporary stay of up to one month, existing legal statutes do not provide foreign trafficking victims with legal alternatives to their removal to a country where they may face hardship or retribution.

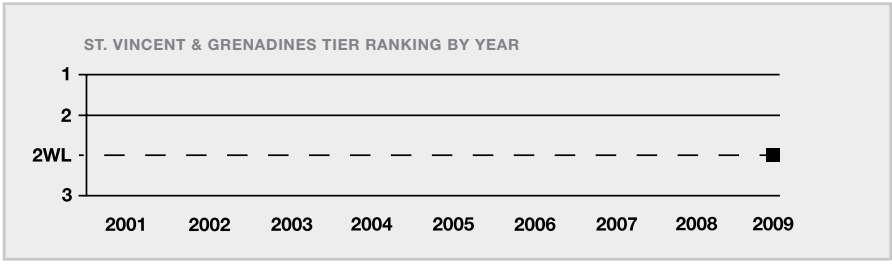
Prevention

The government's anti-trafficking prevention efforts significantly increased during the reporting period. There is, however, a general lack of understanding among government officials and the general population of what constitutes human trafficking. In January 2009, the Acting Commissioner General of Police spoke publicly about a case of child trafficking to Uganda and the importance of addressing trafficking crimes as a regional concern. In 2008, the Ministry of Public Service and Labor (MIFOTRA) and an NGO produced a documentary on child labor that was broadcast on national television eight times. The national university's radio station, in collaboration with labor inspectors, conducted awareness programs for parents, children, and teachers on exploitative child labor. District child labor task forces, comprised of the mayor, the vice mayor for social affairs, police, army child protection officers, education officers, teachers, and local leaders, met bi-monthly and conducted sensitization activities on the dangers and illegality of exploiting child labor, including during monthly community service days. In mid-2008, cell leaders, under the supervision of the Nyaruguru district child labor task force, conducted a survey assessing the extent of exploitative child labor and released the results in February 2009. In an effort to reduce the demand for commercial sex acts, men arrested for procuring females in prostitution received informal sensitization on women's rights, including a brochure on gender-based violence. Rwandan troops deployed to the UN peacekeeping mission in Darfur received training on gender sensitivity and sexual exploitation.

ST. VINCENT AND THE GRENADINES (Tier 2 Watch List)

St. Vincent and the Grenadines is a potential source country for children trafficked internally for the purposes of sexual exploitation; it may also be a destination country for women trafficked for the purposes of commercial sexual exploitation. Anecdotal reporting suggests the number of victims trafficked in, to, or through St. Vincent and the Grenadines is small. Information on the full extent of human trafficking in St. Vincent and the Grenadines, however, is lacking, as neither the government nor NGOs have conducted any related investigations, studies, or surveys. Reports indicate that a traditional practice of sending children away from home to live with another family is sometimes misused for the purpose of coercing children into commercial sexual exploitation. In these situations, care-givers force fostered children into sexual relationships in exchange for financial and in-kind compensation.

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. Despite these overall significant efforts, the government did not provide evidence of vigorous law enforcement efforts to combat trafficking by investigating reports of the commercial sexual exploitation of children and of women who may be forced to engage in prostitution; therefore, St. Vincent and the Grenadines is placed on Tier 2 Watch List.



Recommendations for St. Vincent and the Grenadines: Develop and implement a comprehensive anti-trafficking law; investigate allegations of the commercial sexual exploitation of children; utilize existing legal statutes to prosecute cases of women or children forced into commercial sexual exploitation; and provide protective services to children rescued from commercial sexual exploitation.

Prosecution

The Government of St. Vincent and the Grenadines did not make adequate progress in anti-trafficking law enforcement efforts over the last year. It has no specific or comprehensive laws prohibiting trafficking in persons, although slavery and forced labor are both constitutionally prohibited. Trafficking offenders could be prosecuted under relevant provisions in immigration, prostitution, or labor laws, though there were no such reported efforts over the past year. Sufficiently stringent penalties for trafficking offenders under these laws, ranging from 10-15 years' imprisonment, are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government did not receive reports of trafficking victims during the reporting period. St. Vincent and the Grenadines legal experts, in conjunction with IOM and nine other Caribbean countries, developed and published a counter-trafficking legislative model for the Caribbean and the accompanying explanatory guidelines.

Protection

In cooperation with local NGOs, the government ensures victims' access to limited medical, psychological, legal, and social services. The St. Vincent and the Grenadines

Human Rights Association would provide legal services and other limited aid to identified trafficking victims, though it was not requested to do so during the year. Government officials did not proactively identify victims of trafficking for the purpose of forced labor or commercial sexual exploitation. The government provided some funding to a local NGO which offers counseling and other victim care services that would 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 incarcerated, fined, or otherwise penalized for offenses committed solely as a direct result of being trafficked. The government has collaborated, however, with international organizations to provide specialized training in identifying and reaching out to potential victims.

Prevention

The government made weak efforts to prevent trafficking and increase the public's awareness of human trafficking in St. Vincent and the Grenadines. The government conducted no anti-trafficking campaigns and made no efforts to reduce the demand for commercial sex acts.

SAUDI ARABIA (Tier 3)

Saudi Arabia is a destination country for men and women trafficked for the purposes of involuntary servitude and, to a lesser extent, commercial sexual exploitation. Men and women from Bangladesh, India, Sri Lanka, Nepal, Pakistan, the Philippines, Indonesia, Sudan, Ethiopia, 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 restrictions on movement, withholding of passports, threats, physical or sexual abuse, and non-payment of wages. Women, primarily from Asian and African countries, are also believed to have been trafficked into Saudi Arabia for commercial sexual exploitation; others were reportedly kidnapped and forced into prostitution after running away from abusive employers. In addition, Saudi Arabia is a destination country for Nigerian, Yemeni, Pakistani, Afghan, Chadian, and Sudanese children trafficked for involuntary servitude as forced beggars and street vendors. Some Saudi nationals travel to destinations including Morocco, Egypt, Yemen, Afghanistan, Pakistan, India, and Bangladesh to engage in commercial sexual exploitation. Some Saudi men have also used legally contracted "temporary marriages" in countries such as Mauritania, Yemen, and Indonesia as a means by which to sexually exploit migrant workers. Females as young as seven years old are led to believe they are being wed in earnest, but upon arrival in Saudi Arabia subsequently become their husbands' sexual slaves, are forced into domestic labor and, in some cases, prostitution.

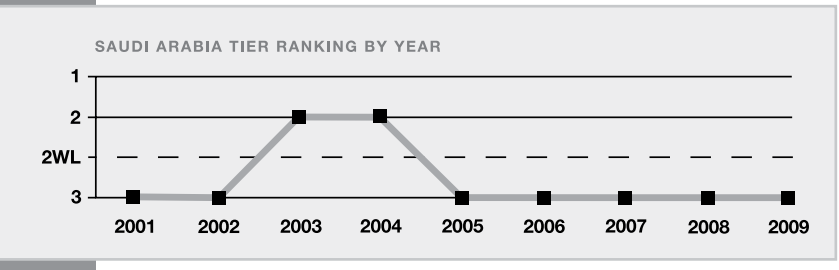
The Government of Saudi Arabia does not fully comply with the minimum standards for the elimination of trafficking and is not making discernible efforts to do so. There is no evidence that the government criminally prosecutes or punishes trafficking offenders, particularly abusive employers and fraudulent recruiters involved in labor trafficking. Furthermore, it has not been observed that the government took law enforcement action against trafficking for commercial sexual exploitation in Saudi Arabia, or took any steps to provide victims of sex trafficking with protection. In general, victim protection efforts in Saudi Arabia remain weak, with authorities failing to institute a formal victim identification procedure and often treating victims of trafficking as criminals. The government shows no sign of significant political commitment to addressing the serious issue of involuntary servitude in the Kingdom; indeed, an official responsible for such matters has denied that trafficking in persons takes place in Saudi Arabia. Despite tightening immigration laws and visa entry requirements, there has been no prevention of the trafficking of men, women, and children who migrate legally and voluntarily, but who are subsequently trafficked into involuntary servitude or commercial sexual exploitation.

Recommendations for Saudi Arabia: Enact a comprehensive anti-trafficking law that criminalizes all forms of trafficking in persons and assigns sufficiently stringent criminal penalties; significantly increase criminal prosecutions and punishments of traffickers, including abusive employers and those culpable of trafficking for commercial sexual exploitation; institute a formal victim identification mechanism to distinguish trafficking victims among the thousands of workers it deports each year for immigration violations and other crimes; ensure that trafficking victims are not detained or punished for acts committed as a direct result of being trafficked, such as violations of immigration regulations; extend protection to victims of sex trafficking; undertake public awareness campaigns to reduce the demand for commercial sex acts and child sex tourism committed by Saudi nationals abroad; and consider measures to prevent labor trafficking, such as ensuring that all workers hold their own passports and are free to depart the country without requiring permission from their sponsors, and extending labor law protections to domestic workers.

Prosecution

Saudi Arabia made no discernible efforts to criminally prosecute or punish trafficking offenses during the reporting period. While the government points to examples of employers being jailed or fined, these examples are rare and are usually only in cases of extreme physical abuse that may or may not include trafficking. The government does not prohibit all forms of trafficking in persons, but penalizes forced labor through Articles 229-242 of its Labor Law. Penalties prescribed under these forced labor statutes, however, are limited to fines or bans on future hiring, and are not sufficiently stringent. These

laws also do not apply to domestic servants, the primary victims of forced labor in Saudi Arabia. In March 2009, it was reported that the Shura Council discussed a number of draft regulations that would prohibit some activities that facilitiate human trafficking, including a proposed comprehensive anti-trafficking law. Saudi Arabia does not have a law specifically prohibiting trafficking for commercial sexual exploitation. The Saudi government asserts that Shari'a (Islamic) law can be used to prosecute trafficking offenses, though in practice no prosecution of such cases was observed. Trafficking victims are often deported without receiving assistance and with little or no compensation. By May 2008, all charges were dropped and a conviction was nullified against the employer of Nour Miyati, an Indonesian domestic worker who was severely abused, exploited, and enslaved in a Saudi residence in 2004 and 2005; after years of seeking justice in her well publicized case, Ms. Miyati was awarded just $668 in compensation by a Saudi court. In addition, despite available administrative laws, the government does not regularly enforce fines or bans on hiring workers imposed upon abusive employers or recruitment agencies. Police continue to be criticized for being unresponsive to requests for help from foreign workers. Furthermore, it has been maintained by some observers that the social status of the employer weighs heavily on the chances of a judge siding with a plaintiff's case in court, with wealthy individuals, high officials, and royalty rarely if ever losing a case. As in previous years, training was provided in January 2009 to judges, prosecutors, and investigators about trafficking; the training has not yet been observed to result in improved criminal law enforcement against trafficking in persons. Adequate enforcement is not possible without a comprehensive anti-trafficking law that clearly outlines jail time and fines for specific acts.



Protection

Saudi Arabia made insufficient efforts to protect victims of trafficking. The government operates deportation facilities for runaway workers in several cities and a shelter for female domestic workers in Riyadh. The government sometimes pays workers' repatriation expenses but not their claims for compensation. However, many victims are not provided access to government facilities or shelter; they must seek refuge at their embassies, negotiate settlements with their employers, and independently obtain funds to return home. Of particular concern is Saudi Arabia's continued lack of a formal procedure to identify victims of trafficking from among vulnerable populations, such as foreigners detained for immigration violations or women arrested for prostitution. As a result, victims of trafficking are often punished or automatically deported without being offered protection. Women arrested for prostitution are not interviewed for evidence of trafficking and may be subjected to stringent corporal punishment under Saudi law. Women who have been raped by their employers have found themselves imprisoned or sentenced to lashes for "moral criminality." Although Saudi Arabia offers temporary relief from deportation to some victims who identify themselves to authorities, those who have run away from their employers, overstayed their visas, or otherwise violated the legal terms of their visas may be jailed. Saudi officials do not encourage victims to assist in investigations against their traffickers, and often discourage cooperation by persuading victims to take monetary compensation in lieu of filing criminal charges against their employers or by returning to their employers. The length of time to process cases against employers leads many foreign workers to drop both criminal and monetary claims, choosing instead to return to their home countries in lieu of submitting to a legal process. There is no mechanism in place under Saudi law for continuing such cases once the employee has departed Saudi Arabia. Although the government reports providing legal services to victims, the lack of translation assistance and lengthy and costly delays often discourage victims. Some children caught in begging rings are now sent to juvenile shelters and reportedly offered counseling and medical care instead of being put into prison, which was previously the norm. The government does not offer legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution.

Prevention

Saudi Arabia has not made significant efforts to prevent trafficking in persons during the reporting period. Although the Shura Council indicated its intent to discuss a comprehensive anti-trafficking law in November 2008, there has been no public discussion of the matter to date. The government continues to produce brochures about workers' rights in Arabic, English, and some source country languages, but the distribution of these materials appears extremely limited. Officials tend to favor employers – particularly those who are well-connected – who claimed they were victims of nonperforming, negligent migrant workers and accuse them of such offenses as child abuse and witchcraft and even more routinely of theft. No information was available from the government about measures taken during the reporting period to reduce the demand for commercial sex acts. Similarly, there is no evidence that Saudi Arabia took steps to reduce participation in child sex tourism by its nationals abroad.

SENEGAL (Tier 2 Watch List)

Senegal is a source, transit, and destination country for children and women trafficked for the purposes of forced labor and commercial sexual exploitation. Trafficking

within the country is more prevalent than trans-border trafficking and the majority of victims are children. Within Senegal, religious teachers traffic boys, called *talibe,* by promising to educate them, but subjecting them instead to forced begging and physical abuse. A 2007 study done by UNICEF, the ILO, and the World Bank found that 6,480 *talibe* were forced to beg in Dakar alone. Women and girls are trafficked for domestic servitude and commercial sexual exploitation – including exploitation by foreign sex tourists – within Senegal. Children are also trafficked for forced labor in gold mines within Senegal. Transnationally, boys are trafficked to Senegal from The Gambia, Mali, Guinea-Bissau, and Guinea for forced begging by religious teachers. Senegalese children are trafficked to Mali, Guinea, and possibly other West African countries for forced labor in gold mines. Senegalese women and girls are trafficked to neighboring countries, the Middle East, and Europe for domestic servitude and possibly for sexual exploitation. Women and girls from other West African countries, particularly Liberia, Ghana, Sierra Leone, and Nigeria may be trafficked to Senegal for sexual exploitation, including for sex tourism.

The Government of Senegal does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. The government continued to demonstrate a strong commitment to protecting child trafficking victims during the year by providing them with shelter, rehabilitation, and reintegration services. Despite these overall significant efforts, the government did not show progress in prosecuting, convicting, and punishing trafficking offenders over the last year; therefore, Senegal is placed on Tier 2 Watch List.

Recommendations for Senegal: Intensify efforts to prosecute and convict trafficking offenders; ensure that the Ministry of Interior's Special Commissariat Against Sex Tourism and the Tourism Ministry's sex tourism police unit arrest suspected sex tourists and rescue their victims; and increase efforts to raise awareness about trafficking.

Prosecution

The Government of Senegal demonstrated insufficient anti-trafficking law enforcement efforts during the year. Senegal prohibits all forms of trafficking through its 2005 Law to Combat Trafficking in Persons and Related Practices and to Protect Victims. The law's prescribed penalties of five to 10 years' imprisonment for all forms of trafficking are sufficiently stringent and commensurate with penalties prescribed for rape. The government reported that it arrested two religious teachers for abusing boys they had trafficked for forced begging. The government did not report any additional arrests, prosecutions, or convictions of trafficking offences. During the year, the Ministry of Justice's Center for Judicial Training conducted a UNICEF-funded training for police, gendarmerie, and immigration officials to educate them about trafficking. Although the government in 2007 activated two special police units to combat child sex tourism, one within the Interior Ministry and the other within the Tourism Ministry, these units did not report any law enforcement actions against foreign pedophiles. The Ministry of the Interior, through its Bureau of Investigations, continued to work with Interpol to monitor immigration and emigration patterns for evidence of trafficking.

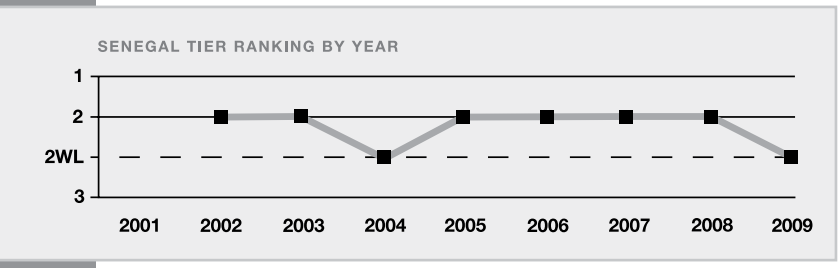
Protection

The Government of Senegal sustained solid efforts to protect trafficking victims over the last year. The government continued to operate the Ginndi Center, its shelter for destitute children, including trafficking victims. While the Family Ministry, which funds and operates the Center with support from international donors, began using a donor-funded computerized database to track trafficking victims in 2006, the center recently stopped using the database due to lack of funds. The center, which has the capacity to house 60 children at a time, assisted 949 foreign and Senegalese destitute children, including trafficking victims, over the last year. With international organization and NGO assistance, 807 children were reunited with their families and 69 were trained in vocational centers located in the Ginndi center. The government also continued to operate its free child protection hotline out of the Ginndi Center. In the last year, the hotline received 17,501 calls, though it is not known how many of these calls related to human trafficking. The government also sometimes referred trafficking victims to NGOs for care on an ad hoc basis. The government espoused a policy of encouraging victims to assist in trafficking investigations or prosecutions in part by permitting closed door victim testimonies during trafficking prosecutions. The government did not report, however, that it encouraged any victims to assist in prosecutions during the last year. The government provided legal alternatives to the removal of foreign victims to countries where they faced hardship or retribution. Trafficking victims had the option of remaining temporarily or permanently in Senegal under the status of resident or refugee. Victims were not inappropriately incarcerated or fined for unlawful acts committed as a direct result of being trafficked.

Prevention

The Government of Senegal made modest efforts to raise awareness about trafficking during the reporting period. As part of its program against the worst forms of child labor, the Family Ministry continued to conduct donor-funded workshops and roundtables in Mbour, Dakar and other areas of the country to raise awareness about forced child begging, child domestic servitude, and child prostitution. In 2008, the Family Ministry collaborated with the ILO and the Governments of Mali, Cote d'Ivoire, Guinea-Bissau, Guinea, and Burkina Faso to implement a 12-month regional anti-trafficking project. The project collected information on the parameters of regional trafficking and organized donor-funded anti-trafficking workshops for 60 police, gendarmerie, and customs

officials from the participating countries. In December 2008, project participants released a document listing 68 best practices to combat trafficking in the region. The government did not take steps to reduce demand for commercial sex acts in Senegal. The government did not take measures to ensure that its nationals who are deployed abroad as part of peacekeeping missions do not engage in or facilitate trafficking.



SERBIA (Tier 2)

Serbia is a source, transit, and destination country for men, women, and girls trafficked internationally and within the country for the purposes of commercial sexual exploitation and forced labor. Foreign victims are trafficked to Serbia from Eastern Europe and Central Asia through Kosovo and Macedonia. Serbia continued to serve as a transit country for victims trafficked from Bosnia, Croatia, and Slovenia and destined for Italy and other countries in Western Europe. Children, mostly Roma, continued to be trafficked for the purpose of sexual exploitation, forced marriage, or forced street begging. The majority of identified victims in 2008 were Serbian women and girls trafficked for the purpose of sexual exploitation; over half were children. There was an increase in cases of trafficking for forced labor in 2008.

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 government increased funding for protection of victims and appointed a new National Anti-Trafficking Coordinator in November 2008, though serious concerns remained about punishment of traffickers and prosecution of complicit officials. Moreover, law enforcement data provided was incomplete. The government also has not yet developed formal procedures to adequately identify and refer potential trafficking victims, seriously hampering its ability to provide assistance and protection to victims. Serbia may be negatively assessed in the next Report if it does not address these deficiencies.

Recommendations for Serbia: Provide comprehensive data on efforts to vigorously prosecute, convict, and punish traffickers; aggressively prosecute and punish officials who facilitate trafficking; implement a standardized protocol for victim identification and referral that includes the Agency for Coordination of Protection of Victims of Trafficking and NGOs, as appropriate; provide sustained direct funding for victim protection and assistance; increase training for social workers and police to improve identification of trafficking victims; develop programs to address the increasingly growing problem of trafficking for forced labor and children who are victims of trafficking; and improve prevention efforts.

Prosecution

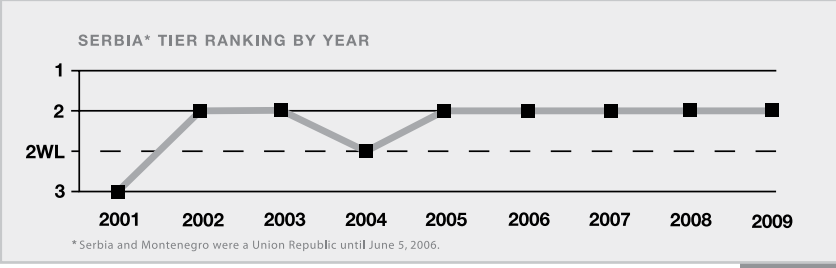
The Government of Serbia continued to actively investigate trafficking cases, but it did not provide evidence it adequately prosecuted, convicted and punished trafficking offenders. Trafficking suspects accused of violent crimes often continued to be freed during the pre-trial and appeal process, posing a serious risk to their victims. The criminal code for Serbia prohibits sex and labor trafficking through its article 388, which prescribes penalties of two to 10 years' imprisonment; these are sufficiently stringent and commensurate with those prescribed for other grave offenses, such as rape. In 2008, the government investigated and charged 94 persons with trafficking. The government did not provide comprehensive prosecution data, but reported that, in 2008, 18 trafficking offenders were convicted and sentenced to prison; 17 others were acquitted. The government did not provide information on the length of these sentences or whether any were suspended. It reported that it detained 29 trafficking suspects pending trial or investigation during 2008. At times, traffickers were not held in detention during pre-trial and appeals processes; by law, individuals convicted for trafficking are only detained during the appeals process if their sentence was greater than five years. Trials that last months or years and multiple appeals result in delays, sometimes by several years, in convicted traffickers serving their sentences. One of Serbia's most infamous traffickers, sentenced to four years and three months by the Supreme Court in 2006, remains free. NGOs and international organizations reported anecdotally that sentences were increasing due to better education of judges. In December 2008, an individual was convicted of trafficking in persons in the District Court in Subotica, which sentenced him to 10 years in jail; this trafficker remains in jail pending appeal. The government did not demonstrate adequate punishment of officials complicit in trafficking. In a high profile case in Novi Pazar in August 2008, the government prosecuted and convicted 12 trafficking offenders, including the Deputy Public Prosecutor and two police officers. The principal trafficker in this case, a private citizen, received an eight-year sentence, though the two police officers received suspended sentences and the prosecutor was given a suspended sentence of three years and released for time served of one year. The prosecutor had sexually exploited some of the victims. There were no further developments in the 2007 case reported by the media of a police office investigated for facilitating the trafficking of a forced labor victim. The government's refusal to cooperate with the Kosovo government hampers Serbia's efforts to investigate and prosecute transnational trafficking.

Protection

The Government of Serbia increased efforts to protect victims but did not improve its identification procedures in 2008. While the government, with the assistance of international organizations, trained law enforcement officials on victim identification and treatment, the government continued to lack systematic victim identification, referral, and treatment procedures and standards; trafficking cases were addressed on an ad hoc basis. The government provided three NGOs with $36,571 for victim assistance in July 2008 through the one-time sale of a special stamp. The government's Agency of Coordination for Protection of Victims of Trafficking remained understaffed, but it received $18,501 in direct government funding, an increase compared to 2007, and also received $29,143 from the public stamp subsidy for its victim assistance funding. In 2008, the government and NGOs identified 55 trafficking victims and accommodated 20 in two NGO shelters. Identified victims generally are not detained, jailed, or otherwise penalized for unlawful acts committed as a direct result of their being trafficked; however, government officials and organizations that deal with trafficking believe that due to the lack of systematic victim identification procedures, some victims were not identified and may have been penalized for acts committed as a result of being trafficked. In February 2008, border police arrested two trafficked girls from Uzbekistan for immigration violations. Serbia's Ombudsman learned of the case and facilitated the girls' release from detention two weeks later. The girls declined temporary residence permits and departed Serbia at their own expense. Reportedly, their traffickers fled across the border before police were able to arrest them. According to organizations dealing with trafficking, many victims were not provided with adequate protection in court mandated by the 2006 Witness Protection Law due to the lack of court facilities that would allow victims to await court proceedings or testify in areas separated from the defendants. An NGO reported that in early 2009, one victim and her child were repeatedly threatened by the trafficker during the trial; the victim subsequently changed her testimony; she was then charged by the government with perjury and defamation. During the reporting period, six NGO-municipal multi-disciplinary teams established last year to improve victim protection continued to operate.

Prevention

The Government of Serbia demonstrated some efforts to prevent trafficking in 2008. The new government appointed a new anti-trafficking national coordinator in November 2008, after the previous government left the position unfilled for many months. The government also created a ministerial-level Anti-Trafficking Council the same month. The Council and the working level Anti-Trafficking Team and Working Groups, which included NGO and international organization representatives, collaborated on a 2009-2011 national anti-trafficking action plan which the government adopted in April 2009. The Interior Minister and Justice Minister held a press conference on International Women's Day specifically to draw attention to human trafficking. The government funded and implemented an anti-trafficking campaign that included posters displayed at airports and border crossings around the country, flyers distributed at schools and police stations, and advertisements published in the help-wanted sections of magazines. The materials were designed to warn potential victims and to ask the public to report trafficking-related activity to a police hotline. An NGO campaign targeted at potential clients of the sex trade was not funded by the government.

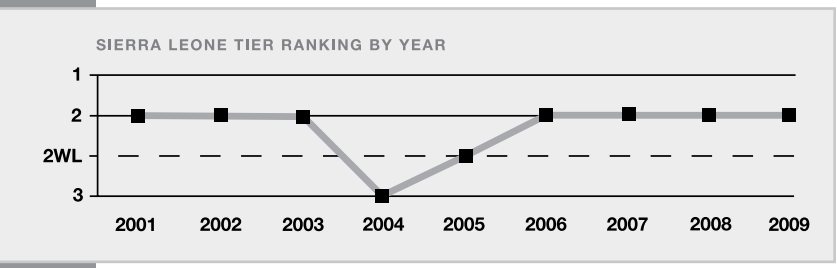


SIERRA LEONE (Tier 2)

Sierra Leone is a source, transit, and destination country for children and women trafficked for the purposes of forced labor and commercial sexual exploitation. The majority of victims are children trafficked internally within the country, largely from rural provinces, and sometimes from refugee communities, to urban and mining centers. Within the country, women and children are trafficked for: domestic servitude; commercial sexual exploitation; forced labor in agriculture, diamond mining, and the fishing industry; forced petty trading; forced street crime; and forced begging. Transnationally, Sierra Leonean women and children are trafficked to other West African countries, notably Guinea, Cote d'Ivoire, Liberia, Nigeria, Guinea-Bissau, and The Gambia for the same purposes listed above and to North Africa, the Middle East, and Europe for domestic servitude and sexual exploitation. Sierra Leone is a destination country for children trafficked from Nigeria, and possibly from Liberia and Guinea, for forced begging, forced labor and for sexual exploitation.

The Government of Sierra Leone does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. Sierra Leone demonstrated slightly increased law enforcement efforts over the last year by convicting a second trafficker under its 2005 anti-trafficking law. Sierra Leone also reported referring more trafficking victims to IOM for care than the prior reporting period. Overall anti-trafficking efforts remained weak, however, as government authorities continued to lack a clear understanding of trafficking and relied largely on the NGO and international community to tackle it.

Recommendations for Sierra Leone: Strengthen efforts to prosecute and convict trafficking offenders; train law enforcement officers and social workers to implement formal procedures to identify trafficking victims among vulnerable populations, such as females in prostitution, unaccompanied foreign children, and illegal migrants; provide comprehensive services to identified victims; improve coordination between the central and provincial governments for the collection of data on traffickers arrested and victims rescued; and increase government participation at meetings of the national trafficking task force.



Prosecution

The Government of Sierra Leone made slightly increased law enforcement efforts to combat trafficking in the last year. Sierra Leone prohibits all forms of trafficking through its 2005 Anti-Trafficking in Persons Act, which prescribes a maximum penalty of 10 years' imprisonment. This penalty is sufficiently stringent, but not commensurate with penalties for rape, which carry a maximum sentence of life imprisonment. Comprehensive law enforcement statistics were not available due to poor data collection and communication among law officials in the interior of the country and central government authorities. According to data collected by the Family Support Units (FSU) of the Sierra Leone Police (SLP) tasked with addressing trafficking, between January and December 2008, the government investigated 38 trafficking cases. More than half of these cases involved female victims below the age of 16. During the year, a total of 12 individuals were charged with trafficking. In December 2008, the government secured the conviction of a man for trafficking a child for forced labor; he was given a sentence of four years' imprisonment. In February 2009, the Special Court of Sierra Leone, which was operated jointly by the UN and the Sierra Leonean government, convicted two former members of the Revoutionary United Front for conscripting child soldiers during the country's 11-year civil war. Border officials continue to lack a full understanding of the distinction between smuggling and trafficking.

Protection

The Sierra Leonean government demonstrated some efforts to protect trafficking victims during the last year. The government does not provide direct assistance to victims, but instead refers them to the country's only trafficking victim shelter, which is located in Freetown and operated by IOM. The FSU in 2008 identified 38 trafficking victims, whom it referred to the Ministry of Social Welfare (MOSW). The MOSW referred the majority of these victims to IOM's shelter for care, while others were placed in the custody of family members. In 2008, government officials referred 84 victims to IOM for care. Some victims outside Freetown were not referred for care, however, due to lack of transport to the capital or the difficulty of travel during the rainy season. While the Sierra Leonean government has developed a protocol for law enforcement and social services authorities' identification of trafficking victims, only a small number of officials have been trained to follow it. Authorities do not follow procedures to identify trafficking victims among most populations vulnerable to trafficking, such as females in prostitution, unaccompanied minors, and undocumented immigrants. When identified, however, victims are encouraged to participate in the prosecution of their traffickers. Due to lengthy delays in court proceedings, many victims are not available to testify in court, often resulting in the dropping of trafficking charges against suspected traffickers. Sierra Leone does not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. There were no known cases during the year of trafficking victims penalized for unlawful acts as a direct result of being trafficked. However, a weak understanding among officials of trafficking has likely led to some trafficking victims being penalized as illegal immigrants or females in prostitution.

Prevention

The Government of Sierra Leone made inadequate efforts to raise awareness about trafficking during the reporting period. Every two months during the year, the MOSW convened meetings of the Task Force, a joint government, NGO, and international organization entity to coordinate national anti-trafficking efforts. These meetings, however, were not well attended by government ministries, hampering the government's coordination with donors. While Sierra Leone's 2007 national action plan was implemented with donor funding throughout 2007 and early 2008, implementation halted in late 2008 due to lack of support and resources within the government. The government took no measures to reduce demand for commercial sexual exploitation. Sierra Leone has not ratified the 2000 UN TIP Protocol.

SINGAPORE (Tier 2)

Singapore is a destination country for women and girls trafficked for the purpose of commercial sexual exploitation. Some women from Thailand and the Philippines who travel to Singapore voluntarily for prostitution or work are subsequently deceived or coerced into sexual servitude. Some foreign domestic workers are subject to conditions that may be indicative of labor trafficking, including physical or sexual abuse, confiscation of travel documents, confinement, inadequate food, rest, or accommodation, deceptions

about wages or conditions of work, and improper withholding of pay. Some Singaporean men travel to countries in the region for child sex tourism.

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. Singapore secured convictions of two defendants for sex trafficking-related crimes, including the first conviction under a recently amended law criminalizing the commercial sexual exploitation of children between 16 and 18 years of age. Singapore strengthened the Conditions of Work Permits for foreign domestic workers and collected unpaid wages on behalf of such workers in 276 cases. The government did not take adequate measures to protect victims of trafficking, particularly foreign domestic workers subjected to forced labor conditions. While Singapore has made progress in combating trafficking to date, it can and should do more to investigate and prevent trafficking and to identify and assist trafficking victims.

Recommendations for Singapore: Prosecute the maximum possible number of cases involving the trafficking of children under the age of 18 for commercial sexual exploitation; prosecute employers and employment agencies who unlawfully confiscate workers' passports as a means of intimidating workers or holding them in a state of involuntary servitude, or use other means to extract forced labor; expand investigations and prosecutions in adult sex trafficking cases; develop robust procedures to identify potential traffickers and trafficking victims by immigration officers at ports of entry and other law enforcement personnel; devote additional resources to systematically identifying and quantifying sex and labor trafficking within and across national borders, as well as indicators (such as certain unlawful labor practices) that are commonly associated with trafficking, and publish findings and follow-up; use the findings to improve the anti-trafficking training of police, immigration, and Ministry of Manpower officers, as well as judicial personnel; carry out targeted anti-trafficking law enforcement operations; conduct focused public information campaigns, and make appropriate adjustments to administrative rules or procedures relating to the prevention of trafficking or the protection of trafficking victims; study ways to make affordable legal aid to trafficking victims to enable them to obtain redress by pursuing civil suits against their traffickers; 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 or trading on prostitution, and keeping brothels; increase cooperative exchange of information about potential trafficking issues with NGOs and foreign diplomatic missions in Singapore; conduct public awareness campaigns to inform citizens and residents of the recent amendments to the Penal Code and the penalties for involvement in trafficking for sexual exploitation or forced labor; and cooperate with foreign governments to institutionalize procedures for reporting, investigating, and prosecuting child sex tourism committed overseas by Singaporean citizens and permanent residents.

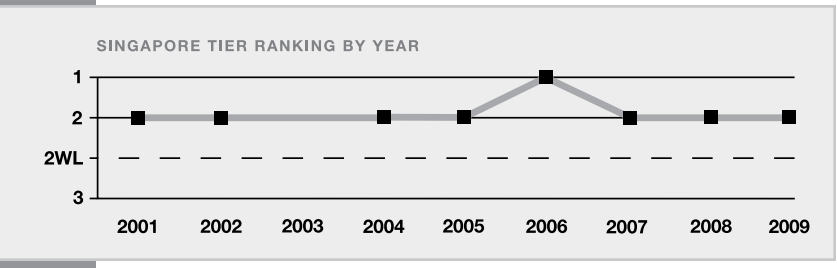
Prosecution

The Government of Singapore demonstrated some law enforcement efforts to combat trafficking in persons during the reporting year. Singaporean law criminalizes all forms of trafficking, through its Penal Code, Women's Charter, Children and Young Persons Act, Employment of Foreign Manpower Act, Employment Agencies Act, Employment Agency Rules, and the Conditions of Work Permits for foreign domestic workers. Penalties prescribed for sex trafficking, including imprisonment, fines, and caning, are sufficiently stringent and commensurate with those prescribed for other grave crimes, as are penalties prescribed for labor trafficking. The Singapore Police Force investigated 54 reports of sex trafficking during the reporting period; two cases resulted in prosecutions, while the others reportedly were closed due to lack of substantiating evidence. The government prosecuted and secured the convictions of two trafficking offenders in 2008, both for sex trafficking offenses. One trafficker who brought a Filipina woman into Singapore for the purpose of prostitution was fined $8,000 with an alternative sentence of 12 weeks' imprisonment if she failed to pay the fine. Another trafficker who brought an underage Chinese girl to Singapore for commercial sexual exploitation was sentenced to one year in prison. There were no criminal prosecutions of labor agency representatives for trafficking crimes in 2008; the government prosecuted some employers for physical or sexual abuse of foreign domestic workers, for "illegal deployment" (unlawfully requiring a worker to work at premises other than those stated in the work permit), for failing to pay wages due, or for failing to provide acceptable accommodation or a safe working environment. There were no reports of government officials' complicity in trafficking crimes during the reporting period.

Protection

The government did not show appreciable progress in protecting trafficking victims, particularly foreign domestic workers subjected to forced labor conditions. The government does not operate victim shelters, but instead referred potential victims of trafficking to NGO shelters or foreign embassies over the reporting period. Although two foreign embassies in Singapore documented over 150 women allegedly trafficked into Singapore for the purpose of commercial sexual exploitation, the government only identified two trafficking victims during the reporting period. One identified victim, a Chinese girl, was referred by the government to an NGO-operated shelter during the prosecution of her trafficker. The other victim returned voluntarily to the Philippines before a report was filed with the police. In 2008, one NGO reported offering assistance to over 850 foreign workers, some of whom claimed they had

experienced trafficking-related conditions, such as fraudulent recruitment, withholding of documents, confinement, threats of serious financial harm related to recruitment debts as part of a scheme to keep the worker performing the relevant labor or service, and physical abuse. In a survey of 206 migrant workers who resided at the shelter, 95 percent reported that their employer or employment agency in Singapore held their passport, a known contributing factor to trafficking if done as a means to keep the worker performing a form of labor or service. The Philippine Embassy in Singapore reported contacts from 136 potential sex trafficking victims whose claims Philippine authorities determined to be credible. Six other diplomatic missions in Singapore reported a combined total of 21 to 23 potential or confirmed sex trafficking victims. Law enforcement efforts aimed at curbing prostitution may have resulted in victims of sex trafficking being penalized for acts committed as a direct result of being trafficked. In 2008, the police arrested 5,047 foreign women for prostitution, who were generally incarcerated and then deported. The number of trafficking victims among this group is unknown; however, government measures to proactively identify potential trafficking victims among this vulnerable population, if any, appear to have been limited during the majority of the reporting period. At least 53 of those reportedly arrested and deported without being formally identified and provided with appropriate protective services were children, who should therefore have been classified as crime victims under Singapore's amended Penal Code. The government encourages identified victims to assist in the investigation and prosecution of trafficking offenders, and makes available to all foreign victims of crime temporary immigration relief that allows them to reside in Singapore pending conclusion of their criminal case. Singapore does not otherwise provide trafficking victims with a legal alternative to removal to countries where they may face hardship or retribution.



Prevention

The Singaporean government demonstrated some increased efforts to prevent trafficking in persons during the year. The government expanded its information campaign that aims to raise awareness among foreign workers of their rights and resources available, in an effort to prevent incidents of trafficking. It continued to print information on employees' rights and police hotline numbers for domestic workers on prepaid phone cards. The Ministry of Manpower has a biannual newsletter, published in multiple languages, that it mails directly to all 180,000 foreign domestic workers. All foreign domestic workers working in Singapore for the first time attend a compulsory course on domestic safety and their employment rights and responsibilities. The government undertook some administrative actions for violations of labor laws potentially related to trafficking, including employer fines and license suspensions for several employment agencies. It also strengthened the terms of work permits to expressly prohibit employers from making unauthorized deductions from domestic workers' salaries. Throughout the reporting period, at least 25 employers were convicted of physically or sexually abusing their foreign domestic workers and sentenced to terms of imprisonment ranging from a few weeks to over two years, depending on the severity of the abuse. Some male employers convicted of sexual abuse were also sentenced to caning. The government did not undertake specific measures to reduce demand for commercial sex acts involving adults in the legalized commercial sex industry in Singapore. Singapore has not ratified the 2000 UN TIP Protocol.

SLOVAK REPUBLIC (Tier 2)

The Slovak Republic is a source, transit, and limited destination country for women and girls from Moldova, Ukraine, Bulgaria, the Baltics, the Balkans, and China trafficked to the Czech Republic, Germany, Austria, Switzerland, Sweden, Italy, the Netherlands, the United Kingdom, Spain, Croatia, and Slovenia for the purpose of commercial sexual exploitation. Roma women and girls are trafficked internally for sexual exploitation and Roma children are trafficked to Austria, Italy, and Germany for the purpose of forced begging.

The Government of the Slovak Republic does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government allocated $400,000 for all anti-trafficking efforts in 2008, a significant increase from $91,000 allocated in 2007; more than half of this funding went toward victim assistance. In December 2008, the Ministry of Interior adopted a National Referral Mechanism for use by law enforcement across the country in referring identified victims to necessary services. Despite these significant efforts, including sustained law enforcement measures, it failed to identify or assist any foreign victims of trafficking during the reporting period.

Recommendations for the Slovak Republic: Ensure that a majority of convicted traffickers serve some time in prison; provide additional training on victim identification and victim treatment for border police, prosecutors, judges, and Roma community social workers in Eastern Slovakia; continue to increase the number of victims assisted by government-funded NGO programs; ensure that foreign victims are identified and provided access to government-funded assistance; continue collaboration with NGOs in identifying victims among persons in police detention centers and immigration

facilities; and conduct a public awareness campaign to reduce the demand for commercial sex acts.

Prosecution

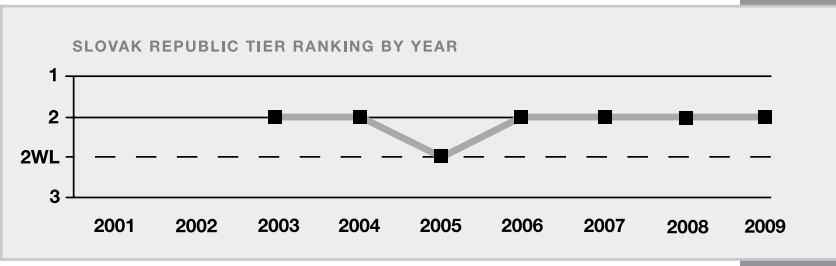
The Government of the Slovak Republic sustained its law enforcement efforts during the reporting period. The Slovak Republic prohibits all forms of trafficking through Sections 179-181 of its criminal code, which prescribe penalties ranging from 4 to 25 years' imprisonment. These penalties are sufficiently stringent and are commensurate with those prescribed for other grave crimes, such as rape. Police conducted 18 trafficking investigations in 2008, including one labor trafficking investigation, an increase from 14 investigations conducted in 2007. The government prosecuted three individuals in 2008, a significant decrease from 16 individuals prosecuted in 2007. Eleven trafficking offenders were convicted during the reporting period, an increase from seven in 2007; some traffickers convicted in 2008 were prosecuted and investigated during the previous reporting period. In 2008, seven out of 11 convicted traffickers were given suspended sentences and thus served no time in jail. There were no official cases of high-level government officials involved in trafficking during the reporting period. The government funded victim identification training for 160 police officers in 2008.

Protection

The government demonstrated mixed efforts to assist and protect victims in 2008. The government provided $220,000 to five anti-trafficking NGOs to implement a victim assistance program; it again failed to identify and assist any foreign victims. Seventeen victims received government-funded shelter and assistance in 2008, a significant increase from four victims in 2007. An additional 20 victims were assisted by nongovernment-funded programs. Police identified and referred 16 victims to NGOs for assistance, compared to 15 in 2007. The government claimed to offer foreign victims, upon their identification, an initial 40-day reflection period to receive assistance and shelter and to consider whether to assist law enforcement; however, no foreign victims were granted the reflection period in 2008. During the reporting period, 17 victims participated in trafficking investigations and prosecutions. Foreign victims who cooperate with law enforcement are permitted to remain in Slovakia and work for the duration of the investigation or trial; however, the government did not identify any foreign victims during the reporting period. The Ministry of Foreign Affairs funded the repatriation of three trafficking victims in 2008. The government did not penalize victims for unlawful acts committed as a direct result of being trafficked.

Prevention

Slovakia demonstrated some efforts to prevent trafficking during the reporting period. The government partially funded an IOM-run trafficking hotline that opened in June 2008 and provided information to persons vulnerable to trafficking and assisted trafficking victims; in 2008, hotline staff identified three victims. The government paid for posters, leaflets, and radio and television public awareness commercials advertising the existence of the hotline. During the reporting period, the government provided trafficking awareness training for Slovak troops before they were deployed to international peacekeeping missions.



SLOVENIA (Tier 1)

Slovenia is primarily a transit country for men, women, and children trafficked from Ukraine, Moldova, Slovakia, Romania, Bulgaria, the Dominican Republic, Thailand, and Iran through Slovenia to Western Europe for the purposes of commercial sexual exploitation and forced labor. To a lesser extent, Slovenia is also a destination country for men, women, and children trafficked from Ukraine, the Dominican Republic, and Romania for forced labor and commercial sexual exploitation and a source of women trafficked for the purpose of forced prostitution within Slovenia.

The Government of Slovenia fully complies with the minimum standards for the elimination of trafficking. In November 2008, the government amended Slovenia's criminal code to increase the maximum penalty for trafficking to 15 years' imprisonment. Authorities also increased the number of trafficking prosecutions and conducted public awareness campaigns aimed at reducing the demand for commercial sex acts. Although the total number of victims identified and assisted increased, Slovenia decreased funding for victim assistance.

Recommendations for Slovenia: Continue to vigorously investigate both sex and labor trafficking offenses and increase trafficking prosecutions and convictions; continue to provide trafficking awareness training for judges; ensure that a majority of convicted traffickers serve some time in prison; and continue to refer a significant number of identified victims for assistance.

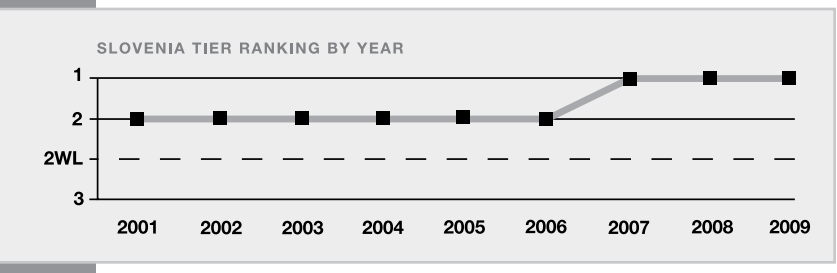
Prosecution

The Government of Slovenia demonstrated increased law enforcement efforts in 2008. 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 grave crimes, such as rape. The government conducted seven trafficking investigations in 2008, compared to six in 2007. Authorities prosecuted

eight cases in 2008, an increase from three cases in 2007. Six traffickers were convicted in 2008, compared to five convictions in 2007. Four traffickers convicted in 2008 were given sentences ranging from 9 to 48 months' imprisonment, and two traffickers served no time in prison; in 2007, four traffickers were given sentences ranging from 15 to 57 months' imprisonment, and one convicted trafficker served no time in prison. The Ministry of Justice collaborated with an NGO to hold several anti-trafficking training seminars for judges, prosecutors, and police during the reporting period.

Protection

The Government of Slovenia maintained its efforts to provide adequate victim assistance and protection during the reporting period. The government provided $95,000 to two NGOs to provide both short-term and extended victim assistance, including shelter, rehabilitative counseling, medical assistance, vocational training, and legal assistance; this is a decrease from $105,000 provided in 2007. During the reporting period, government officials referred 70 potential victims for assistance, compared to four victims in 2007. A total of 65 victims were identified, of which 38 were provided with assistance by government-funded NGOs, an increase from 26 victims in 2007. After identification, victims were granted a 90-day reflection period. Victims were encouraged to participate in trafficking investigations and prosecutions of trafficking offenders. Foreign victims who assisted law enforcement could apply for a temporary residence permit and remain in Slovenia for the duration of the trial and may choose to stay longer if they are employed or in school. Nine victims assisted law enforcement in 2008, compared to eight the previous year. Victims were not punished for unlawful acts committed as a direct result of being trafficked.



Prevention

The government maintained its prevention efforts during the reporting period. In 2008, the Ministry of Interior, UNHCR, and local NGOs jointly administered a project that addressed trafficking and gender-based violence by providing information and assistance to asylum seekers at greatest risk of being trafficked, particularly single women and children separated from their parents. The government monitored immigration and emigration patterns for evidence of trafficking, and immigration and law enforcement officials screened for potential trafficking victims along borders. The government printed brochures and produced television commercials as part of an awareness campaign aimed at reducing the demand for commercial sex acts.

SOUTH AFRICA (Tier 2)

South Africa is a source, transit, and destination country for trafficked men, women, and children. Children are largely trafficked within the country from poor rural areas to urban centers like Johannesburg, Cape Town, Durban, and Bloemfontein – girls trafficked for the purposes of commercial sexual exploitation and domestic servitude; boys trafficked for forced street vending, food service, begging, crime, and agriculture; and both boys and girls trafficked for "muti" (the removal of their organs for traditional medicine). The tradition of "ukuthewala," the forced marriage of girls as young as 12 to adult men, is still practiced in remote villages in the Eastern Cape. Local criminal rings and street gangs organize child prostitution in a number of South Africa's cities, which are also common destinations for child sex tourists. In the past, victims had typically been runaways who fell prey to city pimps, but now crime syndicates recruit victims from rural towns. South African women are trafficked to Europe and the Middle East for domestic servitude and sexual exploitation. Nigerian syndicates have reportedly begun moving trafficked women from South Africa to the U.S. as well for African migrant clients there. Women and girls from Thailand, Congo, India, the People's Republic of China (PRC), Taiwan, Russia, Ukraine, Mozambique, and Zimbabwe are trafficked to South Africa for commercial sexual exploitation, domestic servitude, and other forced work in the service sector. Some of these women are trafficked onward to Europe for sexual exploitation. A large number of Thai women are trafficked into South Africa's illegal brothels, while Eastern European organized crime units force women from Russia and Ukraine into debt-bonded prostitution in exclusive private men's clubs. Traffickers control victims through intimidation and threats, use of force, confiscation of travel documents, demands to pay job "debts," and forced use of drugs and alcohol. Organized traffickers from the PRC bring victims from Lesotho, Mozambique, and Swaziland to Johannesburg for exploitation locally, or to send them on to other cities. Men from PRC and Taiwan are trafficked to mobile sweatshop factories in Chinese urban enclaves in South Africa which evade labor inspectors by moving in and out of neighboring Lesotho and Swaziland to avoid arrest. Young men and boys from Mozambique, Malawi, and Zimbabwe voluntarily migrate illegally to South Africa for farm work, sometimes laboring for months in South Africa with little or no pay and under conditions of involuntary servitude before unscrupulous employers have them arrested and deported as illegal immigrants.

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 opened prosecutions against

16 suspected trafficking offenders during the year and is continuing to prepare for late 2009 passage and subsequent implementation of its comprehensive anti-trafficking law by developing inter-agency operating procedures and training officials on the law, victim identification, and agency roles. Foreign victims in South Africa, however, still face inadequate protection from the government and sometimes are treated as criminals. Labor trafficking does not receive as much government attention as does sex trafficking. Moreover, little or no information is made available about the status of pending prosecutions, and the government suspended development of a national anti-trafficking plan of action to start the process anew.

Recommendations for South Africa: Pass and enact the Prevention and Combating of Trafficking in Persons Bill; implement the Children's Amendment Act of 2007; increase awareness among all levels of relevant government officials as to their responsibilities under the trafficking provisions of the Sexual Offenses and Children's Acts; support prevention strategies developed by NGOs to address demand for commercial sex acts and protect children from commercial sexual exploitation in advance of the 2010 World Cup; support the adoption of measures to protect children from sexual exploitation in travel and tourism; and institute formal procedures to regularly compile national statistics on the number of trafficking cases prosecuted and victims assisted, as is done for other crimes.

Prosecution

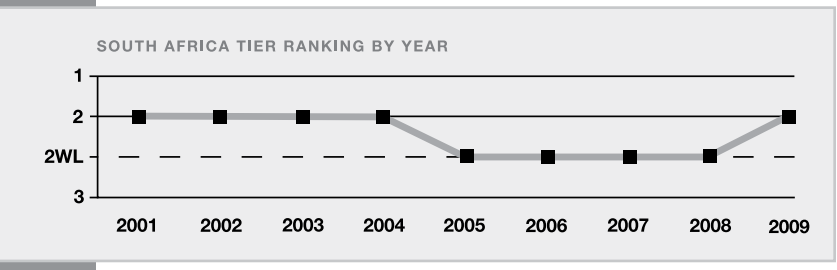
The government greatly increased its law enforcement efforts in 2008. Since May 2008, the government began prosecuting new trafficking cases under recently implemented sex offense laws; the court cases are on-going and no trafficking offenders have yet been convicted. The South African Law Reform Commission (SALRC) released a first draft of comprehensive anti-trafficking legislation in mid-2008 for consultations and revisions. The SALRC then submitted a report on the bill along with a second draft to the Minister of Justice and the parliamentary committee in November 2008. That draft is posted online for public commentary to close by June 15, 2009, in preparation for a year-end Parliamentary vote. A variety of other criminal statutes, such as the Prevention of Organized Crime Act (POCA) and the Sexual Offenses Act (SOA), were used to prosecute trafficking crimes. Law enforcement authorities could also use existing laws prohibiting involuntary servitude, child labor, and forced labor to prosecute labor trafficking cases but have done so in only one case. The aforementioned laws prescribe sufficiently stringent penalties of up to 20 years' imprisonment, which are commensurate with penalties prescribed for other grave crimes, such as rape. During the past year, the government opened at least five new trafficking prosecutions, including two with charges under the newly expanded SOA, and began arresting suspects as a result of a separate recently-completed investigation in Durban. In May 2008, the Pretoria Magistrate's Court opened the trial of a Mozambican woman charged under the SOA and labor laws with child trafficking and forced labor for exploiting three Mozambican girls in prostitution and domestic servitude in early 2008. The trial was interrupted and postponed twice in 2008 for illness and equipment failure, then resumed in late February 2009 when the final prosecution witnesses testified. No result had been announced as of the drafting of this report. Also in May 2008, a female club owner and her adult daughter were arrested for forcing eight South African women into prostitution; the government did not provide any additional information on this case. In June 2008, the government began prosecuting a Sierra Leone national for selling girls aged 8 to 12 into prostitution. In December 2008, a prosecution began of five Nigerian men charged under the SOA for trafficking Nigerian women through South Africa. In late January 2009, six Nigerians and one Tanzanian were arrested, and 17 South African victims rescued, in North West province. In late March 2009, several top businessmen in Durban were arrested for involvement in a child prostitution syndicate and charged under the amended SOA, child protection laws, and pornography laws; their prosecutions are pending. Police continued investigating other suspects in this case. Prosecutions begun in 2006 and 2007 were still before the courts – no verdict has been reached in the trial of a South African man charged in 2006 with the forced prostitution of 16 Thai victims, racketeering and money laundering; the trial of two Indian and Thai traffickers arrested in July 2007 at a brothel in Durban also continued. In April 2008, a South African citizen and his Thai wife pled guilty to charges of keeping a brothel and prostitution, and both were deported to Thailand. Twenty-seven Chinese female trafficking victims who were arrested in a brothel raid along with their traffickers in March 2008 were deported to China for immigration and employment violations, but no information about the traffickers has been released by the government. In conjunction with the National Prosecuting Authority (NPA), IOM used anti-trafficking funds from multiple donors to train police, immigration and border officials to identify trafficking victims among prostituted women, laborers, travelers, and victims of abuse. Police began to alert some embassies and IOM in advance of raiding brothels suspected of holding foreign victims.

Protection

South African government efforts to ensure trafficking victims' access to protective services increased during the reporting period. The Department of Social Development directly ran some shelters, notably for children, while also overseeing and helping to fund private shelters for victims of trafficking. Draft legislation and recently enacted laws contained significant provisions for the protection of victims which had previously been unavailable, and some agencies began to train their officials and implement the provisions. The amended SOA stipulates that victims of sex trafficking not be charged with crimes which are the direct result of having been trafficked; in the two trafficking cases prosecuted under

the SOA, trafficked women forced into prostitution were identified by police as victims during a raid to arrest their traffickers, and were referred for assistance rather than arrested. Following extensive awareness and sensitivity training by the UNODC, IOM, and others, police began to implement victim protection provisions contained in the SOA and in the Children's Act, which is still not enacted. Both identified and suspected trafficking victims received services and shelter at overextended facilities for victims of domestic abuse, gender-based violence, rape, and sexual assault run by NGOs. The Department of Social Development (DSD), South African Police Service (SAPS), and these private shelters collaborated to care for identified trafficking victims. DSD is the only agency authorized to refer victims to registered private shelters, and to monitor their care, prepare them for court, and accompany them through trial and/or repatriation stages. DSD and SAPS formally notified each other of cases to enable rapid care, as well as effective gathering of evidence and testimony.

Victim-witnesses in the aforementioned child-trafficking trial testified via video-link from outside the courtroom. Three Thai women are currently receiving long-term assistance, which is offered to foreign victims who agree to remain in South Africa in witness protection programs while awaiting the trial of their traffickers. Sex trafficking victims continued to be classified in law enforcement records as victims of rape, domestic abuse, and gender-based violence; as a result, there are no official statistics concerning the number of victims assisted during the reporting period. South Africa did not provide all trafficking victims with legal alternatives to deportation to countries where they may face hardship or retribution. In March 2009, the press reported that police deported the aforementioned 27 Chinese women detained in 2007 along with their seven alleged traffickers. Awareness of trafficking-related law, the ability to apply it to identify victims, and knowledge of appropriate procedures were lacking among many police and immigration officers, since only a relatively small number have yet received specific counter-trafficking training.



Prevention

The government demonstrated strong progress in combating human trafficking through prevention efforts. Extensive workshops by the NPA's Sexual Offenses and Community Affairs unit (SOCA), IOM, NGOs, and academic experts prepared over 3,000 government, community, NGO, and media personnel for the passage of the comprehensive anti-trafficking law. As part of the training program, IOM ran 30 awareness-raising workshops across all nine provinces which drew 573 community participants; government officials presented speeches and led discussions during these events. The government worked with IOM to distribute more than 85,000 counter-trafficking posters and brochures in six languages, publicizing IOM's toll-free helpline. High-level officials repeatedly spoke out against sex trafficking that might occur during the 2010 FIFA World Cup preparations and activities. The Inter-sectoral Task Team addressed anti-trafficking and child protection measures as part of the plans for hosting the World Cup. The multinational South African Immigration Liaison (SAIL) Team at Johannesburg's airport observed passengers' behavior and travel histories for patterns indicative of trafficking. In addition, flight manifests were checked for known trafficking suspects against databases with information about persons of concern before boarding began. The government continued a project begun in 2003 by drafting a Child Labor Plan of Action to combat and prevent child labor, including trafficking for child labor, which the government planned to implement in 2009. The government provided anti-trafficking training to all South African troops destined for peacekeeping missions abroad prior to their deployment.

SPAIN (Tier 1)

Spain is a transit and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Victims are primarily trafficked from Romania, Russia, Ukraine, Brazil, Colombia, Dominican Republic, Ecuador, Paraguay, Venezuela, and Nigeria, though victims are also trafficked from other areas of Latin America, Eastern Europe, and Africa. While most identified victims are women between the ages of 18 and 25 who are trafficked for sexual exploitation, minor females are also trafficked to Spain for the same purpose, and men and women are trafficked for forced labor, most often in the agriculture and construction sectors. There has been an increase in the number of minors trafficked into Spain for forced begging. In smaller numbers, Chinese victims are trafficked to Spain, primarily for forced labor. A coalition of 20 NGOs in Spain estimates that there are at least 50,000 people in Spain who are victims of human trafficking. Particularly vulnerable to trafficking are migrants from Romania and Bulgaria and possibly unaccompanied migrant minors, though there is limited data available on the latter group.

The Government of Spain fully complies with the minimum standards for the elimination of trafficking. The government recognized weaknesses in the area of victim protection and took formal steps during the reporting period to strengthen policies to ensure that victims are granted full protection under the law.

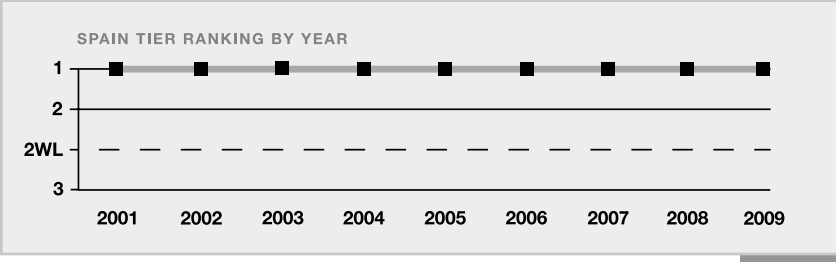
Recommendations for Spain: Continue to vigorously investigate and prosecute human trafficking crimes and convict and punish trafficking offenders; track data on trafficking prosecutions, convictions and sentences served by trafficking offenders; continue to develop formal procedures to guide government officials in proactively identifying victims among vulnerable groups, such as irregular migrants and women in prostitution; implement the new national referral mechanism; ensure victim protection and assistance programs are adequately funded; ensure male and child victims' access to appropriate assistance and protection; consider a campaign at the national level to raise awareness of labor and sex trafficking.

Prosecution

The government demonstrated solid efforts to prosecute and punish trafficking offenders during the reporting period. Spain prohibits all forms of trafficking in persons though Articles 313 and 318 of its criminal code and the Organic Law 11/2003, which prescribe penalties for sex trafficking of from five to 15 years' imprisonment and penalties for labor trafficking of four to eight years' imprisonment. These penalties are sufficiently stringent, and the penalties prescribed for sex trafficking are commensurate with the prescribed penalties for other grave crimes. During the reporting period, Spanish police arrested 403 people for sex trafficking and 68 people for forced labor. In 2008, the government prosecuted 135 trafficking cases – up from 102 in 2007 – and convicted 107 trafficking offenders (14 of which were involved in forced labor) – down from 142 in 2007, with an average sentence of slightly more than four years. Approximately 95 percent of those convicted received sentences of one year or more imprisonment, and five percent of those convicted received a fine and/or suspended sentence. There were no reports of trafficking related official complicity in Spain in 2008.

Protection

The government demonstrated efforts to address victim protection deficiencies that came to light in 2008. During the course of dismantling a large-scale sex trafficking network from 2007 to 2008, authorities arrested over 500 possible victims and deported many of them back to their country of origin; it is unclear if any of them received trafficking victim protection assistance subsequent to their arrests. In December 2008, in an effort to improve victim protection measures, Spain established a formal mechanism for referring victims to service providers. While Spain still is in the process of developing formal procedures for officials to use in identifying potential victims among vulnerable groups, such as people involved in the decriminalized commercial sex trade or migrant workers, the government funded NGOs to provide victim identification training for officials throughout Spain and reportedly identified 771 sex trafficking and 133 forced labor victims during the reporting period. Five of the leading anti-trafficking NGOs in Spain assisted 1,002 victims in 2008. While Spain did not release official figures on the amount it spent on victim protection, the government increased funding to a leading anti-trafficking NGO during the reporting period. Victims were entitled to medical and psychological assistance, including emergency care, through the national health care system as well as access to temporary shelter and legal protection. It is not clear whether the government offered specialized anti-trafficking services for labor trafficking or child victims. The government encouraged foreign victims to assist in trafficking investigations and prosecutions by providing trafficking victims with a 30-day reflection period. The government did not report on the number of victims that received the reflection period. Trafficking victims may qualify for the establishment of new identities in some instances. Spanish law permits trafficking victims to remain in Spain if they agree to testify. According to government policy, after legal proceedings conclude, victims had the option to remain in Spain permanently.

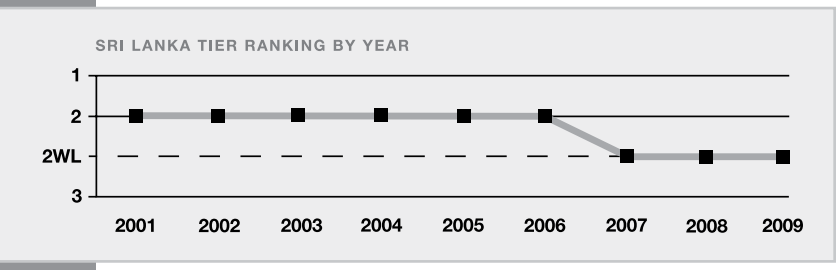


Prevention

Spain sustained efforts to prevent trafficking through awareness raising about human trafficking over the past year. The government approved a national anti-trafficking action plan in December 2008 that pledged approximately $57 million over the next four years toward combating trafficking through law enforcement, victim assistance, and trafficking prevention programs. The national government did not implement a broad anti-trafficking public awareness campaign during the reporting period, but the cities of Madrid, Barcelona and Seville funded local public awareness campaigns. The Madrid city government produced awareness posters targeted at potential clients of the sex trade with the slogan "Because you pay, prostitution exists…Do not contribute to the perpetuation of 21st century slavery." A government-funded NGO provided a 24-hour number for trafficking victims, but the number was not toll free throughout the country. Under the motto "There Are No Excuses," the Spanish government in 2008 partnered with UNICEF on a website to warn Spanish travelers against committing child sex tourism offenses abroad. According to the Spanish military, Spanish troops receive trafficking awareness training before their deployment abroad for international peacekeeping missions.

SRI LANKA (Tier 2 Watch List)

Sri Lanka is primarily a source and, to a much lesser extent, a destination for men and women trafficked for the purposes of forced labor and commercial sexual exploitation. Sri Lankan men and women migrate willingly to Kuwait, Jordan, Saudi Arabia, Qatar, Lebanon, the United Arab Emirates, Oman, Bahrain, and Singapore to work as construction workers, domestic servants, or garment factory workers. Some of these workers find themselves in situations of involuntary servitude when faced with restrictions on movement, withholding of passports, threats, physical or sexual abuse, and debt bondage that is, in some instances, facilitated by large pre-departure fees imposed by labor recruitment agencies and their unlicensed sub-agents. Children are trafficked within the country for commercial sexual exploitation and, very infrequently, for forced labor. The designated Foreign Terrorist Organization, Liberation Tigers of Tamil Eelam (LTTE) continued to recruit, sometimes forcibly, children for use as soldiers in areas outside of the Sri Lankan government's control. Government security forces may be complicit in letting a breakaway LTTE faction that has aligned itself with the government, to unlawfully recruit child soldiers, sometimes with force. A small number of women from Thailand, China, and Russia, and other countries of the former Soviet Union may be trafficked into Sri Lanka for commercial sexual exploitation.



Sri Lanka does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall efforts, the government has not shown evidence of progress in convicting and punishing trafficking offenders; therefore, Sri Lanka is placed on Tier 2 Watch List. While the Sri Lankan government did not achieve any convictions of trafficking offenders, it arrested 29 alleged traffickers and started prosecutions against ten people for trafficking-related offenses, an increase from the previous year when no one was arrested or prosecuted for trafficking-related crimes. It also drafted a national policy on migration that promises to prevent the trafficking of Sri Lankan migrants and it developed a national anti-trafficking task force that should become operational in the coming year.

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; follow through with the creation of the national anti-trafficking task force; develop and implement through training of law enforcement personnel formal victim referral procedures; and 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.

Prosecution

Although the Government of Sri Lanka made strides in arrests and prosecutions of alleged traffickers, it did not demonstrate adequate 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 grave offenses, such as rape. While the government conducted over 400 raids of fraudulent foreign recruiting agencies and took legal action against 80 of them, which resulted in their licenses being suspended and the initiation of two prosecutions – the majority had not yet been prosecuted criminally for trafficking-related offenses. The government canceled the licenses of 32 agencies and imposed fines on them. The police made 29 arrests of suspected trafficking offenders under the 2006 anti-trafficking statute. In addition, the Attorney General's Department has started prosecutions against 12 people for trafficking-related offenses. There were no reported trafficking convictions during the reporting period.

The Sri Lankan Bureau of Foreign Employment (SLBFE), which is responsible for regulating foreign employment agencies and protecting Sri Lankan workers going abroad, developed a ranking system that would publicly grade all employment agencies based *inter alia* on the number of complaints the SLBFE receives relating to each agency, the number of legal cases against each, and the time each takes to resolve disputes with workers. This ranking system will be available on a website, but has not yet been finalized. The Attorney General began drafting a circular that would advise police to identify possible trafficking victims among women they detain for prostitution; this too has not yet been finalized. In collaboration with IOM, the police added a trafficking training module to the standard police curriculum used to train all new police recruits, as well as adding the curricula of two in-service police training institutes; so far, 520 police officers have received training on the new trafficking module.

Following the November 2007 repatriation of 118 Sri Lankan peacekeepers from Haiti because of accusations that some of them had engaged in sexual misconduct, including possible exploitation of children, a Sri Lankan military court found 23 officers and soldiers guilty of sexual misconduct and abuse of children during the last year, two officers were forced out of the military and one solider was discharged, while two other soldiers

subsequently died in military action within Sri Lanka. Punishment for the remaining eight officers and ten soldiers has not yet been reported.

Protection

The government made some efforts to provide victims with necessary protection directly and ensure they received access to protective services provided by NGOs or international organizations. The government continued to provide limited counseling and day care for child victims of trafficking – through the operation of six resource centers run by the National Child Protection Authority (NCPA). In addition, the SLBFE runs an overnight shelter for international trafficking victims returning from overseas at Sri Lanka's only international airport. The Commissioner General for Rehabilitation, with the assistance of the NCPA, operated two rehabilitation centers specifically for children involved in armed conflict.

Although government personnel did not employ formal procedures for proactively identifying victims and referring them to service providers, some *ad hoc* referrals were made during the year. Police did not attempt to identify trafficking victims among 16 foreign women who were arrested on prostitution charges during the year; all were placed in detention until they could pay for their departure from Sri Lanka. The government provided no legal alternatives for the removal of foreign victims to countries where they may face hardship or retribution. Authorities encouraged victims to participate in investigations and prosecutions of trafficking offenders, though sex trafficking victims rarely came forward to cooperate with police and prosecutors out of fear that doing so would damage their reputations. The slow pace of the Sri Lankan judicial system provided a strong disincentive to come forward. The government generally did not penalize victims of trafficking for unlawful acts committed as a direct result of their being trafficked, though some sex trafficking victims could have been penalized because the government failed to identify them among persons arrested for prostitution offenses. Victims who were employed abroad may seek assistance from the SLBFE. The SLBFE collected fees from registered workers who went abroad, which were used to run shelters abroad, as well as domestically at the international airport.

Prevention

The Sri Lankan government undertook modest efforts on trafficking prevention during the last year. The government conducted several trafficking awareness-raising activities, including the Women and Children's Bureau of the Police's sponsorship of a series of television docudramas that highlighted violence and crime against women and children, including the sex trafficking of Sri Lankan women and girls. The SLBFE launched an awareness campaign in October 2008 to inform the public of the dangers of using non-registered employment agencies. The Ministry of Foreign Employment Promotion and Welfare developed a National Policy on Migration and presented it to the parliament for consideration. Among other things, this policy seeks to better protect Sri Lankan workers abroad. The government continued plans started in 2007 to develop an inter-agency anti-trafficking task force, to be coordinated by the Secretary of the Ministry of Child Development and Women's Empowerment, though the task force has not yet been launched. The government showed some efforts to reduce demand for commercial sex acts during the year. Sri Lanka has not ratified the 2000 UN TIP Protocol.

SUDAN (TIER 3)

Sudan is a source country for men, women, and children trafficked internally for the purposes of forced labor and sexual exploitation. Sudan is also a transit and destination country for Ethiopian women trafficked abroad for domestic servitude. Sudanese women and girls are trafficked within the country for domestic servitude. Local observers report the recruitment – sometimes by force – of Darfuri girls to work in private homes, including those occupied by soldiers from the Sudanese Armed Forces (SAF), as cooks or cleaners; some of these girls are subsequently pressured by male occupants to engage in commercial sexual acts. Sudanese women and girls are trafficked to Middle Eastern countries such as Qatar, for domestic servitude and to European countries, such as Poland, for sexual exploitation. Sudanese children are trafficked through Yemen to Saudi Arabia for forced begging. Sudanese gangs coerce other young Sudanese refugees into prostitution in nightclubs in Egypt.

Sudanese children are unlawfully conscripted, at times through abduction, and exploited by armed groups – including the Justice and Equality Movement (JEM), all Sudan Liberation Army (SLA) factions, the Popular Defense Forces, Janjaweed militia, and Chadian opposition forces – in Sudan's ongoing conflict in Darfur; the Sudanese Armed Forces, associated militias, and the Central Reserve Police also continue to unlawfully recruit children in this region. There were confirmed reports of forcible child recruitment in 2008 by the JEM in several refugee camps in eastern Chad, as well as villages in Darfur. Forcible recruitment of adults and particularly children by virtually all armed groups involved in Sudan's concluded north-south civil war was previously commonplace; thousands of children still associated with these forces await demobilization and reintegration into their communities of origin. Although the Sudan People's Liberation Army (SPLA) high command committed to preventing recruitment and releasing the remaining children from its ranks, reports suggest some local commanders continue recruiting children. In certain states, the SPLA also persists in using children for military activities, even after these children have been formally identified for demobilization and family reunification.

A recently released report by a consortium of NGOs found

that government-supported militia, like the Janjaweed and the Popular Defense Forces, together with elements of the SAF, have systematically abducted civilians for the purposes of sexual slavery and forced labor as part of the Darfur conflict. This practice was far more common, however, at the beginning of the conflict in 2003 than during the reporting period, when the conflict in Darfur had largely subsided. Some were released after days or weeks of captivity, while others escaped after a number of months or even years. The vast majority of those abducted are from non-Arabic speaking ethnic groups like the Fur, Massalit, and Zaghawa. Abducted women and girls are subjected to rape, forced marriage, and sexual slavery, as well as forced domestic and agricultural labor. Abducted men and boys are subjected to forced labor in agriculture, herding, portering goods, and domestic servitude.

Thousands of Dinka women and children were abducted and subsequently enslaved by members of the Missiriya and Rizeigat tribes during the north-south civil war. An unknown number of children from the Nuba tribe were similarly abducted and enslaved. A portion of those who were abducted and enslaved remained with their abductors in South Darfur and West Kordofan and experienced varying types of treatment; others were sold or given to third parties, including in other regions of the country; and some ultimately escaped from their captors. While there have been no known, new abductions of Dinka by members of Baggara tribes in the last several years, inter-tribal abductions continue in southern Sudan between warring African tribes, especially in Jonglei and Eastern Equatoria States; Murle raids on Nuer villages in Jonglei State resulted in the abduction of an unknown number of children.

The terrorist rebel organization, Lord's Resistance Army (LRA), continues to harbor small numbers of enslaved Sudanese and Ugandan children in southern Sudan for use as cooks, porters, and combatants; some of these children are also trafficked across borders into Uganda or the Democratic Republic of the Congo. UN/OCHA reported 66 LRA-related abductions in southern Sudan's Western Equatoria Province in 2008 and early 2009.

The Government of National Unity of Sudan (GNU) does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. This report discusses the problem of human trafficking as it impacts the country in its entirety and analyzes the efforts of the national government, the Government of Southern Sudan (GOSS), and the state governments to combat the problem. Sudan's Tier 3 ranking reflects the overall lack of significant anti-trafficking efforts demonstrated by all levels of the country's governing structures, each of which bear responsibility for addressing the crime. While the GNU and the GOSS took greater steps to demobilize child soldiers, combating human trafficking through law enforcement or significant prevention measures was not a priority for any Sudanese government entity in 2008. The national government published neither data nor statistics regarding its efforts to combat human trafficking during the year; it did not respond to requests to provide information for this report.

Recommendations for Sudan: Increase efforts to investigate suspected human trafficking cases, prosecute trafficking offenses, and convict trafficking offenders; implement trafficking-related provisions of newly-enacted legislation, including the Sudan Armed Forces Act; establish an official process for law enforcement officials to identify trafficking victims and refer them for assistance; demobilize all remaining child soldiers from the ranks of the armed forces, as well as those of aligned militias; take steps to identify and provide protective services to all types of trafficking victims found within the country; 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

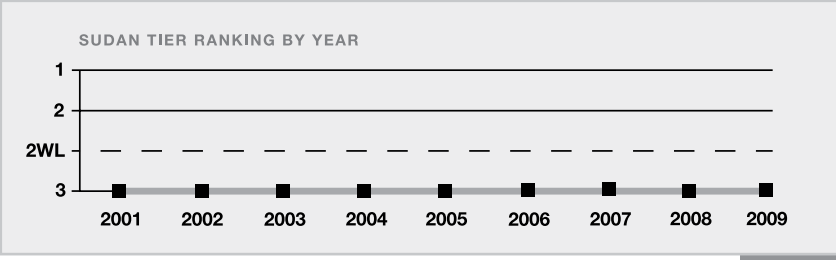
The government's anti-trafficking law enforcement efforts were negligible during the reporting period; it did not investigate or prosecute any suspected trafficking cases. Sudan is a large country with porous borders and destitute hinterlands; the national government had little ability to establish authority or a law enforcement presence in many regions. Sudan's criminal code does not prohibit all forms of trafficking in persons, though its Articles 162, 163, and 164 criminalize abduction, luring, and forced labor, respectively. No trafficker has ever been prosecuted under these articles. In May 2008, the Council of Ministers received the Child Act 2008 for review; the act must be approved by the council and ratified by the parliament before it can be implemented. The Act prohibits the recruitment of children under the age of 18 into armed forces or groups and ensures the demobilization, rehabilitation, and reintegration of child victims of armed conflict. Several states subsequently drafted their own child acts based on the national act; in November 2008, Southern Kordofan State ratified its Child Act. In December 2008, Sudan's National Assembly approved the Sudan Armed Forces Act of 2007, which establishes criminal penalties for persons who recruit children under 18 years of age, as well as for abduction and enslavement; the act prescribes penalties of up to five years' imprisonment for child recruitment and up to 10 years' imprisonment for enslavement. In August 2008, the Southern Sudan Legislative Assembly passed the Southern Sudan Child Act of 2008, which 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 President of the Government of Southern Sudan (GOSS) signed the act into law in October 2008. The Southern Sudan Penal Code Act, enacted in July 2008, prohibits and prescribes punishments of up to seven years' imprisonment for unlawful compulsory labor, including abduction or transfer of control for such purposes; the Act also criminalized the buying or selling of a minor for the purpose of prostitution and prescribes a punishment of up to 14 years' imprisonment. In December 2008, the

Minister of Justice issued a decree establishing offices with specialized children's attorneys in Southern Darfur, Gedaref, Southern Kordofan, Sennar, Blue Nile, Western Darfur, and Kassala States to supervise investigations. The government neither documented anti-trafficking law enforcement efforts nor provided specialized anti-trafficking training to law enforcement, prosecutorial, and judicial personnel during the year. At the request of the Sudanese Police, in January 2009, UNPOL trained 122 women police officers who staff gender desks in child protection. UNPOL also conducted a five-day training program on human rights, gender, and child protection for 25 police officers in Aweil.

Protection

Sudan's Government of National Unity (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 continued to demonstrate extremely low levels of cooperation with humanitarian workers in the Darfur region on a broad spectrum of issues, including human trafficking. The GNU and GOSS provide little to no protection for victims of trafficking crimes; Sudan had few victim care facilities readily accessible to trafficking victims and the government did not provide access to legal, medical, or psychological services. The government did not publicly acknowledge that children are trafficked into prostitution or domestic servitude in Sudan or take steps to identify and provide protective services to such victims. The Khartoum State Police's child and family protection unit, which offers various services such as legal aid and psychosocial support, assisted an unknown number of child victims of abuse and sexual violence in 2008 and could have potentially provided these services to trafficking victims. In 2008, similar units were established with UNICEF's support in Western Darfur, Northern Darfur, Southern Kordofan, Northern Kordofan, and Gedaref States. The government did not have a formal referral process to transfer victims to organizations providing care or a system of proactively identifying victims of trafficking among vulnerable populations.

In January 2008, the government and its UN counterparts established a forum to share information and coordinate an appropriate response to children affected by armed conflict; the group met three times during the year. In May 2008, the Northern Sudan DDR Commission (NSDDRC) and the Southern Sudan DDR Commission (SSDDRC), with support from UNICEF and the Integrated UNDDR Unit, demobilized 88 children formerly associated with the SPLA in Kurmuk, Blue Nile State. In December 2008, the SSDDRC demobilized 46 children from the SPLA training academy in Korpout, Upper Nile State; they were part of a group of 68 children registered for demobilization in July 2007. Identification and registration programs were ongoing for remaining children still serving under the SPLA in Unity and Jongley States, as well is in South Kordofan. In July 2008, NSDDRC in Blue Nile State and UNICEF commenced an interim program to monitor demobilized children's participation in reintegration opportunity programs; in October 2008, the program provided training to NSDDRC's child DDR workers on DDR standards and communicating effectively with children. In August 2008, the GOSS opened a child protection unit to ensure that no children are part of the SPLA's ranks. In December 2008, the Sudan Armed Forces, the National Council for Child Welfare, and UNICEF signed a memorandum of understanding to strengthen the protection of children in Sudan and prevention of recruitment into the armed forces.



During the reporting period, the government punished trafficking victims for crimes committed as a direct result of being trafficked. Following the May 2008 clash between JEM and government forces in Omdurman, a suburb of Khartoum, Sudanese authorities arrested 110 children on charges of attempted violent overthrow of the state and held them with adults for several days. The government then established a Presidential High Committee to care for the children under the leadership of the Humanitarian Aid Commissioner. The National Council for Child Welfare (NCCW) took custody of 100 children, placed them in a National Security detention center, and provided medical care and psychosocial support; international NGOs certified the quality of the center as good and in keeping with international standards. However, 10 children were not sent to the separate facility and remained in detention with adults and an estimated 30 children were used as witnesses in trials of JEM combatants. The government pardoned and released 103 children for family reunification; tried, acquitted, and released four children; and sentenced one child to death, pending appeal. The whereabouts of one child is unknown.

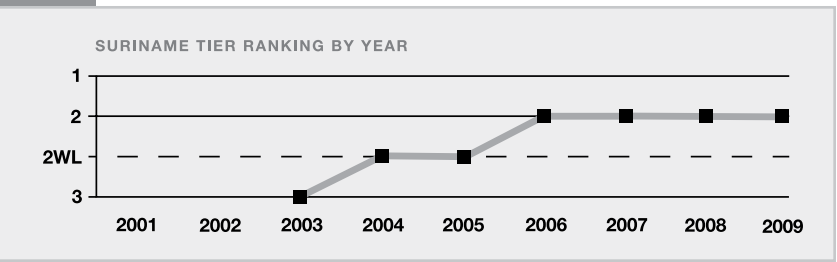
The Committee for the Eradication of Abduction of Women and Children (CEAWC), established in 1999 to facilitate the safe return of abducted and enslaved women and children to their families, was not operational during the reporting period. Its most recent retrieval and transport missions took place in March 2008 with GOSS funding; since that time, neither the GNU nor the GOSS provided CEAWC with the necessary funding for the transport and reunification of previously identified abductees with their families. The government made no efforts to address issues of abduction and enslavement in Darfur during the reporting period.

Prevention

The government made limited efforts during the reporting period aimed at the prevention of trafficking. In September 2008, the SSDDRC and the UN's DDR unit began a weekly radio talk show to sensitize the public on demobilization and reintegration issues. In June 2008, the government NCCW, in collaboration with UNICEF, hosted its national celebration of the Day of the African Child in Kadugli, South Kordofan State. Based on the theme "No use of children under 18 years in the military," activities included speeches, radio and television interviews, songs, children's theater, traditional dance, sporting events, and the distribution of printed materials such as posters, leaflets, and banners; these events reached an estimated 85,000 people in Kadugli. Similar celebrations took place in all other states in collaboration with state Councils for Child Welfare and state Ministries of Social Welfare. During 2008, Sudanese national security personnel prevented the publication of newspaper articles on human trafficking. The government did not take any known measures during the reporting period to reduce the demand for forced labor or commercial sex acts. Sudan has not ratified the 2000 UN TIP Protocol.

SURINAME (Tier 2)

Suriname is a destination and transit country for men, women, and children from the Dominican Republic, Brazil, Guyana, Colombia, Haiti, Indonesia, Vietnam, and China trafficked for the purposes of commercial sexual exploitation and forced labor. Suriname is also a source country for women and children trafficked within the country for sexual exploitation and forced labor, as well as women trafficked transnationally for forced labor. Foreign trafficking victims are exploited in illegal urban brothels and the western district of Nickerie. Guyanese women and girls are forced into street prostitution and are trafficked into the sex trade near both legal and illegal gold mining camps in the Amazon jungle. At least one criminal network traffics Brazilian women among gold mining sites in both Suriname and French Guiana. Women from urban areas are recruited for domestic work at these mining camps and subsequently coerced into sexual servitude. Some Chinese men are subjected to forced labor in the construction industry, while some Chinese women are forced into prostitution in massage parlors and brothels. Chinese men and women are forced to labor in grocery stores. Some Haitian migrants transiting Suriname are forced to work in agriculture. Traffickers fraudulently promised at least 23 Surinamese women that they would be given well-paying jobs in Europe after finishing cooking school in Trinidad and Tobago. The women were intercepted in Curacao and returned to Suriname. Although Chinese organized crime units traffic some people to and through Suriname, most traffickers in Suriname operate through smaller, local networks.



The Government of Suriname does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite significant resource constraints, the government increased anti-trafficking law enforcement actions, and modestly improved victim assistance and prevention efforts. Reports of officials' complicity in trafficking, however, continue and the government has made no efforts to reduce demand for commercial sex acts.

Recommendations for Suriname: Continue investigating, prosecuting, and adequately punishing trafficking offenders; investigate and prosecute corrupt public officials who allegedly facilitate trafficking; investigate reports of forced labor; consider measures to better protect both foreign and Surinamese trafficking victims; and sponsor public campaigns to reduce the demand for commercial sex acts.

Prosecution

The Surinamese government strongly increased its anti-trafficking law enforcement efforts 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 grave crimes. An interagency, public-private working group (IWG) coordinates government efforts to investigate and prosecute traffickers. The public prosecutor reported nine trafficking arrests between March 2008 and February 2009. Three offenders were convicted: A Korean boat captain was sentenced to six years' imprisonment for the forced labor of four Vietnamese, and two nightclub owners, a Chinese and Brazilian couple, were convicted of trafficking nine Brazilian women into prostitution. The husband was sentenced to 12 months' and the wife to four months' imprisonment. A case with three defendants accused of trafficking a 16-year old Guyanese girl for sexual exploitation at a nightclub was before the courts in March 2009. Two additional cases are pending. The TIP Police Unit regularly inspected places where trafficking victims might be found, and conducted random brothel checks to ensure the women were not mistreated, no minors were present, and that owners did not keep the women's airline tickets and passports. The government requested the extradition of four Surinamers from Curacao, in connection with the probable trafficking of 21 Surinamese men and two women en route to Europe

through Trinidad and Tobago; three more Surinamers were arrested in Suriname in connection with the case, and are in jail pending trial. Investigations continue in the case of 11 Indonesians rescued from forced labor at a motorbike assembly plant. The government initiated investigations of some Surinamese officials who reportedly facilitated trafficking into the country by accepting money and favors from suspected traffickers, though no prosecutions were begun.

Protection

The government continued to provide moderate protection for victims of trafficking during the year. The government provided free legal services to trafficking victims, and instituted a formal mechanism for referring victims to a local foundation which, in collaboration with the TIP Police Unit and the Ministry of Justice and Police, coordinates the provision of shelter, medical care, and psychological services to identified foreign and Surinamese victims. Surinamese law does not grant foreign victims temporary or permanent residency status or legal alternatives to removal to countries where they may face hardship or retribution, though victims who participated in law enforcement investigations and prosecutions were allowed to stay during these proceedings. There were reports that some foreign victims were incarcerated and deported for immigration violations, though identified foreign victims are generally not penalized for unlawful acts committed as a direct result of being trafficked. The same local foundation is charged with arranging shelter and services for as long as victims are needed for the investigation and court case, then works with embassy or consulate officials to arrange victims' repatriation. Foreign victims were required to remain in the country until they could issue a sworn statement and a judge determined that they could leave Suriname. Victims who had been found working illegally in Suriname could not seek temporary employment while awaiting trial proceedings. The Ministry of Justice and Police is reviewing draft legislation that would grant foreign victims legal resident status. The government encourages victims to assist in the investigation and prosecution of trafficking offenders. During the year, at least 28 victims cooperated with police. None chose to file a civil suit for restitution against their traffickers, although that option is available.

Prevention

The government continued its solid prevention efforts during the year. Senior officials continued to condemn and draw public attention to the problem of human trafficking in Suriname. The government ran an education campaign for journalists, religious groups, youth organizations, officials, labor unions, brothel owners, and NGOs, and conducted a specialized campaign in the Marowijne District. The IWG systematically monitored government anti-trafficking efforts. Immigration police monitored visa applications and ports of entry for patterns that might indicate trafficking. Police closed a brothel in Nickerie district for exploiting a minor in prostitution. The Ministry of Labor along with the Youth Affairs section of the Police Force and the Commission for Child Rights educated and informed the public on the worst forms of child labor and child exploitation. The government made no discernable efforts to reduce demand for commercial sex acts.

SWAZILAND (Tier 3)

Swaziland is a source, destination, and transit country for women and children trafficked internally and transnationally for the purposes of commercial sexual exploitation, domestic servitude, and forced labor in agriculture. Swazi girls, particularly orphans, are trafficked internally for commercial sexual exploitation and domestic servitude in the cities of Mbabane and Manzini, as well as to South Africa and Mozambique. Swazi boys are trafficked for 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. Chinese organized crime units acquire victims in Swaziland and traffic them to hubs in Johannesburg, where they "distribute" victims locally or send them on to be exploited overseas. Traffickers force Mozambican women into prostitution in Swaziland, or else 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 trafficking.

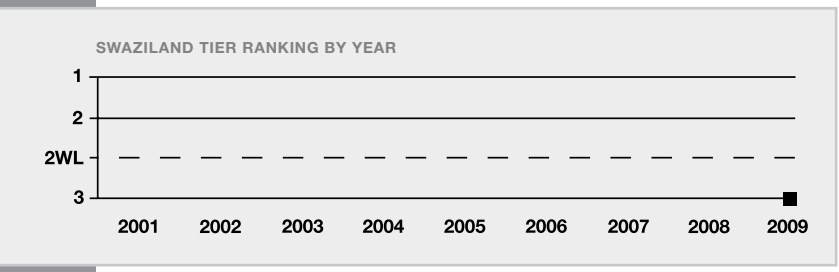
The government of Swaziland does not comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government believes that trafficking probably does occur, but does not know the extent of the problem. Its limited resources were directed towards other issues because the government does not judge trafficking to be an "important" problem, a judgment which significantly limited the government's current efforts to eliminate human trafficking, or to plan anti-trafficking activities or initiatives for the future.

Recommendations for Swaziland: Enact and implement comprehensive anti-trafficking legislation; prosecute trafficking offenses under existing laws; train law enforcement officials to recognize human trafficking situations; proactively identify victims; institute a formal system to refer victims for assistance; work with NGOs and international organizations as appropriate, to better determine the nature and extent of Swaziland's trafficking problem; implement a comprehensive law-enforcement record-keeping system; and conduct visible campaigns to educate the public about the dangers and risks of trafficking in Swaziland.

Prosecution

The government made no effort to investigate or prosecute trafficking offenses during the year. While Swaziland has no law specifically prohibiting trafficking, existing statutes prohibiting acts such as kidnapping, forced and compulsory labor, confiscation of passports, aiding and

abetting "prohibited immigrants" to enter the country, brothel keeping, procurement for prostitution, sex or solicitation of sex with an underage girl, and employing children under the age of 15 could be used to prosecute trafficking offenses, but were not. Under traditional Swazi law, many such cases are resolved within the chiefdom via customary, rather than civil, law and cases reviewed under customary law are not generally reported to civil authorities, or the media. As plaintiffs in these cases tend to be reluctant to bring additional civil or criminal charges against the suspected offender, the government has no information whether any of these cases do or could involve trafficking. A draft bill now in its fourth year of review – the Sexual Offenses and Domestic Violence Bil – would criminalize sex trafficking and mandate psychological services for victims. It has not yet been presented to parliament. In the past year, law enforcement officials made no effort to proactively identify cases of children trafficked for labor.



Protection

The Swaziland government made inadequate efforts to protect victims of trafficking over the reporting period. There were no government programs which provided services specifically to victims of trafficking, and the government continued to depend on NGOs to provide shelter, referral, counseling, and other care for victims. A government-run center in Manzini provides medical and social services to victims of abuse, which would be made available to trafficking victims. Swazi law did not protect victims from prosecution for crimes committed as a direct result of trafficking. Under the Immigration Act, a person entering Swaziland for the purpose of prostitution, even as a victim of trafficking, is subject to deportation, although it is not automatic. The government did not provide legal alternatives to the removal of foreign victims to countries where they would be at risk of hardship or retribution.

Prevention

There were no government-run anti-trafficking campaigns during the reporting period. In late 2008, the Ministry of Home Affairs' Gender Unit again worked with NGOs to organize the 16 Days of Activism Against Gender Violence campaign, which addressed human trafficking and other abuses against women and children. Movement across the borders with South Africa and Mozambique are not well-controlled; undocumented crossings of illegal migrants and trafficking victims are common. Although the authorities lack the personnel to patrol Swaziland's borders adequately, they claim that they made some efforts to monitor them for trafficking during the year. The government also made some effort to reduce demand for commercial sex acts during the year. Swaziland has not ratified the 2000 UN TIP Protocol.

SWEDEN (Tier 1)

Sweden is a destination, and, to a lesser extent, a transit country for women trafficked from Romania, Russia, Nigeria, Albania, Tanzania, Thailand, and Estonia for the purpose of commercial sexual exploitation. Some of these women are trafficked through Sweden to Norway, Denmark, Germany, and the United Kingdom. Women and children from Romania are trafficked to Sweden for the purpose of forced begging. One man from Ukraine was trafficked to Sweden for the purpose of begging and petty theft. In 2008, a Swedish national was identified as a victim of trafficking in another EU country, where her alleged trafficker attempted to force her into prostitution. The Swedish police estimate that 400 to 600 persons are trafficked to Sweden annually, primarily for forced prostitution.

The Government of Sweden fully complies with the minimum standards for the elimination of trafficking. In January 2009, Sweden used its anti-trafficking law to prosecute and convict labor traffickers for the first time. The government allocated $26 million to implement the Ministry for Integration and Gender Equality's two- year comprehensive anti-trafficking action plan in Sweden and in select source countries, which included measures to prevent sex trafficking, improve victim assistance and the victim repatriation system, provide training for law enforcement and judges, and improve screening for potential victims during the visa application process.

Recommendations for Sweden: Consider increased use of the 2002 anti-trafficking law to prosecute trafficking offenders; improve efforts to collect trafficking specific law enforcement data; develop and implement formal procedures for the identification of trafficking victims and increase efforts to identify victims; improve labor trafficking awareness and coordination among local and regional police; continue training judges on the application of the anti-trafficking law; and continue efforts to better identify, address and prevent child trafficking to Sweden.

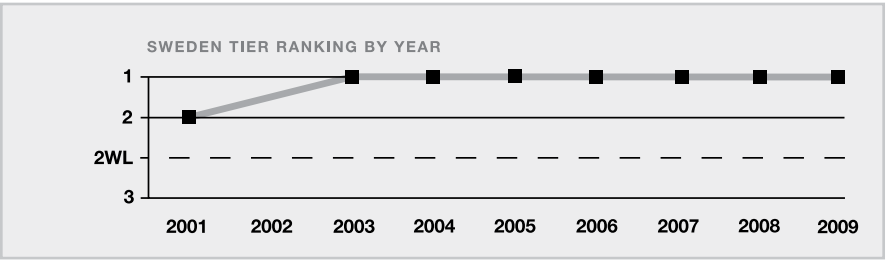
Prosecution

The government continued its law enforcement efforts to fight sex trafficking and improved efforts to address labor trafficking over the reporting period. Sweden's 2002 anti-trafficking law prohibits trafficking for both sexual exploitation and forced labor and prescribes penalties of two to 10 years' imprisonment, penalties that are sufficiently stringent and commensurate with those prescribed for other grave crimes. Prosecutors continued, however, to rely on a prostitution procurement law with

weaker penalties to prosecute and convict some sex traffickers. In 2008, police conducted 15 sex trafficking and eight labor trafficking investigations, compared to 15 investigations reported in 2007. Authorities prosecuted four labor trafficking offenders and nine sex trafficking offenders, compared to 13 prosecutions in 2007. Four individuals were convicted for labor trafficking and eight individuals were convicted for sex trafficking, compared to two labor trafficking convictions and 11 sex trafficking convictions in 2007. Sentences given to nine convicted traffickers ranged from six to 78 months' imprisonment.

Protection

Sweden provided adequate victim assistance during the reporting period, although the number of victims assisted decreased over the reporting period. Police received some victim identification training and referred identified victims to NGOs for assistance. The government funded NGOs both in Sweden and abroad to provide victim rehabilitation, health care, vocational training, and legal assistance. Identified foreign victims were granted a minimum 30-day temporary residency permit that provided them with access to health care and social services. Swedish authorities encouraged victims to participate in trafficking investigations and prosecutions; victims who declined to participate in investigations were subject to deportation after the 30-day reflection period, although no victims were deported from Sweden in 2008. Over the reporting period, six victims received state-funded assistance compared to 11 victims in 2007. Four victims received temporary residency permits to remain in Sweden for the duration of the relevant criminal trial, a decrease from 10 victims given such temporary permits in 2007. The Swedish government provided temporary residency to certain victims, but did not otherwise offer legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. The government did not punish victims for unlawful acts committed as a result of being trafficked.



Prevention

The Government of Sweden demonstrated efforts to raise awareness and prevent trafficking over the reporting period. The local government in Stockholm conducted an awareness campaign targeted at cab drivers and hotel and restaurant personnel who are likely to come in contact with victims of trafficking; the campaign consisted of posters and television advertisements and provided information on how the public can report suspected instances of trafficking. In July 2008, the Ministry for Integration and Gender Equality adopted a comprehensive anti-trafficking action plan, which in part requires increased efforts to prevent commercial sexual exploitation.

SWITZERLAND (Tier 1)

Switzerland is primarily a destination and, to a lesser extent, a transit country for women and children trafficked for the purposes of commercial sexual exploitation and forced labor. One NGO reported that roughly 50 percent of the trafficking victims counseled in Switzerland came from Eastern Europe; 27 percent were from Latin America; 14 percent were from Asia; and the remaining nine percent came from Africa. Primary countries of origin during the reporting period were Romania, Hungary, Poland, Bulgaria, Slovakia, the Czech Republic, Slovenia, Ukraine, Moldova, Brazil, the Dominican Republic, Thailand, Cambodia, Nigeria, and Cameroon. Swiss federal police assess that the total number of potential trafficking victims residing in Switzerland is between 1,500 and 3,000. There is reportedly forced labor in the domestic service sector. Trafficking of ethnic Roma minors, who reportedly are brought from other European countries to various Swiss cities to beg and commit petty theft, is a rising concern of Swiss authorities.

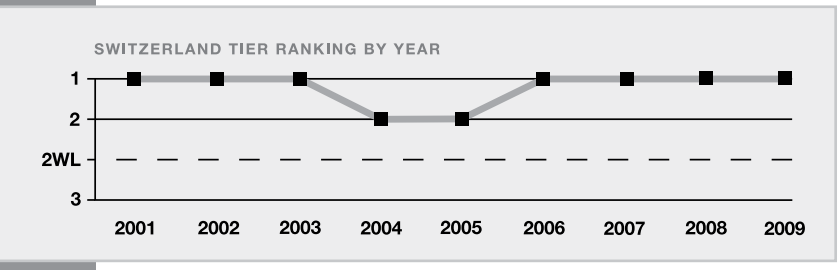
The Government of Switzerland fully complies with the minimum standards for the elimination of trafficking. While only 16 percent of trafficking offenders convicted during the reporting period served time in jail and authorities initiated no labor trafficking prosecutions, the number of sex trafficking convictions increased.

Recommendations for Switzerland: Increase the number of convicted traffickers serving time in prison; establish formal procedures to guide officials nationwide in proactively identifying victims among vulnerable groups, such as women in prostitution, street children or undocumented migrant worker; establish formal procedures to guide officials nationwide in referring potential victims to service providers; provide adequate funding for trafficking victim service providers; consider 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 beneficiaries of forced labor.

Prosecution

The Government of Switzerland's anti-trafficking law enforcement efforts yielded an increased numbers of sex trafficking convictions during the reporting period, though very few convicted trafficking offenders served jail time, and there were no labor trafficking prosecutions. Switzerland prohibits trafficking for both sexual and

labor exploitation under the new Article 182 of the Swiss penal code, which prescribes penalties of up to 20 years' imprisonment and are commensurate with penalties prescribed for other grave crimes. To improve the process for gathering statistics on trafficking prosecutions, Switzerland's 26 cantons embarked on a data harmonization process that has resulted in a change of timing for the release of comprehensive law enforcement statistics. As a result, the latest available law enforcement statistics for this Report were the comprehensive data from 2007. Authorities reported 20 prosecutions under the trafficking statute in 2007, compared to 20 prosecutions under the trafficking statute in 2006. Swiss courts handed down convictions of 22 people under article 182 and three for sex trafficking under a separate forced prostitution statute in 2007, compared with five under the trafficking statute and 11 for sex trafficking under the forced prostitution statute in 2006. Authorities reported no labor trafficking prosecutions or convictions in 2007. Of those convicted and receiving sentences that were not subsequently suspended, the average sentence in 2007 was two years' imprisonment the same average sentence seen in 2006. The maximum jail sentence that was not suspended in 2007 was four years, compared to a maximum of 28 months' imprisonment in 2006. The government reported that only 16 percent (four of the 25) convicted trafficking offenders in 2007 served time in jail. The government trained 25 Swiss prosecutors and judges in November on sensitization to trafficking issues, such as recognizing trafficking crimes and appropriate victim protection.



Protection

The government demonstrated sustained victim protection efforts during the reporting period. The Swiss federal and cantonal governments have established some systems for human trafficking identification. For example, the Swiss Foreign Office has procedures for screening visa candidates who seek to travel to Switzerland to work as cabaret dancers, a group considered to be particularly vulnerable to trafficking. The Federal Police have a trafficking victim-screening checklist that is distributed to all federal and cantonal police officials and is mandatory for use in all cantonal immigration offices. Thirteen out of Switzerland's 26 cantons have their own formal procedures for victim identification and referral. NGOs suggested that centrally-determined standards for how individual cantons are to provide assistance to victims would be useful. Trafficking victims had access to free and immediate medical, psychological, and legal assistance in coordination with government-and NGO-funded victim assistance centers or battered women's shelters. Funding levels for the reporting period were not available, but some NGOs indicated government funding for victim assistance was inadequate. Special protective measures were available for juvenile trafficking victims. There were no specialized facilities for male victims of trafficking, although authorities did not identify any male victims in 2007. In January 2009, Switzerland amended its victim assistance law to include incentives for victim assistance centers to tailor programs for trafficking victims. The government reported assisting 128 trafficking victims in 2007. There were no reports that victims were penalized for unlawful acts committed as a direct result of their being trafficked. Swiss authorities encouraged victims to participate in the prosecution of trafficking offenders and granted foreign victims both temporary and long-term legal alternatives to removal to countries where they faced hardship or retribution. The government started a pilot program in April 2008 to assist victims with repatriation to their home countries.

Prevention

The government demonstrated some trafficking prevention efforts during the reporting period. In conjunction with the European Soccer Cup, which Switzerland hosted jointly with Austria in June 2008, the government provided $96,000 to NGOs to implement an anti-trafficking public awareness campaign. The campaign targeted potential clients of Switzerland's sex trade through TV and Internet spots and posters but ran only from March to September. The government provided funding for a hotline for Russian-speaking trafficking victims, though it did not provide funding for the main victim assistance hotline, which was run by an NGO on private donations. The Swiss Ministry of Foreign Affairs hosted a November 2008 conference on the linkages among prostitution, migration, and human trafficking. The Swiss government funded trafficking prevention and protection programs in various countries and regions at an annual level of approximately $5.4 million. The Swiss federal police added a form to its website where suspected incidents of child sex tourism could be reported. Switzerland's penal code provides for extraterritorial application of Switzerland's child sexual abuse laws, though there were no reported prosecutions or convictions of Swiss child sex tourists under this law. The government provided specific anti-trafficking training modules for all Swiss peacekeeping troops.

SYRIA (Tier 3)

Syria is principally a destination country for women and children trafficked for the purposes of domestic servitude and commercial sexual exploitation. Women from Iraq, Eastern Europe, former Soviet states, Somalia, and Morocco are recruited as cabaret dancers and subsequently forced into prostitution after their employers confiscate their passports and confine them to

their work premises. A significant number of women and children in the large Iraqi refugee community in Syria are forced into sexual exploitation by criminal gangs or, in some cases, their families. Some desperate Iraqi families reportedly abandon their girls at the border with the expectation that traffickers on the Syrian side would arrange forged documents for the children and "work" in a nightclub or brothel. Iraqi families arrange for young girls to work in clubs and to be "married," often multiple times, to men for the sole purpose of prostitution. Some Iraqi women and girls who turn to prostitution out of economic desperation are trafficked back into Syria after they are arrested and deported. Syria is becoming a destination for sex tourism by citizens of other Middle Eastern countries, due in part to the influx of Iraqi women and girls exploited in prostitution. Syria is also a transit country for Iraqi women and girls trafficked to Kuwait, the UAE, and Lebanon for forced prostitution.

Some women, mostly from South and Southeast Asia and East Africa, who are recruited to work in Syria as domestic servants are subjected to conditions of involuntary servitude by employers and some of the dozens of recruitment agencies – many of which are unlicensed – within Syria. Their work as domestic servants is not covered by Syrian labor law. Contracts signed in the employee's country of origin are often changed upon arrival in Syria, contributing to the employees' vulnerability to forced labor. Some of these women are confined to the residences in which they work, and have their passports confiscated by their employers as a way of restraining their movement. Employers sometimes physically abuse their foreign domestic workers. The Governments of Sri Lanka, Indonesia, East Timor, and the Philippines ban their citizens from accepting employment as domestic workers in Syria, absent enhanced measures to regulate such employment, although this has not stopped the flow of workers into the country.

The Government of Syria does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Syria again did not report any law enforcement efforts to investigate and punish trafficking offenses over the past year. Protection of trafficking victims remained inadequate overall, though the government opened a new shelter in cooperation with IOM in late 2008 and made plans to open a second shelter in 2009. The government made no significant efforts to inform the Syrian public about the practice of human trafficking or to reduce the demand for forced labor – particularly the forced labor of domestic servants – or commercial sex acts in Syria. The government has drafted and is reviewing an anti-trafficking law, though it has not made the text public or indicated when the legislation might be enacted.

Recommendations for Syria: Enact a law that criminalizes trafficking; investigate, prosecute, and punish offenders; institute a formal procedure to identify trafficking victims among vulnerable groups, such as girls and women found in prostitution, or foreigners detained for lack of immigration documentation, and refer these identified victims to providers of appropriate care; and undertake a campaign to raise public awareness of trafficking.

Prosecution

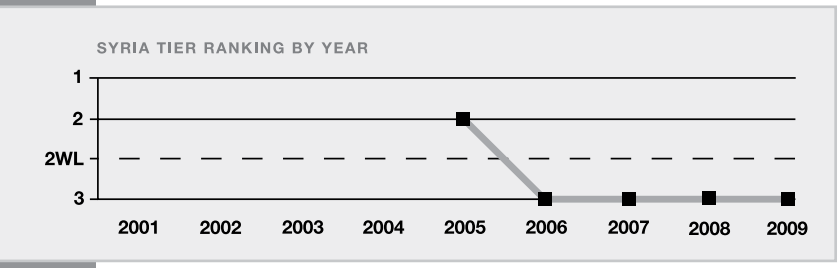
The Government of Syria made no reported efforts to investigate or punish trafficking crimes during the past year, though the government reportedly closed several labor recruitment agencies that may have been involved in recruiting workers through fraudulent means for the purpose of exploitation. Syria continued to lack anti-trafficking legislation, without which the police were stymied in identifying potential victims and investigating suspected trafficking offenses. During the year, the government showed signs of nascent recognition of Syria's trafficking problem. Anti-trafficking legislation was drafted and reviewed by the Cabinet and Parliament during the year, though it was not passed or enacted. Without an adequate trafficking law, authorities could use existing statutes prohibiting kidnapping, forced prostitution, forced labor, and illegal entry into Syria, to prosecute some trafficking cases; however, there was no evidence that they did so.

The 1961 anti-prostitution law criminalizes bringing a person into the country for the purpose of prostitution, and prohibits prostituting a minor less than 16 years old, with a prescribed penalty of one to seven years' imprisonment. The General Penal Code imposes a three-year prison term and nominal fine for exploitation of prostitution by force, fraud, or coercion. These penalties are not commensurate with the penalties prescribed for rape. Decree 29 of 1970, which regulates immigration, stipulates that "any foreigner who tries to enter the country with false documents and anyone who aided that person is subject to imprisonment of three months to one year." In practice, however, these laws are not targeted toward, or enforced against, traffickers. A 2005 law on money laundering and terrorism financing authorizes prosecution of anyone who receives illicit funds from, *inter alia*, "trading in people," although there is no information indicating that anyone has been prosecuted under this provision.

Protection

During the year, the Syrian government made modest progress in protecting trafficking victims. The government donated building space for a new trafficking shelter opened in Damascus in late 2008, and made plans to open a second shelter in Aleppo later this year. These shelters offer legal and medical services and psychological counseling to victims of domestic violence and human trafficking. Referral of trafficking victims to shelters or NGOs remained informal absent enactment of anti-trafficking legislation or development of a formal anti-trafficking policy. In some cases, Iraqi refugee women who were identified as victims of trafficking were moved from detention facilities to shelters. The government continues to lack formal victim identification procedures to identify potential trafficking victims. As a result, victims of trafficking may have been arrested and charged

with prostitution or violating immigration laws. There were reports, however, that some women arrested for prostitution and subsequently identified as victims of trafficking were referred to shelters; this is a positive development. Also, Syrian immigration authorities worked with IOM and foreign embassies to arrange for repatriation of several women, most of whom had escaped from abusive situations as domestic workers. Syria did not actively encourage victims to assist in investigations or prosecutions of their traffickers and did not provide 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 took minimal steps to prevent trafficking. Syria did not conduct any campaigns to educate the public about trafficking, or take any measures to reduce the demand for commercial sex acts. Similarly, the government did not undertake any public awareness campaigns against child sex tourism. Together with IOM, the government provided training to Syrian border immigration officials on combating fraudulent documents, which included a trafficking-awareness component. Syria has not ratified the 2000 UN TIP Protocol.

TAIWAN (Tier 2)

Taiwan is primarily a destination for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. To a far lesser extent, it is a source of women trafficked to Japan, Australia, the UK, and the United States for sexual exploitation and forced labor, as well as a transit area for People's Republic of China (PRC) citizens seeking to enter the United States illegally, some of whom may become victims of debt bondage and forced prostitution. Most trafficking victims are workers from rural areas of Vietnam, Thailand, Indonesia, and the Philippines, employed through recruitment agencies and brokers to perform low-skilled work in Taiwan's construction, fishing, and manufacturing industries, or to work as 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 women and girls from the PRC and Southeast Asian countries are trafficked to Taiwan through fraudulent marriages, deceptive employment offers, and illegal smuggling for sexual exploitation and forced labor. Many migrant workers are charged job placement and service fees up to the equivalent of $14,000, some of which are unlawful, resulting in substantial debt that unscrupulous labor brokers or employers may use as a coercive tool to subject the workers to involuntary servitude. Labor brokers often help employers forcibly deport "problematic" employees, thus allowing the broker to fill the empty quota with a new foreign worker who must pay placement and brokerage fees that may be used to subject them to involuntary servitude. Many foreign workers remain vulnerable to trafficking because legal protections, oversight by authorities, and enforcement efforts are currently inadequate. Taiwan authorities reported that traffickers, including syndicates in Southeast Asia, continued to recruit women from the PRC, Vietnam, Indonesia, and other Southeast Asian countries into marriages with Taiwan men, and then force them into prostitution or exploitative labor upon their arrival. Some women knowingly enter into false marriages after being promised jobs as caregivers or domestic workers in Taiwan, but are subsequently forced into Taiwan's sex industry or into forced labor. NGOs continued to report an increase in the number of boys rescued from prostitution, mainly discovered during police investigations of online social networking sites suspected of fronting for prostitution rings.

Taiwan authorities do not fully comply with the minimum standards for the elimination of trafficking; however, they are making significant efforts to do so. Taiwan authorities made noticeable progress during the reporting period by passing a new anti-trafficking law, bolstering law enforcement efforts, and approving a budget plan of $14.8 million for victim protection measures. Authorities provided training for law enforcement, social workers, and judicial personnel to enhance investigative skills and increase understanding of human trafficking, victim protections and related legal issues. Taiwan's efforts on victim identification and protection, however, remained inadequate over the last year. NGOs report that immigration, police, and local law enforcement officials continue to view trafficking victims as runaways or criminals, resulting in some victims being penalized rather than assisted.

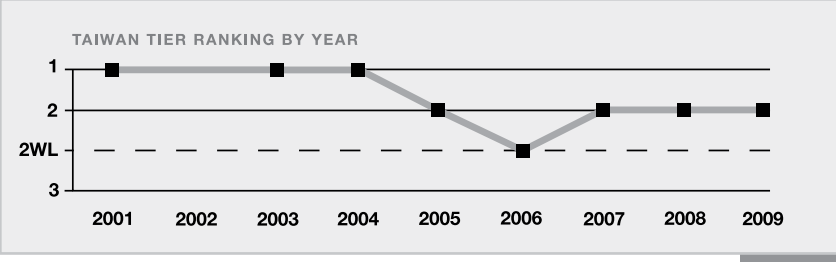
Recommendations for Taiwan: Extend labor protections to all categories of workers including domestic workers and caregivers to prevent labor trafficking; implement the new comprehensive anti-trafficking law and effectively carry out its victim and witness protections so that victims are not penalized for acts committed as a direct result of being trafficked; ensure law enforcement personnel, prosecutors, and judges consistently implement victim identification procedures and victim protection procedures to prevent the prosecution of trafficking victims for acts committed as a direct result of being trafficked; encourage victims to voluntarily assist in the prosecution of traffickers; increase police efforts to investigate trafficking crimes and to identify trafficking

victims; and improve cooperation with governments of labor source countries on trafficking investigations.

Prosecution

Taiwan authorities made notable progress in combating trafficking through law enforcement efforts during the last year. In January 2009, Taiwan's Legislative Yuan passed a new anti-trafficking law, which along with portions of the Criminal Code, criminalizes trafficking for both sexual exploitation and forced labor. The new law, which provides punishment of up to seven years' imprisonment for sex and labor trafficking, will come into effect when all corresponding statutes and regulations have been amended to conform to its provisions. During the reporting period, prosecutors continued to use sections of Taiwan's criminal code, labor law, and immigration law to prosecute labor and sex trafficking offenses. The Labor Standards Law, which prohibits forced labor, does not apply to the unknown number of Taiwan nationals and the 169,000 foreign workers – approximately half of Taiwan's foreign work force – employed as caregivers or domestic workers on Taiwan, who are especially vulnerable to labor trafficking. Typical punishments imposed on offenders convicted of forced labor or labor trafficking-related provisions under the Labor Standards Law are fines or imprisonment of less than one year – punishments that were not sufficient. The new anti-trafficking law criminalizes labor trafficking and significantly increases penalties for such offenses. According to the Ministry of Justice (MOJ), six individuals were convicted in 2008 of trafficking-related provisions under the Employment Services Act. There were no trafficking-related convictions under the Labor Standards Law in 2008. Taiwan regulations allow employers to implement a system of "forced savings," a practice known to facilitate trafficking whereby employers deduct up to 30 percent of a foreign worker's monthly salary to be placed in a bank account in the worker's name, while the worker has no access to the account. Foreign workers are forced into such an arrangement upon arrival in Taiwan, and they are often sent home if they object. The money is not returned if the worker ends work early due to abuse or exploitation, thereby deterring trafficked workers from seeking assistance. Traffickers also lure women to Taiwan with promises of marriage to Taiwanese men, preying on hopes of a higher standard of living. These arrangements are sometimes fraudulent, resulting in foreign women trafficked into forced labor or sexual exploitation in Taiwan. Taiwan authorities banned for-profit marriage broker agencies in 2008, although there is a one-year grace period to allow existing agencies to close down operations.

The Ministry of Justice reports that authorities commenced prosecutions against 481 individuals for suspected trafficking from April to December 2008, most of which were sex trafficking cases. From April 2008 until January 2009, 234 individuals were convicted of trafficking-related offenses, including 80 for sexual exploitation and 35 for labor trafficking. In October 2008, the Taoyuan District Court convicted 18 people for offenses related to coercing Indonesian and Vietnamese women to engage in prostitution and withholding their passports and earnings. The court sentenced the principal defendant to 20 years' imprisonment and others to as many as 12 years' imprisonment. Some trafficking victims have been required to serve as witnesses in the trials of their traffickers and, as a result, have spent many months on Taiwan unable to work. Although amendments to the Immigration Act in August 2008 allow some trafficking victims to apply for temporary work permits, foreign victims have not been permitted to work while awaiting the outcome of labor disputes and trafficking investigations, and their mounting, often fraudulent, debts owed to home country and Taiwanese labor brokers lead many to flee shelters to seek illegal sources of income. When the new anti-trafficking legislation is enacted, victims will not be required to serve as witnesses in an open court trial and will not need to be designated as witnesses by prosecutors in order to obtain a temporary work permit. During the reporting period, there were reports that some local officials took bribes to turn a blind eye to trafficking, and allegations that some Taiwan politicians accompanied employers or brokers to local Bureau of Labor Affairs (BLA) mediation sessions with workers who registered complaints. Some sources believe these were thinly-veiled attempts to influence BLA officials and intimidate workers in order to achieve a favorable outcome for the employer or broker. No officials were indicted or convicted of trafficking-related corruption during the reporting period.



Protection

Protection efforts by Taiwan authorities improved during the reporting period. A significant number of trafficking victims on Taiwan continue to go undetected by law enforcement authorities. Despite provisions in amendments to Taiwan's Immigration Act enacted in August 2008, which allows trafficking victims to apply for six-month temporary residency and work permits, no such immigration relief has been granted. Although Taiwan authorities have adopted formal victim identification procedures, implementation was not consistent and the process of referring victims from law enforcement custody to shelter facilities remained unreliable. In February 2009, the Ministry of Justice amended victim identification principles to simplify and standardize trafficking indicators across agencies and to provide law enforcement officials with a reference guide

for questioning victims. These guidelines encourage multiple victim identification assessments by both field officers and detention center officials. During the year, officials began to outsource victim placement services to NGOs, who are better equipped to provide social support services victims need. Nevertheless, many trafficking victims are treated as illegal immigrants or illegal laborers, held in detention facilities, prosecuted, fined, and ultimately deported. While incarcerated, most detainees have limited access to psychological or legal counseling. NGOs reported that more victims were being identified by government authorities during the period, and the government ensured that these identified victims were not penalized for unlawful acts committed as a direct result of their being trafficked, though other victims not so identified by government authorities were likely arrested and penalized for immigration violations. Officials claimed that language barriers hamper their ability to sufficiently identify victims and investigate trafficking cases. In 2008, the Ministry of Interior (MOI) began compiling a centralized interpreter database accessible by all law enforcement officials. Victims who cooperated with prosecutors in cases where charges were actually filed against the trafficker or other defendants were, in most cases, excused from punishment. Taiwan has no law to protect foreign trafficking victims from being removed to countries where they face hardship or retribution.

The treatment afforded to victims varies considerably from place to place. The Council for Labor Affairs (CLA) provides subsidies to 11 NGO-operated shelters for trafficking victims. Most of those sheltered in these facilities were referred by churches, NGOs, or other informal channels. In August 2008 and March 2009, the National Immigration Agency (NIA) contracted NGOs to operate two new trafficking shelters for one year, one in Taoyuan and one in Hualien. The Taoyuan shelter, which is co-located with one of NIA's long-term detention facilities, housed 12 victims in 2008, most of whom were labor trafficking victims. There are some concerns that the shelter, which is a refurbished detention facility, would place victims under constant supervision by NIA officials. The Crime Victim Protection Act was amended in January 2009 to expand protections to include foreign victims of trafficking. According to the MOI, local government agencies placed 65 trafficking victims with government-subsidized NGO shelters during 2008. In December 2008, the Executive Yuan approved a $14.8 million budget for anti-trafficking efforts through 2010.

Prevention

Taiwan authorities report that their efforts to combat trafficking abroad are hampered by a lack of formal diplomatic relations with source country governments and an inability to join relevant international organizations. Taiwan demonstrated continued commitment to trafficking prevention efforts, spending over $900,000 in training and public awareness campaigns in 2008. Authorities launched a multimedia campaign to increase public awareness of Taiwan's human trafficking problem, and held multiple training seminars and workshops for law enforcement, prosecutors, labor officials, judges, social work and medical personnel, and NGOs. The National Immigration Agency compiled and distributed an operations manual on human trafficking cases to law enforcement agencies, and the Ministry of Education included teaching materials on human trafficking in the national curriculum. A Direct Employment Service Center allows the rehiring of foreign domestic workers without going through labor brokers. This program could be improved and expanded, however, to encourage greater participation. As part of an ongoing campaign to combat child sex trafficking, authorities on Taiwan continued to display public service announcements in movie theaters, on television, and on online chat rooms, and the Ministry of Transportation and Communications (MOTC) along with NGOs produced pamphlets and other materials in Mandarin, Japanese, and English to raise awareness of the child sex trade. Taiwan has a law with extraterritorial application that criminalizes the sexual exploitation of children by Taiwan passport holders traveling abroad; however, it did not prosecute anyone for child sex tourism abroad during the reporting period.

TAJIKISTAN (TIER 2 Watch List)

Tajikistan is a source country for women trafficked to the UAE often through Kyrgyzstan and Russia, for the purpose of commercial sexual exploitation. Some women are trafficked from Tajikistan to Russia, Turkey, Iran, and India for the purpose of commercial sexual exploitation. Men are trafficked to Russia and, to a lesser extent, Kazakhstan for the purpose of forced labor, primarily in the construction and agricultural sectors. Children, men, and women are coerced by some local government authorities to harvest cotton. In 2008, a small number of Tajik men were trafficked to Poland for the purpose of forced labor. Boys and girls are trafficked internally for various purposes, including forced labor, forced begging, and commercial sexual exploitation.

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. Despite these efforts, the government did not demonstrate progress in prosecuting and convicting officials complicit in trafficking and ensuring that victims have access to protection; therefore, Tajikistan is placed on Tier 2 Watch List. The government reported limited improvements in law enforcement efforts, although these efforts were overshadowed by the government's failures to address serious and systemic problems. The most significant of these problems were the government's failure to address trafficking corruption; poor coordination between law enforcement and security institutions with overlapping responsibilities; failure to adequately investigate

allegations of security officials' abuse of victims; and excessive reliance on the international community to conduct trafficking awareness campaigns and to ensure victims have access to assistance and protection.

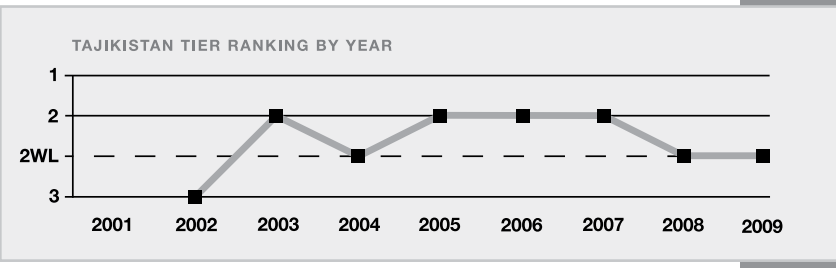
The government also failed to prevent local officials from compelling men, women and children – particularly in Khatlon and Sughd regions – to pick cotton during the annual cotton harvest. For the first time in 2008, local prosecutors initiated investigations into allegations that local officials and teachers forced children to pick cotton—although there were no convictions of officials for compelled labor during the reporting period. Forced labor in the cotton sector remained problematic because the Government of Tajikistan continued to set a fixed price for a small cadre of investors to purchase cotton from farmers. This fixed price is well below market value, making it difficult for farmers to pay workers to pick cotton. This undervaluing of labor, and consequent lack of voluntary laborers, leads local officials to compel people to participate in the cotton campaign.

Recommendations for Tajikistan: Vigorously investigate and prosecute trafficking offenses, especially those involving labor trafficking, and convict and punish trafficking offenders with imprisonment; ensure better coordination between law enforcement and security institutions, particularly the State Committee on National Security; prosecute and convict government officials who participate in or facilitate trafficking in persons and ensure they serve time in prison; ensure indentified victims are not assaulted or re-victimized by government officials and ensure such allegations of assault are fully investigated and culpable offenders are prosecuted and criminally punished; provide financial or in-kind assistance to existing trafficking shelters; be directly involved in trafficking awareness campaigns, and ensure anti-trafficking information appears in government media outlets; prohibit the forced or coerced labor of children and adults in the annual cotton harvest by monitoring school and university attendance, inspecting cotton fields during the harvest, and enforcing existing laws prohibiting the use of forced labor; make efforts to improve trafficking data collection and analysis; and develop a victim identification and referral mechanism.

Prosecution

The Government of Tajikistan reported increased but limited anti-trafficking law enforcement efforts during the reporting period. Article 130.1 of the criminal code prohibits both sexual exploitation and forced labor, and prescribes penalties of five to 15 years' imprisonment, which are sufficiently stringent but are lower than penalties prescribed for other grave crimes, such as rape. Although it was added to the criminal code in 2003, officials have not successfully used the statute to prosecute trafficking offenders. However, officials have used other criminal provisions to address trafficking related crimes, and for the first time, authorities investigated suspected labor trafficking cases. In 2008, authorities reported investigating 23 individuals suspected of trafficking, an increase from 12 trafficking investigations in 2007. The government reported 23 prosecutions in 2008, compared to 19 reported in 2007. Courts convicted 17 traffickers in 2008, up from 11 convictions reported in 2007. The government reported that no convicted traffickers received suspended sentences or were granted amnesty in 2008; sentences for those serving time in prison ranged from six months to eight years' imprisonment. The government worked with Russian authorities to investigate two trafficking cases in 2008.

The government did not demonstrate significant efforts to address government complicity in trafficking during the reporting period. The State Committee on National Security did not vigorously investigate reports that three identified trafficking victims were sexually assaulted by its officers after they were repatriated to Tajikistan. There were unconfirmed reports that some government officials used their authority to stop trafficking investigations because of illicit ties to traffickers. Local officials in Sughd and Khatlon regions were directly involved in organizing and coercing students to participate in the annual cotton harvest, and, despite widespread public reports of this forced labor, the Ministry of Labor did not deploy inspection teams to investigate them and Ministry of Education officials generally did not discipline teachers or local administrators who facilitated or directed such practices. However, after the conclusion of the harvest, government prosecutors in Khatlon investigated 12 local government officials and teachers for forcing school age and university students to pick cotton; some of the education officials were reprimanded for their actions, however no officials were convicted of criminal offenses during the reporting period.



Protection

The government demonstrated no efforts to assist trafficking victims during the reporting period. Virtually all victim assistance and protection including shelter, medical assistance, rehabilitative counseling, legal assistance, and vocational training was provided by foreign-funded shelters and NGOs; the government did not provide financial or in-kind assistance to any NGO or organization that provided victim assistance. In 2008, thirty-eight victims were provided with shelter and assistance by foreign-funded NGOs, compared to 46 victims in 2007. The government again made no efforts to develop and implement systematic victim identification

procedures or a domestic mechanism to refer victims to care providers. Victims were encouraged to participate in trafficking investigations and prosecutions; however, many authorities remained untrained and unskilled on interviewing and caring for victims of trafficking. Although victims were generally not detained or punished, three female victims of sex trafficking alleged that border service officials sexually assaulted them upon their repatriation to Tajikistan.

Prevention

Tajikistan again demonstrated limited prevention efforts during the reporting period. In October 2008, the government produced and broadcasted television programs informing potential labor migrants of their rights and practical considerations for the migration process. In 2008, officials instituted monitoring and licensing requirements for travel firms to help detect or investigate firms suspected of labor trafficking complicity.

TANZANIA (Tier 2)

Tanzania is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. The incidence of internal trafficking is believed to be higher than that of transnational trafficking. Tanzanian girls from rural areas are trafficked to urban centers and the island of Zanzibar for domestic servitude; some domestic workers fleeing abusive employers fall prey to forced prostitution. Tourist hotels reportedly coerce some girls employed as cleaning staff into prostitution. Boys are trafficked within the country for forced labor on farms, in mines, in the informal business sector, and possibly on small fishing boats. Smaller numbers of Tanzanian children and adults reportedly are trafficked to surrounding African nations, South Africa, Saudi Arabia, the United Kingdom, Sweden, and possibly other European countries for domestic servitude and sexual exploitation. Indian women legally migrate to Tanzania to work as entertainers in restaurants and nightclubs; some are reportedly forced into prostitution after arrival. In 2008, Malawian men were trafficked to Tanzania for forced labor in fishing. Citizens of neighboring countries may be trafficked through Tanzania for forced domestic labor and sexual exploitation 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. In August 2008, the government enacted a comprehensive human trafficking law and made progress in educating law enforcement officials and prosecutors about the full scope of human trafficking. Although more than 250 victims of trafficking were identified by government officials over the year, the government initiated no known prosecutions of their traffickers.

Recommendations for Tanzania: Use newly enacted anti-trafficking legislation to prosecute and punish trafficking offenders; implement national procedures for victim protection, including the identification of trafficking victims among undocumented migrants; institute trafficking-specific data collection systems for use by the national police and courts; and provide additional training to law enforcement authorities on differentiating human trafficking from smuggling.

Prosecution

Though the Tanzanian government enacted anti-trafficking legislation and received significant amounts of training from outside entities during the reporting period, it reported no prosecutions or convictions of trafficking offenders. In June 2008, the parliament passed the comprehensive Anti-Trafficking in Persons Act of 2008, which was signed by the president in August. In February 2009, the law came into effect after being translated into Swahili and officially published. This statute prescribes punishments of one to 20 years' imprisonment depending upon the severity of the crime, punishments that are sufficiently stringent and commensurate with those prescribed for other grave crimes. However, as no specific anti-trafficking law existed for the majority of the reporting period, existing statutes criminalizing the sale of people, forced labor, child labor, and various sexual offenses were applied to human trafficking cases. The government reportedly investigated cases of trafficking using these statutes, but provided no information on the prosecution or conviction of trafficking offenders during the year. Acting on a hotline tip, police in Mlandizi arrested and charged a Rwandan woman attempting to traffic a Tanzanian child to France; her trial date has not been set. Although the Ministry of Labor reportedly conducted inspections and issued warnings to violators of child labor statutes, there were no reported forced child labor cases brought to court in 2008. Likewise, Zanzibar's Ministry of Labor did not take legal action against any cases of forced child labor. In February 2009, the government transferred responsibility for all anti-human trafficking law enforcement efforts from a specific Anti-Human-Trafficking Unit to the police's INTERPOL office, which has broad responsibility for transnational crimes. The police Cyber Crimes Unit estimated investigating 200 trafficking-related cases since its establishment in 2006; however, no arrests have resulted from these efforts. In December 2008, the government opened the East African Regional Training Academy for immigration officials; approximately 60 percent of this facility's funding is provided by the Tanzanian government. The academy's curriculum includes a module devoted to anti-trafficking education.

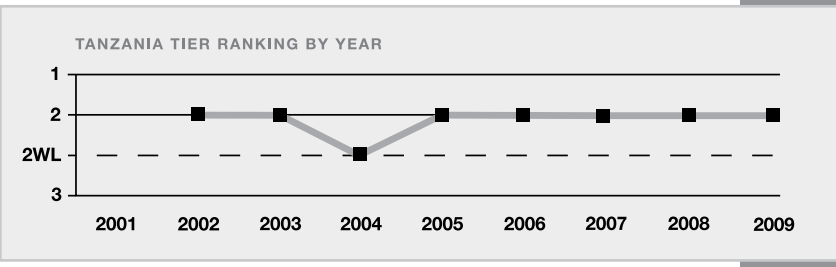
Protection

The government's efforts to protect victims of trafficking during the reporting period were moderate and suffered from a lack of resources. Government officials partnered with NGOs to provide shelter, counseling, and rehabilitation for victims of trafficking; facilities for shelter and specialized care were limited to urban

areas. While Tanzania lacked systematic victim referral procedures, police and social workers across the country received training on victim protection and government authorities referred trafficking victims to NGOs for assistance during the reporting period. For instance, police and community social workers referred 256 female trafficking victims to an NGO-run shelter in 2008. In March 2009, local social workers in Pwani region took custody of a rescued child, placed her in an orphanage, and enrolled her in school. A plain-clothes female police officer, part of the Dar es Salaam city police force, visited shelters to obtain sex trafficking victims' statements in a private setting. In mid-2008, the government collaborated with IOM and NGOs to draft a plan for the referral of trafficking victims for care; this mechanism has not yet been finalized. The government provided free use of buildings and supplied teachers, doctors, and social workers, to assist anti-trafficking NGOs during the reporting period. A 24-hour crime hotline staffed by Tanzanian police officers was available for citizens to make anonymous reports about suspected trafficking victims; the hotline responded to two trafficking tips during the reporting period. The government generally encouraged Tanzanian victims' assistance in the investigation of their traffickers, but the lack of national procedures for victim identification likely led to the deportation of many foreign victims before they were identified or able to give evidence in court. With no formal procedure in place to identify foreign victims, they may have been treated by the government as illegal migrants and housed in prisons until deportation arrangements could be made. The government conducted educational programs to help law enforcement officials identify trafficking victims among vulnerable groups. The Anti-Trafficking in Persons Act of 2008 provides foreign victims legal alternatives to their removal to countries where their safety or the safety of their families may be endangered.

Prevention

While awareness of human trafficking increased further in Tanzania, including among communities in remote locations, understanding of what constitutes trafficking remained low; law enforcement and social welfare officials sometimes conflated human trafficking with smuggling. In April 2008, the government produced guidelines for child labor intervention at the district and community levels that were implemented to varying degrees. For example, to prevent child labor exploitation and trafficking, teachers, police, and labor inspectors followed up with parents to determine whether children missing from school had been forced into domestic servitude or other forms of labor. While there were no reports of local government officials carrying out legal action against such parents, the resulting fear of criminal penalties significantly reduced the availability of child domestic workers in Dar es Salaam by year's end. Local Child Labor Committees, partially comprised of local government officials, partnered with ILO-IPEC to identify and withdraw children from situations of forced labor and enroll them in public schools or Ministry of Education – operated Community Learning Centers. High-ranking national and local officials were visibly present at events associated with IOM's national campaign, "Uwe Sauti Yao" (Be Their Voice). In an effort to decrease the demand for commercial sex acts, in June 2008, Dar es Salaam police arrested and indicted 38 men and women – madams, women engaged in prostitution, and clients – on charges of keeping brothels and soliciting sexual services. All suspects were released on bail or with fines; trial dates have not yet been determined. All Tanzanian soldiers completed a module on the respect of human rights and anti-trafficking interventions as part of their basic curriculum. Troops received additional human rights training, including sessions on gender and women's rights, the protection of civilians, and international humanitarian law, before their deployment to international peacekeeping missions.

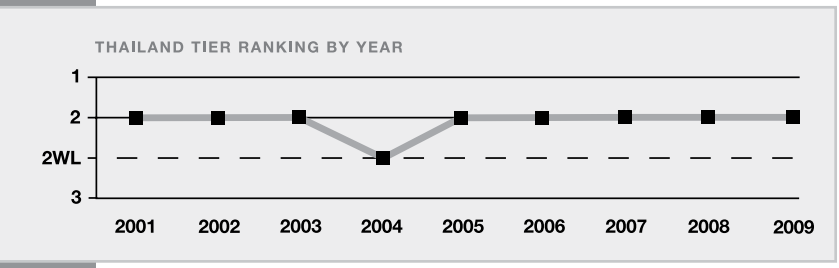


THAILAND (Tier 2)

Thailand is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. Thailand's relative prosperity attracts migrants from neighboring countries and from as far away as Russia and Fiji who flee conditions of poverty and, in the case of Burma, military repression. Significant illegal migration to Thailand presents traffickers with opportunities to force, coerce, or defraud undocumented migrants into involuntary servitude or sexual exploitation. Following migration to Thailand, men, women, and children, primarily from Burma, are trafficked for forced labor in fishing-related industries, factories, agriculture, construction, domestic work, and begging. Women and children are trafficked from Burma, Cambodia, Laos, the People's Republic of China, Vietnam, Russia, and Uzbekistan for commercial sexual exploitation in Thailand. Ethnic minorities such as northern hill tribe peoples, many of whom do not have legal status in the country, are at a disproportionately high risk for trafficking internally and abroad. Media reports during the year alleged trafficking of some Burmese migrants, including some refugees, from Malaysia to Thailand. Most Thai sex trafficking victims repatriated to Thailand were trafficked to Bahrain and Malaysia. Some Thai men who migrate for low-skilled contract work in Taiwan, Malaysia, the United States and elsewhere are subjected

to conditions of forced labor after arrival. There are no reliable estimates of the number of trafficking victims in Thailand. Sex tourism in Thailand may encourage trafficking for sexual exploitation.

The Royal Thai Government does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government began implementing a new, comprehensive anti-human trafficking law that came into force in June 2008 and trained the law enforcement community on the new legislation. In recent years, the number of annual convictions for sex trafficking has declined. Three sex traffickers were convicted, and the government initiated prosecutions of 54 individuals for trafficking offenses, including forced child labor, during the reporting period. The government did not, however, achieve a conviction for a labor trafficking offense during the year. The government initiated prosecution for multiple trafficking offenses of three owners of a Samut Sakhon shrimp processing factory raided in 2006.



Recommendations for Thailand: Increase efforts to investigate labor trafficking and prosecute labor traffickers; improve efforts to identify victims of trafficking among vulnerable groups, such as undocumented migrants; ensure that adult foreign trafficking victims who are willing to work with local law enforcement are not confined to shelters involuntarily; develop and implement mechanisms to allow adult foreign trafficking victims to seek and find employment outside shelters; and 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.

Prosecution

The Royal Thai Government continued some law enforcement efforts to combat trafficking in persons. A comprehensive anti-trafficking law that went into effect in June 2008 covers all forms of trafficking and prescribes penalties that are sufficiently stringent and that are commensurate with penalties prescribed for other grave crimes, such as rape. Prescribed punishments are doubled if the convicted trafficking offender is a public official. The government initiated prosecutions against at least 54 individuals for trafficking offenses, eight of whom are being prosecuted for forced child labor. During the reporting period, there were at least three convictions for sex trafficking offenses; two Thai women were convicted and sentenced to 34 and 50 years' imprisonment, respectively, for brokering children for prostitution, and another Thai woman was sentenced to 14 years in prison for the 2006 trafficking of two young women to Italy for prostitution. The government trained police officers, immigration officers, prosecutors and social workers on the new anti-trafficking law. A police division established in 2006 – the Children and Women Protection Division – continues to have nationwide jurisdiction to conduct anti-trafficking investigations. In addition, the police's newly established Transnational Crime Coordination Center collects and analyzes trafficking information and conducts strategic planning for anti-trafficking efforts along with the Office of the Attorney General's Center Against International Human Trafficking. Nevertheless, investigations for trafficking offenses were disrupted or delayed because of frequent personnel turnover, and observers reported that cooperation between police and prosecutors on criminal (including trafficking) cases could be improved. There were reports that local police protected brothels, other sex venues, and seafood and sweatshop facilities from raids, and occasionally facilitated the movement of women into or through Thailand. In the absence of specific, credible allegations of official complicity in trafficking, the government did not report any investigations or prosecutions of Thai officials for trafficking-related corruption. A police officer suspected of trafficking in 2007 was convicted, fined, and fired for alien smuggling. The government reported that available evidence did not support a trafficking prosecution. The government initiated prosecution of three owners of a shrimp processing factory, in which 66 trafficking victims were found in September 2006, for multiple trafficking offenses. Authorities also initiated prosecutions of six individuals in the March 2008 raid of a separate shrimp processing facility, but their trial is not yet complete. In July 2006, a fleet of six fishing vessels returned to a Thai port and surviving crew members reported the death while at sea of 39 seafarers, most of whom were Burmese. Although survivors have testified that the 39 died from conditions of malnutrition due to captains' failure to provide food and freedom to the seafarers – as they were confined to the fishing boats for over three years – and that their bodies were disposed of at sea, the government has been unable to locate the captains to arrest them for unlawful disposal of corpses and believes it is unlikely that available evidence will support trafficking-related charges.

Protection

The Thai government continued to provide impressive protection to foreign and Thai victims of trafficking in Thailand and Thai trafficking victims abroad. The government expanded its network of temporary shelters for trafficking victims from 99 to 138, with at least one temporary shelter in each Thai province. The government refers victims of trafficking to one of eight longer-stay regional shelters run by the Ministry of Social Development and Human Security (MSDHS), where they receive psychological counseling, food,

board, and medical care. The new anti-trafficking law extended victim protection provisions to male trafficking victims, and one of the government's long-stay shelters exclusively serves adult male victims and their families. In 2008, the government's shelters provided protection and social services for at least 102 repatriated Thai victims and 520 foreigners trafficked to Thailand. The Department of Consular Affairs in the Ministry of Foreign Affairs reported that 443 Thai nationals classified as trafficking victims were repatriated from a number of overseas locations, including Bahrain (360 victims), Malaysia (73 victims), and Taiwan (5 victims), between October 2007 and September 2008. Most of the victims were sex trafficking victims held in conditions of debt bondage. The Thai government, with NGO assistance, has implemented trafficking victim identification procedures, and has since conducted trainings for approximately 2,500 government officials. The government claimed that it screened undocumented migrants for trafficking victims, but informed observers asserted that it did not systematically do so. The government provides shelter and social services to all identified Thai and foreign trafficking victims pending their repatriation to their country or town of origin. Foreign trafficking victims in Thai custody, including those who cooperate with law enforcement, cannot leave shelters unsupervised, are not offered legal alternatives to their removal to countries where the victims may face hardship or retribution, and are not permitted to work outside shelters. Some foreign victims have been confined to shelters for as long as two years. The government encourages victims' participation in the investigation and prosecution of trafficking crimes, and some victims do participate. NGOs have reported complaints by some foreign victims in shelters who feel that the government does not handle their repatriation in a timely fashion, and who feel pressured to remain in shelters in order to assist with prosecutions. Language barriers, fear of traffickers, distrust of Thai officials, slow legal processes, and the financial needs of victims all played a role in the decision of some victims to not participate in the Thai legal process, including criminal prosecutions. The 1998 Labor Protection Act allows for compensatory damages from employers in cases of forced labor, and the government ordered compensation in one of the shrimp factory cases and funded plaintiffs' attorneys in a successful civil action in the other shrimp factory case.

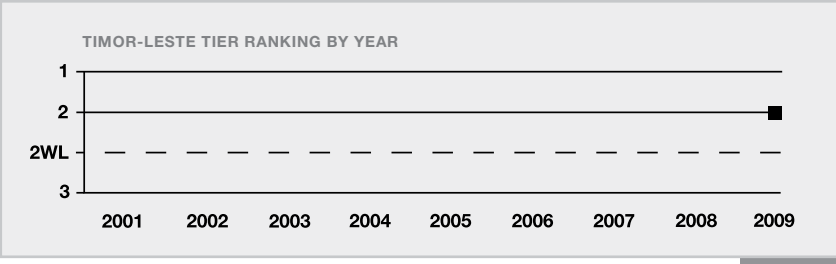
Prevention

The Thai government continued to support prevention and public awareness activities on trafficking during the year, including through "public dialogues" on trafficking and television advertisements. Informed observers report significant forced labor among migrants who participate in Thailand's temporary work program, suggesting victims' inability to seek assistance from the government without fear of punishment or deportation and a lack of efforts to inform migrant workers of options for remedies against exploitative employers and labor brokers. Government efforts to reduce domestic demand for illegal commercial sex acts and child sex tourism were evidenced through the prosecution of approximately 20 child sex tourists, as well as occasional police raids to shut down brothels and awareness-raising campaigns targeting tourists. Thailand has not ratified the 2000 UN TIP Protocol.

TIMOR-LESTE (Tier 2)

Timor-Leste is a destination country for women from Indonesia, Thailand, the People's Republic of China, Malaysia, and the Philippines trafficked for the purpose of commercial sexual exploitation, and a destination for men from Burma trafficked for the purpose of forced labor. Timor-Leste has a growing internal trafficking problem, mainly women and children lured to Dili from rural areas or camps for internally displaced persons with offers of employment and subsequently forced into prostitution. Transnational traffickers, who may be members of organized crime syndicates, typically recruit and control their victims through fraud and psychological coercion.

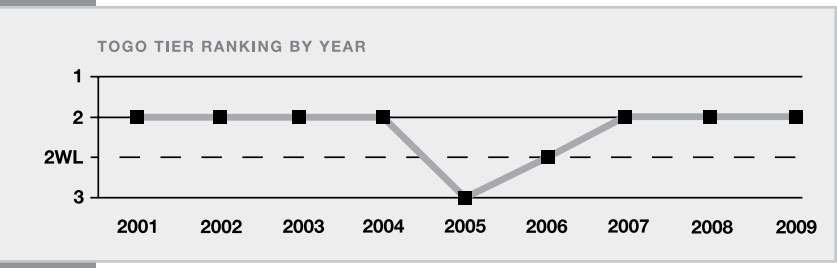
The Government of Timor-Leste does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so despite limited resources. During the year, the government improved counter-trafficking coordination among ministries, trained officials and law enforcement agents on human trafficking, implemented a birth registration program as a form of preventing trafficking, established procedures to identify victims among foreign women arrested for prostitution, and increased trafficking awareness among vulnerable populations. The government, however, did not arrest or prosecute any trafficking offenders, though officials identified some trafficking victims, and has not investigated persistent reports of law enforcement agents accepting bribes from traffickers.



Recommendations for Timor-Leste: Enact the draft Penal Code provisions on trafficking in persons; increase investigations, prosecutions, and punishment of trafficking offenders; train law enforcement officers on victim identification and protection; institute formal procedures for referring victims to service providers; and investigate, prosecute, and punish government officials who accept bribes to facilitate sex trafficking.

Prosecution

The Government of Timor-Leste demonstrated a minimal increase in anti-trafficking law enforcement efforts over the past year. Although both labor and sex trafficking victims were identified, the government did not investigate, arrest or prosecute any trafficking offenders. The Ministry of Justice drafted a new Timor-Leste Penal Code, which defines and punishes all forms of trafficking and provides protection to witnesses and victims. The Penal Code is awaiting approval by the Council of Ministers. During the year, trafficking cases could have been prosecuted under provisions in the Immigration and Asylum Act of 2003. Timor-Leste prohibits all forms of sex and labor trafficking through this Act, which prescribes penalties ranging from three to 12 years' imprisonment – penalties that are sufficiently stringent but not commensurate with those prescribed for serious crimes, such as rape. The government and IOM held joint training courses on human trafficking for civil servants, immigration, police and military officers, and members of the diplomatic, civil and religious communities. The Victims' Protection Unit (VPU) of the police also received gender-protection training from two NGOs. The government did not investigate persistent reports that police officers in Dili accepted bribes or sex in exchange for tolerating brothels' exploitation of trafficking victims. Complaints that some border officials accept bribes to let trafficking victims enter Timor-Leste were also not investigated.



Protection

During the past year, the government continued to ensure victims' access to protection services provided by NGOs and international organizations, as a severe lack of resources and personnel limit the Timorese government's ability to provide services directly. The Ministry of Labor helped arrange assistance and shelter for victims of labor trafficking when cases were brought to its attention. In the absence of formal procedures, social service, immigration, and law enforcement agencies referred identified victims to NGOs for assistance on an *ad hoc* basis. Within the government, only the Immigration Department of the Ministry of Interior followed formal procedures to identify proactively trafficking victims among high-risk populations such as foreign women in prostitution. The government did not encourage victims to participate in investigations and prosecutions of trafficking offenders, although victims could file civil suits or take other legal action against traffickers. The draft penal code includes witness protection provisions; the present lack of such protections makes it difficult for victims to safely step forward and make their own allegations. Victims of trafficking were arrested for offenses committed as a direct result of being trafficked. This year, however, the government began to provide victims relief from imprisonment, summary deportation, or removal to a country where they may face hardship or retribution. Officials, in consultation with IOM, were authorized to determine a person's status as a trafficking victim, rather than rely on the inefficient court system for such a determination.

Prevention

Acknowledging that trafficking is a problem in the country, the Timorese government expanded its nation-wide trafficking awareness campaign in partnership with international and local NGOs. The Ministry of Foreign Affairs chaired the Trafficking Working Group, which includes the Ministries of Justice, Labor, and Social Solidarity, the VPU of the national police, the Office for the Promotion of Gender Equality, and representatives from the civil, religious, diplomatic, and NGO communities. During the year, the group met twice. IOM, the government, and a local NGO implemented a comprehensive trafficking awareness program for civil servants and police officers. Anti-human trafficking posters with emergency contact numbers are now prominently displayed at most government agencies, in National Police stations throughout the districts, and the Dili port and airport. The Ministry of Social Solidarity deployed 13 child protection officers, one to each district, to monitor and manage cases of vulnerable children. Local women's and children's rights NGOs worked with the government on campaigns to raise public awareness of trafficking and to prevent the sexual abuse of children. They distributed leaflets in several communities, which include the telephone numbers for the National Social Service Division, the police, and three local and international NGOs. The government also implemented a new birth registration program and began developing a new adoption and guardianship law, as a way to make children less vulnerable to trafficking. Timor-Leste has not ratified the 2000 UN TIP Protocol.

TOGO (TIER 2)

Togo is a source, transit and, to a lesser extent, a destination country for women and children trafficked for the purposes of forced labor and commercial sexual exploitation. Trafficking within Togo is more prevalent than transnational trafficking and the majority of victims are children. Togolese girls are trafficked primarily within the country for domestic servitude, for forced work as market vendors and produce porters, and for commercial sexual exploitation. To a lesser extent, girls from Togo are also trafficked to other African countries, primarily Benin, Nigeria, Ghana, and Niger, for the same purposes listed above. Although some Togolese boys are trafficked

within the country, they are more commonly trafficked transnationally to work in agricultural labor, including on cocoa farms, in other African countries, primarily Nigeria, Cote d'Ivoire, Gabon and Benin. Over the last year, Togolese boys were also trafficked to Ghana for forced begging by a religious instructor. Beninese and Ghanaian children have been trafficked to Togo. There were reports of Togolese women and girls trafficked to Lebanon and Saudi Arabia, likely for domestic servitude and forced prostitution. Togolese women may be trafficked to Europe, primarily to France and Germany, for the same purposes.

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, despite limited resources. The government continued steady efforts to protect trafficking victims and to prosecute and convict trafficking offenders.

Recommendations for Togo: Continue to increase efforts to prosecute and convict trafficking offenders; criminalize the trafficking of adults; increase efforts to raise public awareness about trafficking, particularly about legislation criminalizing it; and establish the National Committee to Combat Child Trafficking mandated in Togo's 2005 law against child trafficking.

Prosecution

The Government of Togo demonstrated increased law enforcement efforts to combat trafficking during the last year. Togo does not prohibit all forms of trafficking, though in July 2007 the government enacted a Child Code that criminalizes all forms of child trafficking. This law supplements Togo's 2005 Law Related to Child Trafficking, which criminalizes the trafficking of children, but provides a weak definition of trafficking and fails to prohibit child sexual exploitation. Togo's maximum prescribed penalty of 10 years' imprisonment for child trafficking is sufficiently stringent and commensurate with prescribed penalties for other grave offenses. The prescribed penalties of one to five years' imprisonment for sex trafficking of children 15 years and older, and 10 years' imprisonment for sex trafficking of children younger than 15 years, are sufficiently stringent and commensurate with penalties prescribed for statutory rape. Article 4 of the 2006 Labor Code criminalizes forced and obligatory labor, prescribing inadequate penalties for forced labor of either three to six months' imprisonment, a fine, or both, and double these penalties for "obligatory" labor. This Article does not provide definitions of either of these labor violations. The Government of Togo reported 13 prosecutions of trafficking offenders, 12 of whom were convicted. Four convicted traffickers each received sentences of two years' imprisonment, and one of these perpetrators, who is Beninese, was banned from entering Togo for five years after serving his sentence. Six traffickers each received punishments of eight months' imprisonment and two traffickers received prison sentences of six months.

The Ministry of Social Affairs (MOSA) contributed vehicles and trainers to UNICEF-supported anti-trafficking training of magistrates in Atakpame and Kara. In June 2008, the Ministry of Security conducted a donor-funded trafficking training for 30 police officers and gendarmerie. The government relied largely on ILO-funded local vigilance committees, usually composed of local government officials, community leaders, and youth, to report trafficking cases.

Protection

The Togolese government continued steady efforts to protect trafficking victims over the last year. The government did not operate its own victim shelter. Togolese officials continued to refer trafficking victims to NGOs for care, however. After identifying trafficking victims, police regularly contacted MOSA staff, who arranged for victim referral to an NGO. The MOSA also helped to identify the families of child victims and helped with their reintegration by ensuring that they received schooling. Two MOSA social workers were on-call 24-hours a day to assist trafficking victims. The government also provided temporary shelter to victims at community transit centers located in each of its four regions if NGO facilities were stretched to capacity. One anti-trafficking NGO in Lome that cares for child victims 14-years-old and younger reported that approximately two-thirds of the 180 children it provided with care in the last year were referred by government officials. Another NGO that assisted 260 female victims below the age of 18 during the year estimated that 65 percent of these victims were referred by the government. During the year, a MOSA vocational center for destitute children assisted approximately 20 trafficking victims. In April 2008, Togolese officials collaborated with authorities in Benin to repatriate two male child trafficking victims to Benin from Togo.

Because the government does not follow systematic procedures to identify trafficking victims among women and girls in prostitution, sex trafficking victims may have been inappropriately incarcerated or fined for unlawful acts committed as a direct result of being trafficked. The government sometimes encouraged victims to assist in trafficking investigations or prosecutions on an ad hoc basis. The government did not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution; however, the majority of victims identified in Togo were Togolese.

Prevention

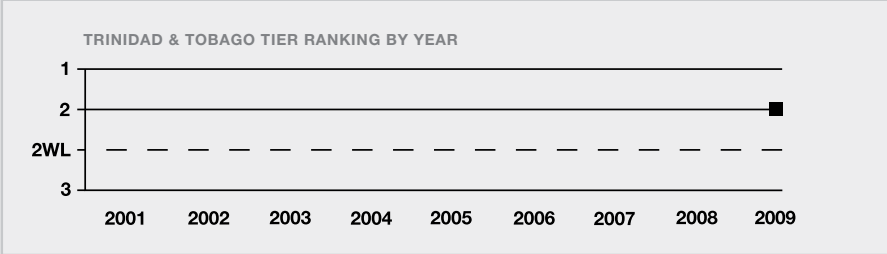
The Government of Togo made weak efforts to prevent trafficking during the year. In June 2008, the President presided over a day-long program to promote the government's anti-trafficking strategy during which five child victims told their stories of being trafficked, an anti-trafficking film was shown, and both the President and the Minister of Social Affairs publicly denounced trafficking. At the end of the day, local anti-

trafficking committees presented recommendations for a strengthened anti-trafficking response. In January 2009, the government ran a campaign to publicize its new toll-free hotline staffed by government personnel to report cases of violence against children, including trafficking. The number, "ALLO 111," is jointly funded by Togo Telecom, private cell phone companies, UNICEF and an NGO. Soon after the hotline was announced, a caller phoned in a tip that prevented two children from being trafficked across the border to Benin. While some minor action items in the national action plan, which was developed in 2007, have been started, the majority of the plan has not yet been implemented due to lack of financial means. The National Committee for the Reception and Social Reinsertion of Trafficked Children reported close collaboration with its counterparts in Benin and Togo to develop bilateral anti-trafficking action plans. The government provided Togolese troops deployed abroad as part of peacekeeping missions some trafficking awareness training prior to their deployment. The National Committee to Combat Trafficking mandated by Togo's 2005 anti-trafficking law has not yet been established. Togo did not take measures to reduce demand for commercial sex acts.

TRINIDAD AND TOBAGO (Tier 2)

Trinidad and Tobago is a destination and transit country for women and children trafficked for the purpose of commercial sexual exploitation. In some instances, women and girls from Colombia, Venezuela, Guyana, Suriname, and the Dominican Republic have been identified as trafficking victims in Trinidadian brothels and casinos. Last year the government identified five Colombian victims in the country; neighboring governments in Venezuela, Guyana, and Suriname identified additional victims. Foreign victims, including women who voluntarily enter the country to engage in prostitution, may subsequently be trafficked after being deceived by unscrupulous recruiters about the true nature and conditions of their employment. Additional reporting suggests that men from China and Guyana may be trafficked to Trinidad and Tobago for labor exploitation in construction and other sectors. Trinidad and Tobago also is a transit point to Caribbean destinations such as Barbados and the Netherlands Antilles for traffickers and their victims.

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. During the reporting period, senior Trinidadian officials publicly condemned human trafficking, noting that the country is a destination point for trafficked persons. The government worked closely with IOM and other Caribbean governments to draft model anti-trafficking laws for the region, and to develop standards for victim repatriation and care. The government also increased anti-trafficking training for law enforcement, and collaborated with IOM on additional awareness-raising measures. However, vigorous government efforts to investigate and prosecute trafficking crimes under existing laws remained lacking, and adequate victim services were extremely limited.



Recommendations for Trinidad and Tobago: Enact legislation to prohibit all forms of human trafficking; increase efforts to investigate and prosecute trafficking offenses, and to convict and sentence trafficking offenders; increase victim services and protection efforts, particularly for foreign victims; develop formal procedures to identify trafficking victims among vulnerable populations; continue to increase anti-trafficking training and efforts to raise public awareness.

Prosecution

The Government of Trinidad and Tobago demonstrated some progress in anti-trafficking law enforcement efforts over the last year. While Trinidad and Tobago has no specific laws prohibiting human trafficking, trafficking offenders could be prosecuted under trafficking-related offenses such as kidnapping, rape, or procuring a person for prostitution. Penalties for such crimes range from 15 years' to life imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. Last year the government worked closely with IOM and neighboring countries to draft model anti-trafficking legislation for the Caribbean, and engaged experts from the Canadian High Commission to assist with writing an anti-trafficking law for Trinidad and Tobago. During the reporting period, the government achieved no prosecutions, convictions, or sentences of trafficking offenders. In past years, Trinidadian law enforcement have utilized proactive strategies such as brothel raids to enforce anti-prostitution laws and prosecute the owners of such establishments, though formal procedures to identify trafficking victims during such operations are not typically utilized. In partnership with IOM, the government provided anti-trafficking training to more than 1,500 law enforcement officers last year, and published reference guides for immigration and police personnel. No allegations of trafficking-related corruption were reported.

Protection

The Trinidadian government made limited efforts to assist trafficking victims during the reporting period, relying on international organizations and NGOs to provide care and services for identified victims. The government encouraged crime victims, including trafficking victims, to assist with the investigation and prosecution of offenders, and provided interpreters for non-English speaking complainants. Foreign victims were not eligible to receive government-provided services such as medical assistance, counseling, or legal assistance with filing a complaint. Moreover, the government did not employ formal procedures for identifying victims of sex or labor trafficking among vulnerable populations, such as prostituted women in brothels or foreign migrant workers. The government did not provide foreign trafficking victims with legal alternatives to removal to countries where they may face hardship or retribution; most foreign victims were detained and deported without being identified as trafficking victims. However, the government recently instituted a protocol where identified foreign trafficking victims are maintained in NGO safe houses until authorities in the victim's home country can be contacted to assist with travel documents and repatriation. In January 2009, government immigration officials met with Colombian counterparts to discuss procedures for identifying and sheltering Colombian trafficking victims found in Trinidad and Tobago, as well as their safe return to Colombia; the workshop occurred due to a 2007 brothel raid in which more than 70 Colombian nationals, some of whom were believed to be trafficking victims, were detained and deported for being in Trinidad and Tobago illegally.

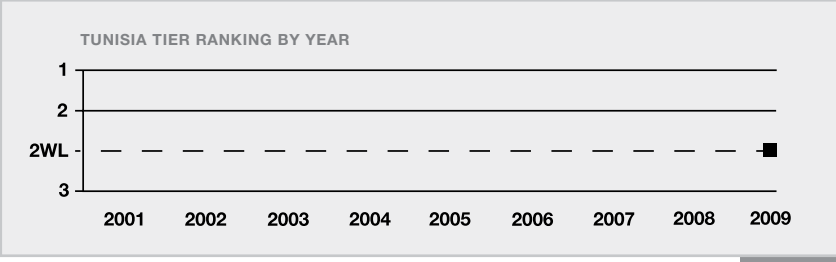
Prevention

In collaboration with international and local NGOs, the government increased its efforts to educate the public about the dangers of trafficking. Senior government officials condemned human trafficking publicly, and emphasized the need to protect victims. During 2008, law enforcement officers and an IOM expert on investigating and prosecuting sexual offenses conducted several raids of brothels where foreign women engage in prostitution, thus addressing demand for commercial sex acts by arresting and prosecuting "clients." The ILO and the government distributed informational brochures on regional child labor and protection concerns such as slavery, debt bondage, child drug trafficking, prostitution, and trafficking children in the Caribbean. The government also enacted laws to keep children in school, and raised the working age from 14 to 16 as measures to prevent child labor. No additional efforts to reduce demand for adult forced labor were reported.

TUNISIA (Tier 2 Watch List)

Tunisia is a source, destination, and possible transit country for small numbers of men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. Several Tunisian trafficking victims were identified during the reporting period in foreign locations; two women were rescued from forced prostitution in Jordan and three men from forced labor in Italy. Some Tunisian girls are trafficked within the country for domestic servitude. A 2008 survey of 130 domestic workers in the Greater Tunis region found that 52 percent were under the age of 16; twenty-three percent claimed to be victims of physical violence, and 11 percent of sexual violence. Ninety-nine percent indicated they had no work contracts and the majority received salaries below the minimum wage. These conditions are indicators of possible forced labor. In 2007, three Ukrainians were identified as having been trafficked to Tunisia for work in hotels and commercial sexual exploitation.

The Government of Tunisia does not fully comply with the minimum standards for the elimination of trafficking, but is making significant efforts to do so. Despite these significant overall efforts, including the conviction and sentencing of a trafficking offender and the signing of a cooperative agreement with Italy on trafficking and illegal migration, the government did not show evidence of progress in proactively identifying or protecting trafficking victims or raising public awareness of human trafficking over the last year; therefore, Tunisia is placed on Tier 2 Watch List. Human trafficking is not perceived to be a problem in Tunisia; it is possible that victims of trafficking remain undetected because of a lack of effort to identify them among vulnerable groups.



Recommendations for Tunisia: Utilize 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; draft and enact legislation that prohibits and adequately punishes all forms of human trafficking; and institute a formal victim identification mechanism to identify and refer trafficking victims to protection services.

Prosecution

The Government of Tunisia made limited anti-trafficking law enforcement efforts during the reporting period; one known trafficking offender was brought to justice. Tunisian laws do not specifically prohibit human trafficking, though trafficking offenders could be

prosecuted under several laws that prohibit specific forms of trafficking in persons. The Penal Code prescribes 10 years' imprisonment for capturing, detaining, or sequestering a person for forced labor; one to two years' imprisonment for forced child begging, and up to five years' imprisonment for forced prostitution of women and children. The penalty for forced prostitution – five years' imprisonment – is sufficiently stringent, though not commensurate with penalties prescribed for other grave offenses, such as rape. In April 2009, a Tunis court convicted and sentenced a Tunisian woman to three years' imprisonment under Article 218 of the penal code (violence with premeditation) for subjecting to domestic servitude and physically abusing a seven-year old girl. The Ministry of Social Affairs, Solidarity and Tunisians Abroad is responsible for investigating violations of the labor code and conducted approximately 30,000 labor inspections in 2008; it reported no known cases of forced labor or exploitative child labor to Tunisian courts in 2008. There is no evidence that the government provided anti-trafficking training to law enforcement officials in 2008. There is no evidence of official tolerance of or complicity in trafficking in persons.

Protection

While the government did not provide protection services specifically for trafficking victims during the reporting period, women's organizations provided services to at-risk groups of women and children with government support. While the government does not operate care facilities for crime victims, its social workers provided direct assistance to abused women and children in two shelters operated by a local NGO; these shelters could provide assistance to trafficking victims. The government encouraged the victim in the aforementioned legal case to testify against her trafficker during the court proceedings and provided her with medical care. The Ministry of Women's Affairs, Family, Children, and Elderly Persons employed a child protection delegate in each of Tunisia's 24 districts to intervene in cases of sexual, economic, or criminal exploitation of children; these delegates ensured that child sexual abuse victims received adequate medical care and counseling and could potentially advocate for service provision for child victims of labor and sex trafficking. The government lacked formal procedures to identify trafficking victims among vulnerable groups, such as illegal migrants and those arrested for prostitution. As a result, trafficking victims, when not identified, may be vulnerable to deportation or other punishment if caught engaging in illegal acts under Tunisian law. The government does not provide trafficking victims legal alternatives against removal to countries where they may face hardship or retribution.

Prevention

The government made minimal efforts to prevent trafficking during the reporting period; there were no government campaigns to raise public awareness of trafficking or to reduce demand for commercial sex acts, but a government-sanctioned NGO hosted a symposium in December 2008 that raised awareness about exploitation of women, particularly domestic workers, in the workplace. The government monitored its borders closely to interdict smuggling rings and illegal immigration, but did not systematically screen for trafficking victims among illegal migrants. In January 2009, Tunisia and Italy agreed to strengthen their cooperation to combat illegal immigration and human trafficking The government did not take any significant measures during the reporting period to reduce the demand for commercial sex acts. Information was unavailable regarding specific measures adopted by the government to ensure its nationals deployed to peacekeeping missions do not facilitate or engage in human trafficking; members of the military, however, received training on international human rights standards, which included human trafficking, as part of their 200 hours of required coursework.

TURKEY (Tier 2)

Turkey is a destination and, to a lesser extent, transit country for women and children predominately from Eastern Europe and the former Soviet Union trafficked primarily for the purpose of commercial sexual exploitation and, to a lesser degree, for the purpose of forced labor. Source countries for identified trafficking victims in 2008 included: Turkmenistan, Uzbekistan, Moldova, Kyrgyzstan, Russia, Georgia, Ukraine, Azerbaijan, Romania, Kazakhstan, Belarus, Bulgaria, Indonesia, and Morocco. According to Armenian NGOs and the Government of Armenia, the trafficking of Armenian women to Turkey for the purpose of sexual exploitation continued to be a problem, although the Government of Turkey did not identify any such victims in 2008. Four foreign child victims were documented over the last year. The number of Uzbek and Turkmen victims increased in 2008. Some victims are reportedly trafficked through Turkey to the area administered by Turkish Cypriots for the purpose of sexual exploitation. Although a much smaller problem, some internal trafficking involving Turkish citizens in both the legal and illegal prostitution sectors is believed to occur.

The Government of Turkey does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Law enforcement continued to successfully target and disrupt trafficking networks and the government improved its prosecution of trafficking offenders in 2008. The government's anti-trafficking efforts were constrained, however, by inconsistent identification, referral, protection, and assistance to trafficking victims in Turkey.

Recommendations for Turkey: Ensure consistent and sustained assistance for trafficking victims, including adequate government funding of shelters in Ankara and Istanbul; expand shelter capacity for victims; consider including NGOs and international organizations more

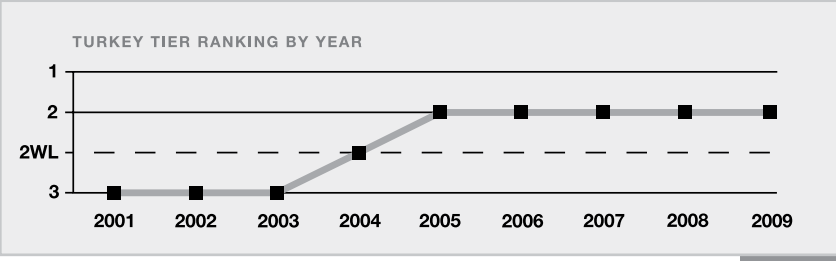
consistently in the identification and interviewing process; take steps to identify trafficking victims within vulnerable populations in Turkey; continue to vigorously prosecute trafficking offenses and convict public officials complicit in trafficking; and expand awareness efforts to educate the public about the demand for commercial sex acts and its links to trafficking.

Prosecution

The Government of Turkey sustained vigorous anti-trafficking law enforcement and prosecutorial efforts in 2008. Article 80 of the Penal Code prohibits trafficking for both sexual exploitation and forced labor, and prescribes penalties of from 8 to 12 years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other grave crimes, such as sexual assault. The Government of Turkey prosecuted 69 cases involving 273 suspected traffickers in 2008, a significant increase from 160 suspected traffickers prosecuted in 2007. The government reported securing the convictions of 58 trafficking offenders in 2008. The government expanded its use of Article 80 in 2008, convicting 13 traffickers under the trafficking-specific article, a three-fold increase from 2007. The 13 convicted traffickers received sentences averaging eight years' imprisonment. Other trafficking offenders were convicted using Article 227, an older anti-trafficking statute. Penalties imposed on traffickers convicted under Article 227 averaged three to four years' imprisonment. Six traffickers convicted under other related articles received a sentence of two to four years' imprisonment. The government continued to institutionalize and implement comprehensive law enforcement training in 2008. The government reported investigating 25 security officials for trafficking-related complicity in 2008. In January 2008, the government secured the conviction of a Court of Appeals Judge for aiding traffickers; he was sentenced to two years' imprisonment, although the court subsequently reduced the sentence to probation and a prison term of one year and eight months. In June 2008, the government obtained the conviction of a judicial hall employee to one year and six months' imprisonment and barred him from public service for one year for trafficking-related complicity. Turkish law, however, allows for the suspension of prison sentences of two years or less under certain conditions. The government continued an investigation of a prison warden who was arrested and jailed in February 2007 for facilitating trafficking activities. The government reported improvements in anti-trafficking cooperation with some governments during the reporting period. Lack of cooperation with other source countries, however, hampered the government's ability to investigate and prosecute some traffickers.

Protection

The government's overall protection efforts for victims of trafficking did not improve during the reporting period. Turkey failed to provide adequate direct funding for its two trafficking shelters and the overall number of trafficking victims identified dropped for a second consecutive year. In June 2008, Istanbul's municipal government suspended the provision of free rent to Istanbul's shelter, despite a signed protocol between the municipality and the shelter stipulating otherwise. Although the government continues to report that it is focused on finding a long-term financial solution to this problem, it has yet to commit adequate funding to either of its shelters in Ankara and Istanbul. However, the Ministry of Foreign Affairs has pledged and begun disbursing approximately $20,000 per year to each shelter for three years beginning in 2009. Both shelters continue to require perennial outside donor funding. These two NGO-run shelters provided care to 83 trafficking victims, a decline from 109 in 2007. In 2008, the government identified a total of 118 trafficking victims, a decline from 148 in 2007; IOM facilitated the repatriation of 78 of these victims.



Due to inconsistent implementation of the government's referral mechanism, some victims are not identified prior to being deported. Gaps in the referral process also resulted in some victims not receiving adequate care and assistance after providing information about their traffickers to law enforcement. While the government encouraged victims to participate in trafficking investigations and prosecutions, very few trafficking victims choose to testify in court cases against their traffickers, possibly because they feared retribution from their traffickers, but also because court proceedings are lengthy. The government also reported that many victims from neighboring source countries request to immediately return to their country of origin. During the reporting period, the government passed a general witness protection law, which may encourage more trafficking victims to testify against their traffickers. The government offers 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 up to six months with the option to extend for an additional six months. Few such visas are issued, however; the government issued only two in 2008.

Prevention

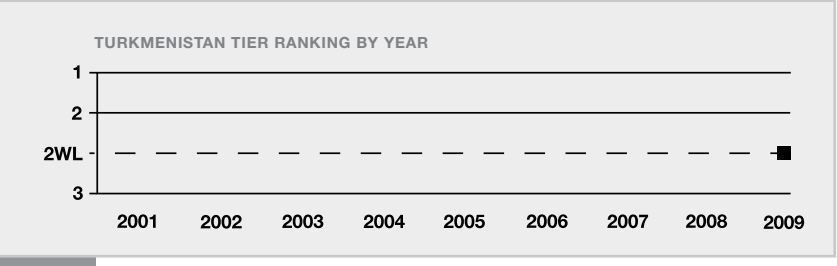
The government sustained its anti-trafficking prevention efforts during the reporting period. The government's interagency task force met more frequently in 2008 and assumed a stronger role in coordinating the

government's anti-trafficking efforts. In 2008, the government published its second annual report on combating human trafficking and, with EU and IOM support, planned and supported via state TV and other free advertising, a campaign aimed at raising awareness of the national anti-trafficking ("157") hotline. However, it failed to adopt a new National Action Plan; the plan has awaited formal adoption for over a year. Although the government signaled in 2007 that it would take over funding and operation of the "157" hotline from IOM, it has yet to do so. The Turkish government provided anti-trafficking training to its military personnel prior to their deployment aboard for peacekeeping duties. The government did not report any measurable steps to reduce demand for commercial sex acts during the year.

TURKMENISTAN (Tier 2 Watch List)

Turkmenistan is a source country for women trafficked primarily to Turkey but reportedly also to the UAE, Kyrgyzstan, Kazakhstan, and Pakistan for the purpose of commercial sexual exploitation. Men and women are trafficked to Turkey for the purpose of domestic servitude and forced labor, specifically in textile sweatshops.

The Government of Turkmenistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not publicly acknowledge trafficking as a problem, undertake significant efforts to raise awareness, or assist victims; therefore, Turkmenistan is placed on Tier 2 Watch List. The government did investigate a small number of trafficking cases during the reporting period. While the government did make significant efforts by adopting the "Law on the Battle against Trafficking in Persons" in December 2007, it did not implement the law during the reporting period. The law identifies responsible ministries within the government to combat trafficking and requires authorities to develop measures to prevent trafficking, prosecute traffickers, and assist victims. The government began the process of updating the criminal code to include penalties for trafficking offenses defined as such in the 2007 trafficking law. All forms of trafficking currently are prohibited under existing disparate statutes.



Recommendations for Turkmenistan: Implement the 2007 Law on the Battle Against Trafficking in Persons by completing revisions to the national criminal code to prescribe penalties for both sex and labor trafficking as defined in the 2007 Law on the Battle Against Trafficking in Persons; vigorously investigate, prosecute, and convict trafficking offenders; investigate individual instances of government officials complicit in the facilitation of trafficking, provide victim identification, victim referral, and victim sensitivity training for border guards and police; provide financial assistance to anti-trafficking organizations assisting victims; continue to expand and improve systematic victim identification and referral procedures; establish safeguards and training procedures to ensure victims are not punished for acts committed as a direct result of trafficking, such as migration violations; and conduct a trafficking awareness campaign to inform the general public about the dangers of trafficking.

Prosecution

The Government of Turkmenistan demonstrated no significant law enforcement efforts during the reporting period. Turkmenistan's Law on the Battle against Trafficking in Persons, adopted in December 2007, prohibits all forms of trafficking, but does not explicitly prescribe penalties for such crimes. All forms of trafficking currently are prohibited under disparate statutes, and the criminal code is being amended to prescribe penalties for trafficking under the 2007 law. Statutes under which traffickers may be prosecuted and punished include those prohibiting pimping, organizing a brothel, the illegal harboring of a person, and the unlawful taking of freedom. In 2008, the government investigated and prosecuted two cases of trafficking under non-trafficking statutes. The government provided no information on the number of traffickers convicted or sentenced to time in prison in 2008. The General Prosecutor's Office provided victim identification training for officials on international trafficking. There were unconfirmed reports that some customs or migration officials were notified of cases when women were trafficked abroad but made no efforts to prevent the trafficking.

Protection

The government made no effort to protect or assist victims during the reporting period. The Government of Turkmenistan did not provide medical assistance, counseling, shelter, legal assistance, or rehabilitative services to victims of trafficking, nor did it supply funding to international organizations or NGOs to provide services to victims. The 2007 trafficking law has provisions for victim care facilities and guarantees protection and assistance for victims of trafficking. Twenty victims were assisted by nongovernment-funded organizations during the reporting period; the government referred no victims for assistance. Government personnel employ no formal victim identification procedures. In 2008, at least two victims

assisted in the investigation and prosecution of trafficking cases. Some law enforcement officers detained and questioned victims in order to obtain information; there were no reports of victim imprisonment.

Prevention

Turkmenistan demonstrated no efforts to raise awareness during the reporting period. The government did not fund or conduct any anti-trafficking awareness campaigns in 2008. The government monitored the trafficking situation within its borders.

UGANDA (Tier 2)

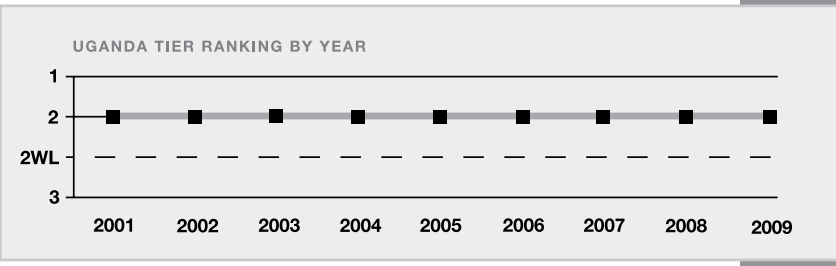
Uganda is a source and destination country for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. Ugandan children are trafficked within the country for forced labor in the fishing, agricultural, and domestic service sectors, as well as for commercial sexual exploitation; they are also trafficked to other East African and European countries for the same purposes. Karamojong women and children are sold as slaves in cattle markets or by intermediaries and are subsequently forced into domestic servitude, sexual exploitation, cattle herding, and begging. Security companies in Kampala recruit Ugandans to migrate and work as security guards in Iraq where sometimes their travel documents and pay have been withheld as a means to restrain them and coerce them into continued labor. Pakistani, Indian, and Chinese workers are trafficked to Uganda, and Indian networks traffic Indian children to the country for sexual exploitation. Children from the Democratic Republic of the Congo (DRC), Rwanda, Burundi, Kenya, and Tanzania are trafficked to Uganda for agricultural labor and commercial sexual exploitation. Until August 2006, the terrorist rebel organization, Lord's Resistance Army (LRA), abducted children and adults in northern Uganda to serve as soldiers, sex slaves, and porters. At least 711 additional people, mostly children, were abducted by the LRA between December 2007 and January 2009 in the Central African Republic, the DRC, and southern Sudan. Human trafficking of Ugandan children for the forcible removal of body parts reportedly is widespread; so-called witchdoctors seek various body parts of live victims for traditional medical concoctions commonly purchased to heal illness, foster economic advancement, or hurt enemies.

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. Despite these significant overall efforts, the government did not show progress in prosecuting human trafficking offenses and punishing trafficking offenders. In addition, the government's provision of protective victim services remained weak and sex trafficking victims continued to be arrested and sometimes punished.

Recommendations for Uganda: Increase efforts to prosecute, convict, and punish trafficking offenders; enact and implement the newly passed comprehensive anti-trafficking legislation; investigate and punish labor recruiters responsible for knowingly sending Ugandans into forced labor abroad; and develop further mechanisms for providing, in partnership with NGOs, protective services to all types of trafficking victims.

Prosecution

The government's punishment of trafficking offenders did not improve in 2008; however, extensive training of law enforcement officials and the establishment of an anti-trafficking police unit occurred late in the reporting period. The government reported no prosecutions or convictions compared to several trafficking convictions obtained the previous year. In 2008, the Minister of Internal Affairs partnered with Uganda's 102 female parliamentarians to advance draft comprehensive anti-trafficking legislation in Parliament. In early April 2009, the Parliament passed the Anti-Trafficking in Persons Act of 2008, which prescribes penalties of 15 years' to life imprisonment; these penalties are sufficiently stringent and commensurate with those prescribed for other grave crimes. The act will become law 45 days from the date of passage. In anticipation of the law's enactment, the government established a five-person anti-trafficking police unit within the Ugandan Police Force's (UPF) Child and Family Protection Unit (CFPU) in January 2009. Law enforcement officials investigated a number of suspected trafficking cases during the reporting period, but did not secure convictions of any trafficking offenders. For example, in November 2008, police in Rakai District arrested a Rwandan woman as she attempted to sell a 15-year old Rwandan boy. She was remanded to prison in Kampala; the case is pending before the court. Immigration officials posted at the border rescued 12 Tanzanian children from a Tanzanian trafficker who had promised to pay their school fees in Uganda.



After receiving foreign anti-trafficking training, 27 Ugandan instructors from the UPF, Immigration Department, and Ministry of Gender, Labor, and Social Development (MGLSD), in turn trained 2,010 colleagues in a series of one-day sessions in late 2008. The instructors distributed a UPF-developed 25-page pocket manual for first responders. The Inspector General of Police issued an order requiring all police officers to receive specialized anti-trafficking training.

Protection

The Ugandan government showed some efforts to offer initial protection to children demobilized from the ranks of the LRA, including trafficking victims, though it did less to care for victims of other types of trafficking. Lacking resources to provide direct assistance, it typically referred identified victims to NGOs. During the reporting period, the UPF referred 12 child trafficking victims to a local NGO's shelter. The UPF's January 2009 memorandum of understanding with the same NGO allowed for the placement of the NGO's social workers in the Central Police Station and in stations in two other districts to assist trafficking victims with legal, medical, and psychological services. The government also repatriated a child trafficking victim to Rwanda and assisted IOM in repatriating two female Ugandan victims by issuing travel documents. In 2008, the Ugandan military's Child Protection Unit (CPU) received 60 children returning from LRA captivity; the children were processed at transit shelters before being transported to NGO-run rehabilitation centers for longer-term care. The government provided each child with non-food items and approximately $50 for resettlement. In December 2008, the Governments of Uganda, the DRC, and Southern Sudan launched a joint military operation against the LRA in the DRC's territory, enabling the rescue of 346 people, including 127 children; as of this Report's writing, 10 Ugandan children were transferred to a rehabilitation center in northern Uganda. The government continued to remove Karamojong children in possible trafficking situations from the streets of Kampala and transferred them to two shelters in Karamoja. Local governments also convened child labor committees that instituted local bylaws against child labor, monitored the working conditions of children, and counseled parents whose children were not in school. The government does not have a formal system to identify victims among high risk groups and potential victims are sometimes prosecuted for immigration or prostitution violations. The Minister of Internal Affairs possesses the authority to allow foreign victims to remain in Uganda to assist with investigations, but this authority was not used and most potential victims were quickly deported to their country of origin. The government encouraged victims of sex trafficking to testify against their exploiters.

Prevention

The government sustained its efforts to prevent human trafficking through increased public awareness efforts during the year. The Parliamentary Committee on Defense and Internal Affairs conducted extensive and well-publicized hearings on the draft Bill for the Prohibition of Trafficking in Persons. In December 2008 and January 2009, the Ugandan People's Defense Force (UPDF) airdropped flyers to LRA abductees in eastern DRC directing them to locations for rescue. The government also continued its use of local language radio spots to persuade abducted children and their captors to surrender. In February 2009, the government established a 15-member inter-ministerial anti-trafficking task force comprised of police, immigration, and MGLSD officials. The police announced the availability of a new hotline to report trafficking cases in the same month. Joint government-NGO efforts to reduce the demand for commercial sex acts included a billboard campaign in Uganda's major cities discouraging "sugar daddies," and arrests of men found procuring females in prostitution on disorderly conduct charges. The government provided two Ugandan battalions being deployed to the African Union Mission in Somalia with training on human trafficking from the UPDF's Human Rights Desk and CPU personnel. Ugandan forces deployed to the DRC in December 2008 received refresher briefings on the treatment of children abducted by the LRA; each deployed unit contained two to five child protection officers. Uganda has not ratified the 2000 UN TIP Protocol.

UKRAINE (Tier 2 Watch List)

Ukraine is a source, transit and, to a lesser extent, destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Forty-eight percent of the trafficking victims assisted by IOM and its local NGO partners in Ukraine in 2008 suffered sexual exploitation; three percent had been forced to beg; and 49 percent suffered other forms of forced labor. Ukrainian victims are trafficked to Russia, Poland, Turkey, Italy, Austria, Spain, Germany, Portugal, the Czech Republic, United Arab Emirates, United Kingdom, Israel, Greece, Lebanon, Benin, Tunisia, Cyprus, Bosnia and Herzegovina, Hungary, Slovakia, Syria, Switzerland, the United States, Canada and Belarus. Women were forced into the sex industry, or forced to work as housekeepers, in service industries, or in textile or light manufacturing. The majority of Ukrainian male labor trafficking victims were exploited in Russia but also in other countries, primarily as construction laborers, factory and agriculture workers, or sailors. There were three instances in which males were forced to take part in criminal activities, such as dismantling stolen cars for parts to be sold on the black market. Children were most often trafficked for sexual exploitation or forced begging. Ukraine continues to be a country of transit for trafficking victims from Central Asia and Russia. Victims were trafficked within Ukraine for the purpose of labor exploitation in the agriculture and service sectors, sexual exploitation, and begging. In 2008, IOM reported one male from Belarus was trafficked to Ukraine for the purpose of labor exploitation. Homeless children or children in orphanages are particularly vulnerable to 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. Despite these overall efforts, the government did not show evidence of progress in punishing trafficking offenders, addressing the significant complicity of government

officials, and providing sufficient protection for trafficking victims; therefore, Ukraine is placed on Tier 2 Watch List.

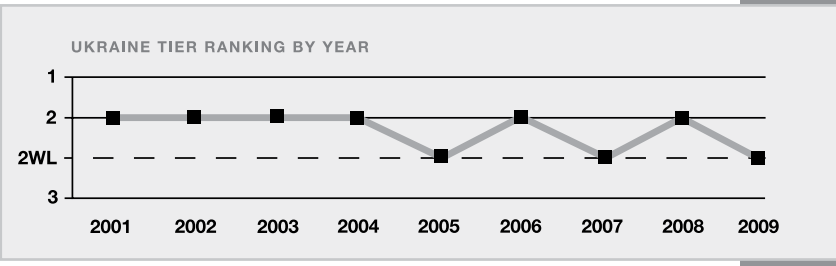
Recommendations for Ukraine: Seek sentences for convicted trafficking offenders that require them to serve appropriate jail time; take steps to curb trafficking complicity by government officials; continue trafficking-specific training for prosecutors and judges; increase funding for victim protection and assistance; develop formal systems to guide law enforcement in proactive identification of trafficking victims and referral of victims to available services; take steps to provide specialized protection and assistance to child trafficking victims; and consider awareness initiatives targeted at potential clients of the sex trade and labor trafficking beneficiaries to reduce the demand for human trafficking.

Prosecution

The Government of Ukraine made progress in prosecuting labor trafficking cases during the reporting period, though these efforts were overshadowed by inadequate punishments imposed on both sex and labor trafficking offenders and a lack of effort to address official complicity in human trafficking. 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 grave crimes. This year, the government prosecuted 80 trafficking cases, compared with 95 cases in 2007. The number of labor trafficking prosecutions increased from 23 in 2007 to 53 in 2008. The government reported 99 convictions in 2008 compared with 128 in 2007. The average prison term imposed on convicted trafficking offenders was six years; however, only 39 percent of convicted traffickers actually served time in jail. Two offenders who were convicted of the most serious category of trafficking crimes were sentenced only to pay fines. In 2008, the General Prosecutor's Office issued a report assessing human trafficking trial procedures and calling for prosecutors to give more serious attention to human trafficking cases. The Academy of Judges incorporated a human trafficking lecture into professional training for judges and the Ministry of Interior conducted ongoing training throughout Ukraine on trafficking awareness for police officers. Widespread trafficking-related corruption of law enforcement officials remained a serious impediment to more effective anti-trafficking efforts in Ukraine. NGOs reported that corruption was particularly a problem at times involving prosecutors or judges, though the government reported no investigations, prosecutions, or convictions of government officials complicit in trafficking.

Protection

Ukraine's protection efforts remained heavily reliant on international donor funding during the reporting period. While one of the goals of the government's 2007-2010 national anti-trafficking plan was to provide assistance to trafficking victims, the government has not developed a mechanism for referral or sufficient funding for assistance. Through donor-sponsored programs and some government services, foreign and domestic victims of trafficking in Ukraine received shelter, medical, psychological, legal, and job placement assistance. The government placed child trafficking victims in temporary homeless shelters for children that do not offer specialized services for trafficking victims. Local governments offered sporadic in-kind contributions toward protection of victims. The government does not have a formal system established to proactively identify trafficking victims. While the government has expressed a policy of encouraging victims to participate in investigations or prosecutions through a witness protection program, in practice the government rarely employed this program due to lack of funding or a lack of prosecutors' understanding of the program. In 2008, IOM, working with its local partners, registered 820 victims, including 32 victims of internal trafficking. IOM reported that 295 of these 820 victims participated in criminal proceedings. There were no reports of victims being punished for unlawful acts committed as a direct result of being trafficked, but there were reports that victims' rights were not fully respected during court trials. 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 made modest progress in preventing trafficking in persons during the reporting period. In 2008, the government spent approximately $34,431 for printing and distribution of anti-trafficking awareness materials targeting potential victims. The government also cooperated with local television channels to broadcast public service announcements and informational programs aimed at raising awareness of human trafficking. There were no specific campaigns targeted at potential clients of the sex trade or beneficiaries of forced labor. Inadequate funding, lack of performance indicators and other obstacles impeded implementation of the government's national anti-trafficking plan in 2008. The Kherson regional government provided some financial support to a local awareness campaign. Ministry of Interior police conducted two operations in 2008 aimed at identifying and preventing Ukrainians and foreigners participating

in sex-tourism. Ukraine's National Academy of Defense cooperated with IOM to conduct five pre-departure counter trafficking training for Ukrainian troops being deployed for international peacekeeping duties in 2008.

UNITED ARAB EMIRATES (Tier 2 Watch List)

The United Arab Emirates (UAE) is a destination for men and women, predominantly from South and Southeast Asia, trafficked for the purposes of labor and commercial sexual exploitation. Migrant workers, who comprise more than 90 percent of the UAE's private sector workforce, are recruited from India, Bangladesh, Pakistan, Nepal, Sri Lanka, Indonesia, Ethiopia, Eritrea, China, and the Philippines. Women from some of these countries travel willingly to work as domestic servants or administrative staff, but some are subjected to conditions indicative of forced labor, including unlawful withholding of passports, restrictions on movement, non-payment of wages, threats, or physical or sexual abuse. Trafficking of domestic workers is facilitated by the fact that the normal protections provided to workers under UAE labor law do not apply to domestic workers, leaving them more vulnerable to abuse. Similarly, 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 involuntary servitude and debt bondage – often by exploitative "agents" in the sending countries – as they struggle to pay off debts for recruitment fees that sometimes exceed the equivalent of two years' wages. Some women from Eastern Europe, South East Asia, the Far East, East Africa, Iraq, Iran, and Morocco reportedly are trafficked to the UAE for commercial sexual exploitation. Some foreign women also are reportedly recruited for work as secretaries or hotel workers by third-country recruiters and coerced into prostitution or domestic servitude after arriving in the UAE.

The vulnerability of some migrant workers to trafficking likely increased towards the end of the reporting period as a global economic decline – noted particularly in the construction sector, the UAE's largest single employer of foreign workers – saw many laborers repatriated to their home countries where they still owed debts. Unpaid construction workers often were defrauded or forced to continue working without pay, as they faced threats that protests may destroy any chance of recovering wages owed to them. By the unique nature of their work in homes, domestic workers were generally isolated from the outside world making it difficult for them to access help. Restrictive sponsorship laws for foreign domestic workers often gave employers power to control their movements and left some of them vulnerable to exploitation.

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, and increasingly public, efforts to do so. Although the government demonstrated sustained efforts to prosecute and convict sex trafficking offenders during the year and made modest progress to provide protections to female trafficking victims, there were no discernable anti-trafficking efforts against the forced labor of temporary migrant workers and domestic servants. The UAE historically has not recognized people forced into labor as trafficking victims, particularly if they are over the age of 18 and entered the country voluntarily; therefore, the United Arab Emirates is placed on Tier 2 Watch List.

Recommendations for the UAE: Increase efforts to investigate and prosecute human trafficking offenses, particularly those involving labor exploitation, and convict and punish trafficking offenders, including recruitment agents (both locals and non-citizens) and employers who subject others to forced labor; develop and institute formal procedures for law enforcement and Ministry of Labor officials 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; improve protection services for victims of sex trafficking and forced labor, including adequate and accessible shelter space, referral to available legal aid, and credible recourse for obtaining financial restitution; consider sustaining and expanding the pilot program involving recruitment of foreign laborers in key source countries in order to eliminate recruitment fraud and other contributing factors to debt bondage and forced labor; ensure trafficking victims are not incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked; consider conducting interviews of potential trafficking victims in safe and non-threatening environments with trained counselors (preferably conversant in the victims' languages); collaborate with sending countries of laborers and domestic workers on investigations of recruiting agencies that engage in trafficking; and work proactively with NGOs to provide services for victims and educate both employers and workers on the practices that constitute human trafficking, and how to prevent them.

Prosecution

The UAE government made uneven progress in its anti-trafficking law enforcement efforts over the last year. The prosecutions of at least 20 sex trafficking cases were initiated in UAE courts – and six of these resulted in convictions during the year, with sentences imposed of three years' to life imprisonment. The government did not prosecute, convict, or punish any labor trafficking offenders. It did, however, impose fines on companies that violated labor laws, though such administrative responses are inadequate for labor trafficking crimes. The UAE prohibits all forms of trafficking under its federal law Number 51 of 2006, which prescribes penalties ranging from one year's imprisonment to life imprisonment. These

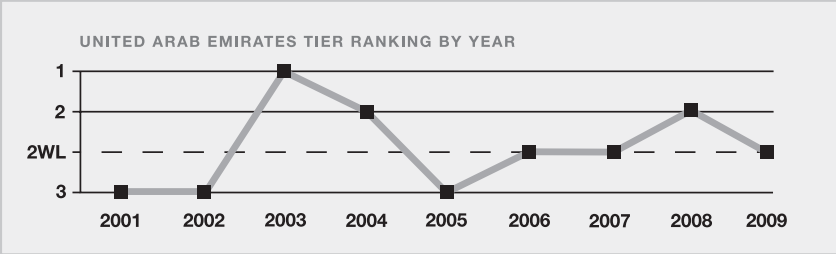
penalties are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. Although this comprehensive law emphasizes labor trafficking offenses, it has not yet been used to prosecute a labor trafficking offense – a major gap in the UAE's anti-trafficking efforts. When victims of potential labor trafficking were identified by law enforcement authorities, criminal investigations were not initiated; instead the cases were often referred to the Ministry of Labor (MOL) to file an administrative complaint. In collaboration with IOM, the government provided anti-trafficking training to law enforcement personnel in Dubai and Abu Dhabi during the reporting period.

During the year, a member of a UAE ruling family and six of her traveling party were charged by a Belgian court for subjecting at least 17 Asian and Middle Eastern girls into forced labor as domestic servants.

Protection

The UAE government showed modest but uneven progress in its efforts to provide victims of trafficking with assistance. The government continued operation of a Dubai shelter largely for female victims of trafficking and abuse and opened a second shelter for female trafficking victims in Abu Dhabi in February 2009; the Dubai shelter reported assisting 43 trafficking victims since its September 2007 opening, and the Abu Dhabi shelter provided assistance to 35 trafficking victims since its opening. Administration of the Dubai shelter, however, included several practices harmful to victims' welfare, including detention of victims that the police wanted to hold for use as prosecution witnesses, an overly restrictive intake process that prohibited assistance to victims who did not have appropriate immigration status, and tight restrictions on victims' movements and access to persons outside the shelter. Moreover, Dubai police do not consistently ensure that women who enter the UAE voluntarily to engage in prostitution but later become victims of sex trafficking are not penalized for unlawful acts committed as a direct result of their being trafficked. When the police identify women in prostitution as trafficking victims, however, the victims are encouraged to participate in investigations and prosecutions of their traffickers. Victims who agree to testify against their traffickers are provided shelter by the government, and sometimes the option of temporary work.

Potential victims of labor trafficking – likely the most prevalent form of trafficking in the UAE – were not offered shelter or counseling or immigration relief by the government during the reporting period. The government regularly referred potential victims, who had been working in the formal sector, to the MOL to file complaints through administrative labor resolution channels; this did not apply to domestic workers. Unlike other laborers, domestic workers were not covered by UAE's labor law and had little recourse to protection from abuse. This administrative remedy is not a sufficient deterrent to the serious crime of trafficking for the purpose of labor exploitation. Several unofficial shelters were in operation, and supported hundreds of female domestic workers who fled their employers – termed "runaways" in the UAE – and who reported conditions of forced labor at the hands of their employers. The UAE government, however, did not initiate any reported investigations or prosecutions of forced labor offenses associated with these victims. Together with the Government of Mauritania, the UAE government closed the cases of 560 Mauritanian children who had been trafficked to the UAE as camel jockeys in previous years, and had been removed from their exploitation and repatriated; the UAE government continued funding a UNICEF program that provides rehabilitation assistance to these and other repatriated child camel jockeys from Sudan, Pakistan, and Bangladesh. Police and immigration officials in Abu Dhabi and Dubai received training on identification and appropriate care of trafficking victims during the year.



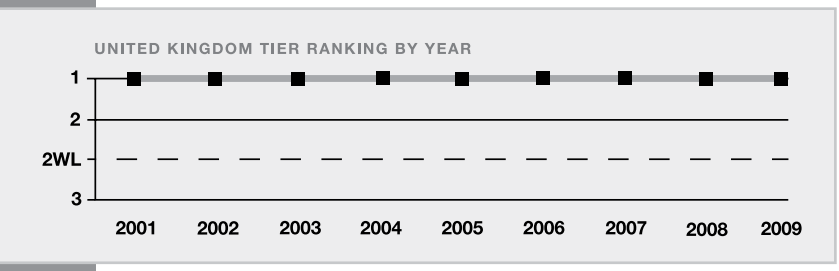
Prevention

The UAE government made continued efforts to prevent human trafficking over the reporting period. Coordination of all government anti-trafficking efforts continued through the National Committee to Combat Human Trafficking, chaired by a coordinator who is currently the Minister of State for Foreign Affairs. The MOL continued to implement a policy designed in part to prevent non-payment of salaries, and possibly debt bondage, by requiring employers of foreign workers to pay salaries through an electronic system that could be monitored. The MOL also embarked on a potentially path-breaking pilot initiative with the labor sending governments of the Philippines and India to improve the transparency and accountability of labor recruitment from these countries and eliminate fraudulent recruitment practices that have in the past fostered forced labor and debt bondage; the initiative has yet to be fully implemented. In January 2009, the government launched an awareness-raising campaign in UAE airports. During the reporting period, the government and many companies in the UAE embarked on a model labor camp initiative to improve the accommodations of the country's largely unskilled male foreign workforce. Currently standards for accommodation differ across the UAE's seven emirates, but the MOL has begun consultations with the ILO to develop federal standards of accommodation, health, and safety for the country's

guest workers, which are likely to prevent conditions that contribute to forced labor.

UNITED KINGDOM (Tier 1)

The United Kingdom (UK) is a significant destination and, to a lesser extent, transit country for women, children, and men trafficked for the purposes of commercial sexual exploitation and forced labor, primarily from Eastern Europe, Africa, the Balkans, and Asia (principally China, Vietnam, and Malaysia). Some victims, including UK-resident children, are also trafficked within the country. Migrant workers are trafficked to the UK for forced labor in agriculture, construction, food processing, domestic servitude, and food services. Data collected from assisted women trafficked for sexual exploitation revealed that Lithuania, Nigeria, and Moldova were the leading sources of trafficking victims in the UK in 2008. Unaccompanied foreign children, including girls from China, were trafficked for the purposes of sexual exploitation and forced labor. It is estimated that hundreds of young children, mostly from Vietnam and China, are trafficked to the UK and subjected to debt bondage by Vietnamese organized crime gangs for forced work on cannabis farms. Media reports and results from law enforcement operations indicate a large-scale trafficking problem in Scotland, involving both women and children for the purpose of sexual exploitation. Inadequate protection measures for these victims result in their re-trafficking throughout the UK. London police estimate that 70 percent of the 88,000 women involved in prostitution in England and Wales are under the control of traffickers. There is anecdotal evidence that some trafficking may occur, although not on a large scale, in some UK territories such as Bermuda.



The Government of the United Kingdom fully complies with the minimum standards for the elimination of trafficking. Over the last year, UK authorities continued to vigorously investigate and prosecute trafficking and conducted innovative demand reduction and prevention campaigns. Concerns remain that some victims, including children, are not being adequately identified or receiving adequate protection and assistance.

Recommendations for the United Kingdom: Adopt and implement national procedures for identifying potential trafficking victims among vulnerable populations for all forms of trafficking in the UK; expand shelter and assistance capacity to meet the needs of all trafficking victims, including specialized care for children who have been trafficked; establish protection measures specifically for foreign unaccompanied minors to prevent their trafficking; and ensure repatriation and reintegration services for victims to prevent their re-trafficking and re-victimization.

Prosecution

The UK Government sustained its aggressive efforts to investigate and prosecute trafficking offenders in 2008, doubling its conviction rate from the previous year. The UK prohibits all forms of trafficking through its 2004 Sexual Offenses Act and its 2004 Asylum and Immigration Act, which prescribe penalties of a maximum of 14 years' imprisonment, though the specific punishments prescribed for sex trafficking are less severe than those prescribed for rape. In March 2008, the government completed Pentameter II, a large-scale operation aimed at disrupting trafficking networks and rescuing victims, resulting in the identification of 167 potential trafficking victims, the arrest of 528 suspects and over $5 million in assets seized or forfeited. The UK government reported prosecuting 129 ongoing trafficking cases between March 2008 and March 2009. Twenty-three trafficking offenders were convicted – four of whom were prosecuted for forced labor offenses – an increase from 10 in 2007. Sentences imposed on convicted trafficking offenders in 2008 ranged from 18 months' to 14 years' imprisonment, with an average sentence of five years. In one case, a court sentenced six trafficking offenders to a combined total of 52 years for the trafficking of a Slovakian teenager for the purpose of sexual exploitation from 2006 until her escape in January 2008.

Protection

The UK government demonstrated sustained efforts to protect victims of sex trafficking in 2008, but it did not provide comprehensive or systematic protections to trafficked children and victims of forced labor. The government provided significant funding for its specialized shelter for sex trafficking victims, allocating $1.95 million for its operation in 2008. Overall, the shelter received 293 referrals, with law enforcement referring the majority of potential victims. However, due to budget restraints and limited capacity, only 41 women were accommodated by the shelter; others were assisted on an outreach basis with counseling, subsistence allowances, medical treatment, education and training, and legal support. In addition, some of the victims who were not accommodated at the shelter did not meet all of the government's criteria for admission: victims must be over 18; involved in prostitution within three months of referral; willing to cooperate in the prosecution of their traffickers; and must have been trafficked into the UK from abroad. The government provided training to front-line responders on victim identification and continued to develop nationwide and systematic referral system to improve identification for potential trafficking victims. NGOs and international organizations continue

to express serious concerns regarding the government's ability to protect children from traffickers in the UK; the government does not provide systematic and specialized victim care for children who have been trafficked. Many children who are trafficked into the UK from Vietnam and China for forced work on cannabis farms disappear after being placed into foster care by social services – likely returning to their traffickers. Moreover, some of these children are prosecuted by the government for cannabis cultivation. While UK government policy is not to penalize victims for unlawful acts committed as a direct result of being trafficked, some victims continue to be charged and prosecuted for immigration offenses. The UK provides foreign victims with legal alternatives to their removal to countries where they face hardship or retribution. According to NGOs, however, this process continues to be cumbersome and inconsistent for victims seeking such alternatives. To remedy this, the government ratified the Council of Europe's Convention against Trafficking in December 2008 and agreed to provide a 45-day reflection period and renewable one-year residence permits. The government encourages victims to assist in trafficking investigations and prosecutions.

Prevention

The UK government continued to serve as a model in the region for its emphasis on progressive anti-trafficking prevention campaigns. It continued its "Blue Blindfold" awareness campaign, launched in January 2008 in 12 major cities in the UK. The government makes its campaign materials available to countries for replication and dissemination. In May 2008, it piloted an anti-demand poster campaign in Westminster and Nottingham to alert potential clients of prostitution about trafficking and off-street prostitution; the campaign also included online advertisements in local newspapers. In November 2008, it published the results of a six-month review which recommended steps to reduce demand for prostitution. In June 2008, the government revised its action plan to update progress and to reflect victim protection developments on ratifying the Council of Europe Convention. The government continued to fund targeted prevention projects in key source countries including Bulgaria, Romania, and many countries in Asia. It provided anti-trafficking training to UK nationals deployed abroad for international peacekeeping missions in 2008.

URUGUAY (Tier 2)

Uruguay is primarily a source and transit country for men, women, and children trafficked for the purposes of commercial sexual exploitation 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. Occasionally, parents facilitate the exploitation of their children in prostitution, and impoverished parents in rural areas have turned over their children for forced domestic and agricultural labor. Lured by false job offers, some Uruguayan women have been trafficked to Spain and Italy for commercial sexual exploitation.

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 showed strong prevention efforts and sustained victim services, and opened one criminal investigation under its new anti-trafficking law. However, vigorous law enforcement efforts against trafficking offenders remained lacking.

Recommendations for Uruguay: Increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; increase efforts to implement the new anti-trafficking law; expand anti-trafficking training for judges and law enforcement personnel; and increase victim services and protection efforts.

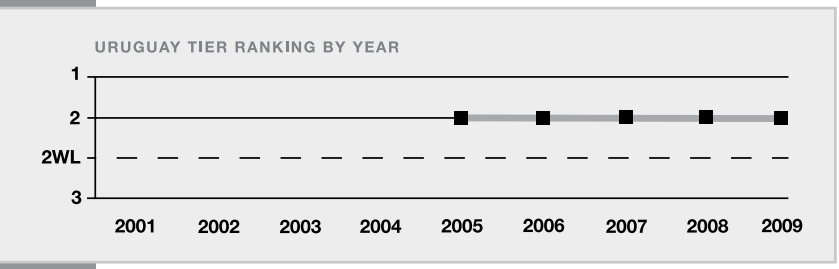
Prosecution

The Government of Uruguay modestly improved its anti-trafficking law enforcement efforts during the last year. In early 2008, the government enacted an anti-trafficking statute as part of a broader immigration reform package. Article 78 of this new law prohibits all forms of trafficking in persons, prescribing penalties of four to 16 years' imprisonment. Article 78 supplements older Uruguayan laws that prohibit child trafficking, child pornography, and forced labor, which prescribe penalties ranging from six months' to 12 years' imprisonment. All the above penalties are sufficiently stringent and commensurate with punishments prescribed for other serious crimes. During the reporting period, the government opened one case under its new anti-trafficking law; two defendants who allegedly trafficked nearly a dozen women into forced prostitution in Spain were in prison awaiting trial at the time of publication. Under older statutes, two female defendants were arrested and charged with pimping of minors in separate cases. In October 2008, the judiciary established two special courts to focus on organized crime cases, including trafficking in persons. The government increased anti-trafficking training for consular and immigration officials, though NGOs indicate that police and judges remain unfamiliar with Uruguayan anti-trafficking laws, particularly outside Montevideo. Uruguayan law enforcement officials cooperated with counterparts in neighboring Mercosur governments and other countries on international trafficking cases. There was no confirmed evidence of official complicity with human trafficking.

Protection

The Uruguayan government sustained basic victim services during the year. Child victims of trafficking are referred to government institutions for care; 14 child trafficking victims were offered assistance during the reporting period. The government operated shelters

accessible to adult female victims of abuse, including trafficking victims, and endeavored to provide legal, medical, and psychological care. Adult male trafficking victims, however, were not eligible for services. While the government provided limited assistance to NGOs working in the area of trafficking, the availability of victim services remained uneven across the country, especially outside the capital. The government does not have a formal system for identifying trafficking victims among vulnerable populations, such as adults in prostitution or undocumented migrants. The government encourages but does not force victims to assist in the investigation and prosecution of their traffickers. There were no reports of victims being jailed, deported, or otherwise penalized for acts committed as a direct result of being trafficked. Uruguayan law does not force the repatriation of any foreign trafficking victim, and allows trafficking victims to seek citizenship in Uruguay.



Prevention

The Uruguayan government increased its efforts to raise public awareness of the dangers of human trafficking and child prostitution during the reporting period, launching a widespread week-long information campaign in October 2008. Government officials spoke publicly about human trafficking, conducted media interviews, and distributed 50,000 anti-trafficking leaflets and 5,000 posters in tourist areas. Government officials also conducted outreach to hotel workers and to others in the broader tourism sector to raise awareness about child sex tourism and the commercial sexual exploitation of minors. The government maintained good cooperation with NGOs, and supported a local organization's efforts to conduct anti-trafficking outreach among prostituted women. The Ministry of Education continued to include anti-trafficking material in its high school sex education curriculum. Last year the government formed an informal interagency committee to direct its anti-trafficking efforts, in addition to maintaining a special committee focusing on the commercial and non-commercial sexual exploitation of children. The government provided anti-trafficking training to Uruguayan troops being deployed on international peacekeeping missions during the year. In an effort to reduce consumer demand for commercial sex acts, the government prosecuted a small number of "clients" for commercial sexual exploitation of minors. There were no known efforts to address demand for forced labor.

UZBEKISTAN (Tier 2 Watch List)

Uzbekistan is a source country for women and girls trafficked to the UAE, India, Kazakhstan, Russia, Turkey, Thailand, Malaysia, South Korea, Japan, Indonesia, and Israel for the purpose of commercial sexual exploitation. Men are trafficked to Kazakhstan and Russia for the purpose of forced labor in the construction, cotton, and tobacco industries. Men and women are trafficked internally for the purposes of domestic servitude, forced labor, in the agricultural and construction industries, and for commercial sexual exploitation. Some girls are also trafficked internally for the purpose of commercial sexual exploitation. Many school-age children, college students, and faculty are forced to pick cotton during the annual harvest.

The Government of Uzbekistan 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, Uzbekistan did not make significant efforts to eliminate the use of forced labor of adults and children in the cotton harvest and did not make efforts to investigate, prosecute, or convict government officials complicit in the use of forced labor during the harvest; therefore, Uzbekistan is placed on Tier 2 Watch List. In September 2008, the government amended its criminal code to prohibit forced labor and increased the maximum penalty for trafficking to 12 years' imprisonment. Also, in September 2008, the government adopted a multi-year national action plan on combating child labor and the Prime Minister issued a formal ban prohibiting the use of child labor during the harvest; both addressed the use of forced child labor. The government also reported increased efforts to investigate, prosecute, and convict trafficking offenders during the reporting period. While the government again did not provide financial or in-kind support to the country's two NGO-run anti-trafficking shelters, it reported allocating $176,000 of state funds to establish a government-run shelter in Tashkent; construction of the new shelter reportedly began during the reporting period.

In 2008, the Government of Uzbekistan maintained its strict quota system in which each province in the country is required to produce a share of the designated national cotton yield. Provincial governors were held personally responsible for ensuring that the quota was met; this pressure was passed to local officials, some of whom organized and forced school children, university students, and faculty to pick cotton to ensure the national quota was met. Uzbek farmers were unable to pay higher wages to attract a consenting workforce because the government pays the farmers below-market value for their cotton.

Recommendations for Uzbekistan: Take substantive action to end the use of forced labor during the annual cotton harvest; implement the national anti-trafficking action plan; continue to work with UNICEF and improve cooperation with ILO to reduce the reliance

on forced labor during the annual cotton harvest; allow international experts to conduct an independent assessment of the use of forced labor during the annual cotton harvest; investigate, prosecute, convict, and sentence government officials complicit in trafficking; provide financial or in-kind support to anti-trafficking NGOs to provide assistance and shelter for victims; take steps to establish additional shelters outside of Tashkent; and continue efforts to improve the collection of law enforcement trafficking data.

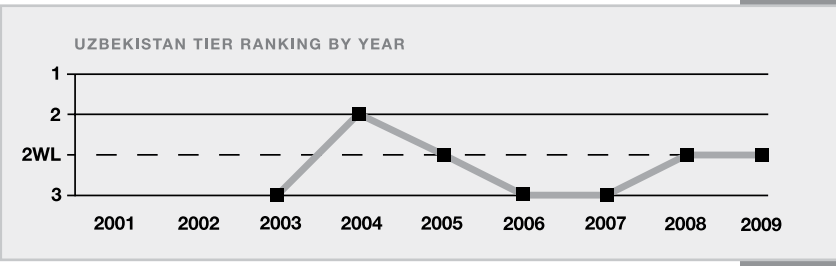
Prosecution

Uzbekistan reported improved law enforcement efforts to combat trafficking in 2008, although the government did not report efforts to address official complicity during the annual cotton harvest. The newly amended Article 135 of the criminal code now prohibits trafficking for both sexual exploitation and forced labor, and prescribes penalties of three to 12 years' imprisonment, which are sufficiently stringent and commensurate with punishments prescribed for other grave crimes, such as rape. In 2008, law enforcement agencies reported conducting 900 trafficking investigations involving 670 suspects, up from 273 investigations involving 303 suspects reported in 2007. Authorities reported securing the convictions of approximately 400 suspects for trafficking in 2008, up from 185 in 2007. Approximately 300 convicted traffickers were sentenced to some time in prison. During the last year, 177 convicted traffickers, including some convicted in previous years, were granted amnesty and served a reduced sentence in prison. The government did not effectively enforce the law prohibiting the use of forced labor or the formal ban issued by the Prime Minister prohibiting the use of child labor during the cotton harvest which also addressed forced child labor. The government also did not take steps to monitor attendance at schools during the harvest to ensure students were not forced to work in the fields.

Some reports of government officials involved in trafficking-related bribery and fraud continued; allegations included the fraudulent issuance of exit visas and individual police officers accepting bribes from traffickers. In 2008, the government reported that two high-level police officials were prosecuted, convicted, and each sentenced to seven years' imprisonment for trafficking Uzbek nationals to Russia. The government did not investigate or prosecute any government officials for their involvement in organizing and compelling many schoolchildren and university students as well as some faculty to work in the fields during the annual cotton harvest.

Protection

In accordance with new 2008 legislation, the government took steps to improve assistance and protection for victims of trafficking, though the Government of Uzbekistan did not provide financial or in-kind assistance to the two foreign-funded and NGO-run shelters in the country and all comprehensive victim assistance was provided by foreign-funded NGOs during the reporting period. In late 2008, the national government reportedly allocated funding from the state budget to establish an anti-trafficking shelter in Tashkent. Local observers described a need for additional trafficking shelters in Karakalpakstan and Ferghana Valley. The government identified 2,941 victims in 2008; NGOs assisted 342 victims during the reporting period. The 2008 comprehensive anti-trafficking law and the 2008 anti-trafficking national action plan both mandate that victims receive immediate and long-term assistance. In 2008, the government reported assisting victims through existing non-trafficking social service structures including medical assistance for 164 trafficking victims, psychological help for 123 victims, access to legal counsel for 149 victims, vocational retraining courses for 32 victims, direct employment for 47 victims, and other social assistance such as housing for 92 victims. The government did not employ formal procedures to identify or refer victims of trafficking for assistance.



Some victims assisted law enforcement in trafficking investigations in 2008; however, many victims were still afraid to provide testimony or information out of cultural shame or fear of retribution by their traffickers, and the government did not have a witness protection program for victims who assisted law enforcement. The government reported that identified repatriated victims of trafficking were not punished for acts committed as a direct result of being trafficked; however, victims were required to sign documentation confessing to their illegal departure from Uzbekistan.

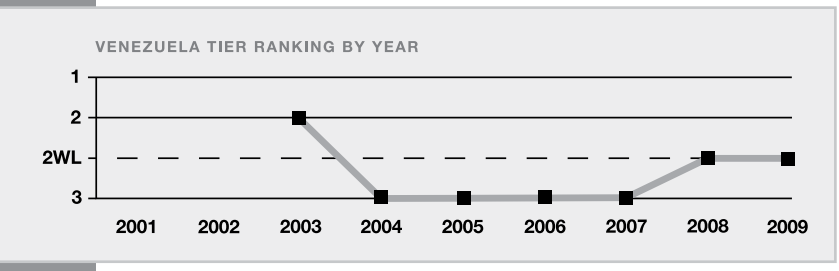
Prevention

The government demonstrated awareness efforts in 2008. State-run print, television, and radio media significantly increased its coverage of trafficking from the previous year; efforts included television broadcasts of trafficking-themed films, radio service announcements, billboards throughout the country, and a state-financed production of a theater show about trafficking. In July 2008, the government adopted its first anti-trafficking national action plan which established the national inter-agency trafficking commission. The government-run media also focused attention on the amendments and subsequent enforcement of the criminal code which strengthened penalties and criminalized forced labor. However, the

Uzbek government made limited efforts to prevent the use of forced labor during the annual cotton harvest by some local officials.

VENEZUELA (Tier 2 Watch List)

Venezuela is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Venezuelan women and girls are trafficked within the country for commercial sexual exploitation, lured from poor interior regions to urban and tourist areas such as Caracas and Margarita Island. Victims are often recruited through false job offers, and subsequently coerced into prostitution. Some Venezuelan children are forced to work as street beggars or as domestic servants. Venezuelan women and girls are trafficked transnationally for commercial sexual exploitation to Mexico, in addition to Caribbean destinations such as Trinidad and Tobago, the Netherlands Antilles, and the Dominican Republic. A common trafficking route is for victims to transit Curacao en route to The Netherlands and other countries in Western Europe. Men, women, and children from Colombia, Peru, Ecuador, Brazil, the Dominican Republic, and Asian nations such as China are trafficked to and through Venezuela, and may be subjected to commercial sexual exploitation and forced labor. A more recent trend appears to be increased human trafficking activity in Venezuela's Orinoco River Basin area and border regions of Tachira State, where political violence and infiltration by armed rebel groups are common.



The Government of Venezuela does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall significant efforts, the government did not show evidence of progress in convicting and sentencing trafficking offenders and providing adequate assistance to victims; therefore, Venezuela is placed on Tier 2 Watch List.

Recommendations for Venezuela: Amend existing laws to prohibit and adequately punish all forms of trafficking in persons, particularly the internal trafficking of men and boys; intensify efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; investigate reports of trafficking complicity by public officials; provide greater assistance and services to trafficking victims; consider designating a coordinator to lead the government's anti-trafficking efforts; and improve data collection for trafficking crimes.

Prosecution

The Government of Venezuela made limited anti-trafficking law enforcement efforts over the last year, though Venezuelan law prohibits most forms of human trafficking. In 2007, the government enacted the Organic Law on the Right of Women to a Violence-Free Life. Article 56 of this recently enacted 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 15 to 20 years' imprisonment. These anti-trafficking provisions, however, do not address the internal trafficking of adult males or boys. 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. Prosecutors also can use Venezuela's Child Protection Act and various articles of the penal code to prosecute the internal trafficking of children, though many of these statutes carry extremely low penalties – typically a maximum of three months in jail or fines. Despite existing legal tools for punishing many forms of human trafficking, the Venezuelan government did not report any convictions or sentences of trafficking offenders in 2008. However, the government opened six investigations of transnational sex trafficking, one investigation of transnational labor trafficking, and one investigation of suspected internal trafficking. International organizations indicated that the government cooperated with INTERPOL on transnational trafficking cases, and increased screening for potential trafficking crimes at airports and borders. There were no confirmed reports of government complicity with human trafficking in 2008, though corruption among public officials, particularly related to the issuance of false identity documents, appeared to be widespread. Moreover, many Venezuelan law enforcement officials reportedly did not distinguish between human trafficking and alien smuggling offenses.

Protection

The government sustained limited efforts to assist trafficking victims during the reporting period. The government did not operate shelters accessible to or dedicated for trafficking victims, relying on NGOs and international organizations to provide the bulk of victim assistance. The government operated a national 24-hour hotline through which it received trafficking complaints, and directed trafficking victims to NGOs for care. Government-provided psychological and medical examinations were available for 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. The government reportedly increased, however, the availability of psychological services for trafficking victims during the past year. Police reported that most trafficking victims were reluctant to testify in court against their traffickers because of long court delays and fear of reprisals. According to NGOs, the government did not have a formal mechanism for identifying trafficking victims among vulnerable populations, such as women in prostitution. There were no reports of victims being jailed or penalized for unlawful acts committed as a direct result of being trafficked. The government reportedly had a policy of providing refugee status or other legal protections for foreign victims who faced retribution if returned to their country of origin. The government also assisted with the repatriation of 28 Chinese nationals who had been subjected to labor trafficking last year.

Prevention

The Venezuelan government increased its efforts to prevent human trafficking over the year by providing some funding to NGOs for education activities, conducting widespread public awareness campaigns about the dangers of human trafficking, and continuing anti-trafficking training for government officials. The government advertised its hotline number, aired public service announcements, and widely distributed materials against commercial sexual exploitation, forced labor, and child sex tourism. The government collaborated with NGOs and international organizations on other anti-trafficking efforts, but relations with these organizations were reportedly mixed. Moreover, high turnover of government personnel, particularly lack of an anti-trafficking coordinator, appears to have hampered the government's anti-trafficking progress. While many government officials acknowledge that human trafficking is a problem in the country, some tended to view the nation as principally a transit point, demonstrating less recognition of internal trafficking concerns, such as children trafficked for commercial sexual exploitation. No specific activities to reduce demand for commercial sex acts or forced labor were reported.

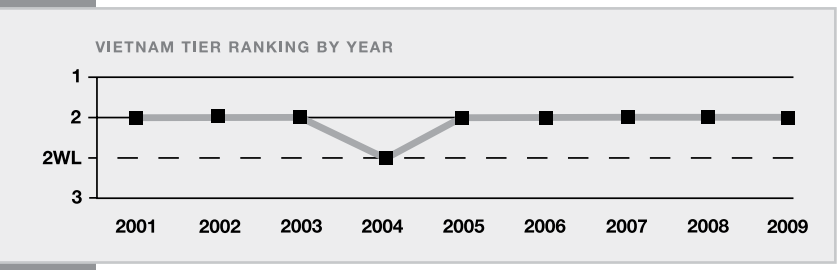
VIETNAM (Tier 2)

Vietnam is a source and destination country for men, women, and children trafficked for forced labor and commercial sexual exploitation. Women and children are trafficked to the People's Republic of China (PRC), Cambodia, Thailand, the Republic of Korea, Malaysia, Indonesia, Taiwan, and Macau for sexual exploitation. Vietnam is a source country for men and women who migrate for work through informal networks and through state-owned and private labor export companies in the construction, fishing, or manufacturing sectors in Malaysia, Taiwan, South Korea, the PRC, Japan, Thailand, Indonesia, Western Europe, and the Middle East, but subsequently face conditions of forced labor or debt bondage. Labor export companies may charge workers as much as $10,000 for the opportunity to work abroad, making them highly vulnerable to debt bondage. There are reports of Vietnamese children trafficked to the UK by Vietnamese organized crime gangs for forced labor on cannabis farms, and Vietnamese boys trafficked to China for forced labor in agriculture and factory settings. Traffickers are often residents or former residents of the victims' communities. Some Vietnamese women going to the PRC, Taiwan, Hong Kong, Macau, and increasingly to the Republic of Korea for arranged marriages were victims of trafficking for the purpose of sexual exploitation or forced labor. There were reports of women from Ho Chi Minh City and the Mekong Delta forced into prostitution after marrying overseas, as well as reports of ethnic Hmong girls and women lured to or abducted and transported to southern China and subsequently sold into marriage. Vietnam is a destination country for Cambodian children trafficked to urban centers for forced labor or commercial sexual exploitation. Vietnamese and Cambodian children from rural areas are trafficked to Ho Chi Minh City and Hanoi for forced begging or the selling of flowers and lottery tickets, often part of organized crime rings. Vietnam has a significant internal trafficking problem with women and children from rural areas trafficked to urban centers for commercial sexual exploitation and forced labor. Vietnam is increasingly a destination for child sex tourism, with perpetrators from Japan, the Republic of Korea, the PRC, Taiwan, the UK, Australia, Europe, and the United States.

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. While the government continued to prosecute sex trafficking offenders and made some efforts to protect victims of trafficking, it did not make sufficient efforts to criminally prosecute offenders of labor trafficking, or to protect victims of labor trafficking. While recent laws provide some recourse to victims of labor trafficking, bureaucratic inertia and a lack of resources for victims make this recourse difficult for trafficking victims to pursue. Although it took steps to combat cross-border sex trafficking by expanding investigations and prosecutions of traffickers, the Vietnamese government has not yet focused adequately on internal trafficking and needs to make more progress in the areas of law enforcement, victim protection, and prevention of labor trafficking and internal trafficking. The government's initiatives to increase labor exports have not been complemented by adequate efforts to prevent labor trafficking and protect workers going abroad.

Recommendations for Vietnam: Institute criminal penalties for recruitment agencies and others involved in labor trafficking; criminally prosecute those involved in fraudulent labor recruitment or exploitation of labor; take steps to protect Vietnamese migrant workers from being subjected to practices that contribute to forced labor,

such as the withholding of travel documents; ensure that state-licensed recruitment agencies do not engage in fraud or charge illegal "commissions" for overseas employment; extend proactive procedures to identify victims of internal trafficking and labor trafficking among vulnerable groups, such as repatriated Vietnamese migrant laborers; take measures to ensure that victims of labor trafficking are not threatened or otherwise punished for protesting or leaving an exploitative labor situation in Vietnam or abroad; assist Vietnamese workers returning from abroad in the resolution of labor contract disputes; and implement and support a visible anti-trafficking awareness campaign directed at clients of the sex trade.



Prosecution

The Vietnamese government demonstrated increased law enforcement efforts to combat trafficking in persons for transnational sex trafficking, though it did not take adequate steps to combat labor trafficking. While statutes in the Penal Code prohibit trafficking, existing laws do not adequately cover all forms of trafficking, including labor trafficking and the recruiting and harboring of trafficking victims. The majority of traffickers are prosecuted under Articles 119 and 120 of the Penal Code, which can be used against some forms of trafficking for sexual and labor exploitation, but can also be used to prosecute a variety of related crimes. In October 2008, the government submitted proposed amendments to Articles 119 and 120 of the Penal Code to include the trafficking of men over the age of 16. Labor laws do not provide criminal penalties for labor trafficking. Contract disputes between workers and the Vietnam-based export labor recruiting company or the employing company overseas are left almost entirely to the export labor recruiting company. Workers must bring their cases to court if they feel they have been unjustly treated by the export labor recruiting company, though in practice, few have the resources to do so. Despite several reported cases of forced labor and debt bondage of Vietnamese workers abroad, the government did not report any investigations, prosecutions, or convictions of offenders of labor trafficking during the reporting period. The Ministry of Labor, War Invalids, and Social Affairs (MOLISA) reported that while some labor recruitment companies were fined or had activities restricted due to various violations, none had their licenses revoked for violations of the law. Vietnam's National Steering Committee on trafficking in persons reported that in 2008, police investigated 330 cases and convicted 424 individuals for violations of Articles 119 and 120 of the Vietnamese Penal Code, which includes some forms of trafficking for sexual and labor exploitation, as well as a variety of related crimes. Trafficking-related corruption occurred at the local level, where officials at border crossings and checkpoints take bribes to look the other way, though the government did not report any investigations or prosecutions of officials for trafficking-related complicity.

Protection

The Vietnamese government demonstrated some efforts at protecting cross-border sex trafficking victims in 2008. While the government took action to further protect workers by implementing the labor export assistance fund and providing stricter regulations on brokerage fees for labor export it does not provide adequate legal protection or assistance to the estimated 500,000 Vietnamese workers abroad from conditions of forced labor and debt bondage. Agreements signed with governments of labor-demand countries did not appear to have adequate provisions to prevent human trafficking and protect victims of trafficking from conditions of forced labor and debt bondage. Although the government says the practice of passport confiscation is unacceptable, MOLISA authorized recruitment companies to illegally withhold workers' travel documents during the reporting period; Vietnamese embassies abroad reportedly do issue travel documents when employers refuse to return them. The Vietnam Women's Union (VWU), with the assistance of NGOs, continued to run four shelters which provide psycho-social counseling and vocational training for female victims of sex trafficking. There are no shelters designated specifically for victims of labor trafficking; however, these victims have access to the same "social protection centers" that many female sex trafficking victims can turn to for assistance. Sex trafficking victims were encouraged to assist in the investigation and prosecution process, but there was no data on the number of victims involved in prosecutions during the reporting period. Repatriated Vietnamese trafficking victims were not penalized for unlawful acts committed as a direct result of being trafficked. In March 2009, Vietnamese officials repatriated a Vietnamese minor identified in Laos as a sex trafficking victim before she could access necessary medical treatment in Laos. The government established some procedures to identify cross-border sex trafficking victims and trained 150 officials on the procedures with assistance from an international organization, but has not yet developed a comprehensive system to identify victims of internal trafficking or labor trafficking from among vulnerable groups. Since May 2008, the government reported that it officially identified 410 victims, compared to 450 for all of 2007. In May 2008, the government, with NGO assistance, established procedures for referring victims to appropriate care, and began to implement the referral system for women and girls identified as trafficking victims. The government does not exhibit adequate efforts to identify trafficking

victims among women arrested for prostitution; as a result, sex trafficking victims may be vulnerable to being penalized for acts committed as a direct result of being trafficked.

In February 2008, a group of 176 Vietnamese women recruited by Vietnamese state-owned labor agencies for work in Jordan were allegedly subjected to conditions of fraudulent recruitment, contract switching, debt bondage, unlawful confiscation of travel documents, confinement, and manipulation of employment terms – all indications of possible trafficking for forced labor. These conditions led to a worker strike, and subsequently altercations among workers and with the Jordanian police. The Ministry of Foreign Affairs sent an inter-ministerial team to Jordan to address the situation and attempt to convince the workers to go back to work. Some reports stated that the workers faced threats of retaliation by Vietnamese government officials and employment agency representatives if they did not return to work. Several workers reported that officials attempted to intimidate them and refused workers' requests to intervene to get their back pay and pressure the employer to honor their contracts. After labor negotiations failed, the Vietnamese government repatriated 157 of the workers; the other 19 workers elected to stay in Jordan. Although the government fined the three state-owned labor companies involved and restricted them from sending workers to Jordan in the future, it did not criminally prosecute labor agency officials for trafficking-related offenses. The government does not consider the workers possible victims of trafficking and has not assisted the repatriated workers in retrieving their back pay or recruitment fees. In another reported case of labor trafficking, four Vietnamese women were recruited by a state-owned recruitment company to work as domestic workers in Malaysia. The workers report that their passports and contracts were confiscated upon arrival, and the women were imprisoned in their employers' home where they were forced to work 18 hours a day with no pay. The women were able to escape and return to Vietnam, but the government reportedly did not assist the victims in obtaining compensation for their unpaid work in Malaysia and the high recruitment fees they reportedly paid.

Prevention

The Vietnamese government continued efforts to prevent trafficking through public awareness. The VWU and the Vietnam Youth Union continued to conduct nationwide anti-trafficking public awareness campaigns. The VWU also continued to cooperate with its South Korean counterpart in a program of pre-marriage counseling centers in Vietnam, in an effort to prevent trafficking through international marriages of Vietnamese women. In March 2008, the Vietnamese government signed an anti-trafficking Memorandum of Understanding (MOU) with the Government of Thailand, though some NGOs question the feasibility of the agreement's implementation. Despite Vietnam's efforts to engage in dialogue and enhance law enforcement cooperation with Malaysia and other Asian destination countries for Vietnamese trafficking victims, regional cooperation remains a challenge. The government recognizes that Vietnam is becoming an increasingly attractive destination for international child sex tourism. Vietnam works with foreign governments where foreign pedophiles are wanted for child sex tourism, though it declined to share information on cases handled. There were no measures undertaken by the government to reduce demand for commercial sex acts. In April 2008, the Vietnamese government completed an investigation of a series of export labor-related fraud cases, 80 percent of which involved Vietnamese laborers recruited by unlicensed brokers to go to the Republic of Korea. Reports indicate that over 100 perpetrators were convicted for at least 70 cases of fraud involving 3,000 victims of fraud in the 2006-2007 timeframe. Vietnam has not ratified the 2000 UN TIP Protocol.

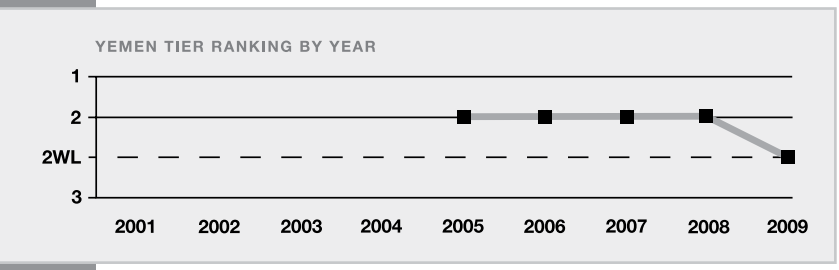
YEMEN (Tier 2 Watch List)

Yemen is a country of origin and, to a much lesser extent, transit and destination country for women and children trafficked for the purposes of forced labor and sexual exploitation. Yemeni children, mostly boys, are trafficked across the northern border with Saudi Arabia or to the Yemeni cities of Aden and Sana'a for forced labor, primarily as beggars, but also for domestic servitude or work in small shops. Some of these children are subjected to commercial sexual exploitation in transit or once they arrive in Saudi Arabia. To a lesser extent, Yemen is also a source country for girls trafficked internally and to Saudi Arabia for commercial sexual exploitation. Girls as young as 15 years old are exploited for commercial sex in hotels, casinos, and bars in the governorates of Mahweet, 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 forced into prostitution or abandoned on the streets after reaching Saudi Arabia. Yemen is a transit and destination country for women and children trafficked from Ethiopia and Somalia for the purpose of domestic servitude; female Somali refugees are reportedly trafficked by Somali men into prostitution in Aden and Lahj governorates and Yemeni gangs traffic African children to Saudi Arabia.

The Government of Yemen 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, the Yemeni government did not show evidence of progress in prosecuting and punishing trafficking offenders or in preventing sex trafficking over the last year; therefore, Yemen is placed on Tier 2 Watch List. The government reported no trafficking investigations, prosecutions, or convictions during the reporting period, and took no steps to address trafficking

for commercial sexual exploitation. It continued, however, to provide protection and reunification services to child victims repatriated from Saudi Arabia and made notable strides in raising awareness of child labor trafficking.

Recommendations for Yemen: Take law enforcement action against human trafficking; improve protection services available to victims of trafficking for commercial sexual exploitation; and institute a formal victim identification mechanism to identify and refer victims to protection services.



Prosecution

Though the provision of anti-trafficking training to law enforcement officials increased over the reporting period, the Government of Yemen made no discernable efforts to prosecute or punish trafficking offenders, in contrast to six trafficking convictions obtained during the preceding reporting period. Article 248 of the penal code prescribes 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." This prescribed penalty is commensurate with that for other grave crimes, such as rape. Article 161 of the Child Rights Law specifically criminalizes the prostitution of children. Yemen's Parliament considered draft legislation criminalizing child trafficking during the reporting period. Law enforcement officials reportedly tolerated internal trafficking in girls and women for the purpose of commercial sexual exploitation, making no known attempts to intervene during 2008. In February 2009, however, Haradh police arrested a Yemeni man and a Saudi national in connection with an illegal marriage of a Yemeni girl to a Saudi tourist; this is the first penal action taken by the government against "temporary marriages," which may constitute child trafficking. In the same month, a sting operation conducted by the Ministry of Interior resulted in the arrest of four individuals in Harath who were attempting to traffic 13 children to Saudi Arabia. In addition, in February 2009, the Ministry of Justice permanently removed a judge who approved a contract for the sale of a 26-year old slave. During the year, the Ministry of Interior trained 5,000 police officers and border guards in the northern governorates, where child trafficking is most prevalent, on recognition and prevention of trafficking.

Protection

The government made limited progress in protecting victims over the last year, and remained reluctant to acknowledge trafficking for commercial sexual exploitation. In partnership with UNICEF and a local NGO, the government continued operation of two reception centers in Sana'a and Harath to rehabilitate child labor trafficking victims deported from Saudi Arabia. These facilities received 583 children during the reporting period – two of whom had been sexually exploited – and provided them with approximately two months of food, counseling, limited medical care, and family reunification services. Through contributions of facilities, buses, and educational materials, the government also supported three NGO-run rehabilitation centers for child laborers in Sana'a, Sayun, and Aden, which provided food, basic health services, and vocational training; the centers are jointly funded by the government and ILO-IPEC. The government-run al-Thawra Hospital in Sana'a provided free medical care for trafficked children and child laborers. The government, however, did not provide protection services for internal sex trafficking victims or adult victims of trafficking, and only assisted foreign victims by referring their cases to foreign missions in Yemen. For example, a Sudanese boy deported from Saudi Arabia to Sana'a in 2008 was turned over to the Embassy of Sudan for repatriation.

Child labor violations in Yemen, including forced child labor, were rarely reported, investigated, or prosecuted in major urban areas; investigations were nonexistent in more remote regions. Twenty child labor investigators under the authority of the Ministry of Social Affairs and Labor (MOSAL) Child Labor Unit each received only a $15 monthly allowance to conduct regional travel and inspect farms, fisheries, and factories in Aden, Sana'a, and Sayun, limiting their effectiveness in counteracting child labor trafficking. Child labor trafficking victims were not jailed in Yemen in 2008. However, the government did not differentiate between voluntary and forced prostitution, and punished persons engaged in the commercial sex trade, including children. The government did not employ procedures for proactively identifying victims of sex trafficking among high-risk groups and lacked a formalized victim referral process. It was not known whether the government encouraged victims to assist in investigations against their traffickers. There were no legal alternatives to the removal of foreign trafficking victims to countries in which they may face hardship or retribution.

Prevention

Yemen made progress in preventing child labor trafficking during the reporting period, particularly by conducting far-reaching awareness campaigns and training programs, but did little to combat trafficking for sexual exploitation. MOSAL trained 1,560 local leaders – sheikhs, teachers, and government officials – in 2008 in the northern border governorates and other key areas with known child labor trafficking problems. Through lectures at taxi stands,

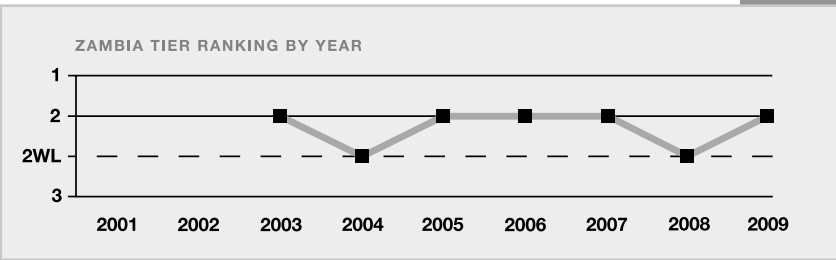
MOSAL officials also trained 650 taxi and small bus drivers in Hudeidah, Hajja, Saada, and Sana'a to recognize signs of trafficking and identify children being trafficked for labor purposes. MOSAL also distributed 3,000 anti-trafficking posters and 5,000 stickers throughout the country. The Ministry of Information produced and broadcast public service announcements on child labor on 60 radio stations and five television stations in urban centers across Yemen in 2008. In cooperation with a local NGO, the government also organized a Children's Parliament that met three times in 2008 to hear testimony from and question government officials on child labor and trafficking. In August 2008, the government approved a three-year National Action Plan to combat child labor and sex trafficking. A Technical Committee coordinates the government's efforts to combat child trafficking and met quarterly in 2008. Throughout the year, government officials continued to press – without success – counterparts in Saudi Arabia to sign a memorandum of understanding to increase joint cooperation on human trafficking. The government, however, did not take any significant measures during the reporting period to reduce the demand for commercial sex acts or address the problem of child sex tourism. Information was unavailable regarding measures, if any, adopted by the government to ensure its nationals deployed to peacekeeping missions do not facilitate or engage in human trafficking. Yemen has not ratified the 2000 UN TIP Protocol.

ZAMBIA (Tier 2)

Zambia is a source, transit, and destination country for women and children trafficked for the purposes of forced labor and sexual exploitation. Child victims, primarily trafficked within the country for labor and sexual exploitation, tend to be female, adolescent, and orphaned. In exchange for money or gifts, relatives or acquaintances often facilitate the trafficking of a child to an urban center for prostitution. Children are sometimes trafficked as a consequence of soliciting help from strangers such as truck drivers. Many Zambian child laborers, particularly those in the agriculture, domestic service, and fishing sectors, are also victims of human trafficking. Traffickers most often operate through ad hoc, flexible networks of relatives, truck drivers, business people, cross-border traders, and religious leaders. Organized rings offer Zambian women false job or marriage offers, then traffic them to South Africa via Zimbabwe for sexual exploitation, or to Europe via Malawi. Zambia's geographic location, porous borders, and lax immigration enforcement make it a nexus for transnational trafficking from the Great Lakes region and Congo to South Africa for agricultural labor. Adults and children from Malawi and Mozambique are occasionally trafficked to Zambia for forced agricultural labor.

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 made strong efforts to increase and improve law enforcement efforts against trafficking offenders, to raise public awareness of trafficking, and address demand. Services for victims, however, remained inadequate and the new anti-trafficking law has yet to be enforced.

Recommendations for Zambia: Continue to train police, immigration, and court officers on implementation of the new trafficking law; formalize and implement victim identification and referral procedures; improve government services for human trafficking victims as provided for in the new law; increase anti-human trafficking awareness, particularly among government labor officials; and monitor the employment and labor recruiting agencies and hold labor recruiters accountable for fraudulent recruitment practices that contribute to forced labor.



Prosecution

The Government of Zambia's anti-trafficking law enforcement efforts produced concrete results over the reporting period. Zambia's president signed the comprehensive "Anti-Human Trafficking Act of 2008" into law on November 19, 2008. In the months since its entry into force, no investigations or prosecutions were started under its provisions. The new law criminalizes all forms of trafficking. The law prescribes sufficiently stringent penalties for trafficking that are commensurate with those prescribed for other serious crimes, such as rape; penalties range from 25 years' to life imprisonment, depending on various circumstances. Two trafficking offenders were prosecuted and convicted in 2008 under anti-trafficking provisions in earlier laws. In April, the Kasama High Court sentenced two men to 20 and 25 years' imprisonment, respectively, for child trafficking. The men were caught in 2006 attempting to sell an eight year-old boy for forced labor. A lack of financial resources, trained personnel, and technical capability, coupled by petty corruption at borders, police stations, and other lower-level government offices, constrain the government's ability to combat trafficking. With NGO assistance, the Zambian Police Victims' Support Unit is revising its data collection practices on trafficking to improve monitoring and reporting. The Zambia Law Development Commission published a manual on the new anti-trafficking law for police and prosecutors, and began training officials in February 2009. The government

worked with NGOs to train police nationwide on human trafficking issues, and to develop a cadre of trainers within the Zambian Police Service (ZPS). One such trainer and an immigration official conducted four months of follow-on anti-trafficking training at border posts around Zambia. The ZPS also instituted a national hotline for police officers, to connect them directly with ZPS officers trained to identify and investigate trafficking.

Protection

The government made minimal efforts to protect victims of trafficking over the reporting period. Its close cooperation with IOM, UNICEF, and the YWCA has not resulted in the provision of adequate services for victims identified within Zambia or repatriated from destination countries. The government has not yet allocated funds for projects mandated by its anti-trafficking law, such as the establishment of government centers for victims of trafficking. During the year, the Ministry of Youth and Sports and the Gender in Development Division of the Cabinet Office provided limited financial support to NGOs which run shelters housing victims of trafficking along with victims of domestic violence or other crimes. The government did not have a formal mechanism for referring victims to NGOs for these services. Shelters offer some limited psychological counseling, medical treatment, and assistance dealing with the police; some also offer brief training in income-generating activities such as sewing or handicrafts. The new law prohibits the summary deportation of a trafficking victim and provides legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. The government generally does not penalize victims for unlawful acts committed as a direct result of being trafficked. The government encourages victims to assist in the investigation and prosecution of traffickers. Courts may order a convicted trafficking offender to pay reparations to victims for damage to property, physical, psychological or other injury, or loss of income and support.

Prevention

The Zambian government demonstrated increasingly strong efforts to prevent trafficking over the reporting period. In January 2009, it formed an interagency committee on trafficking, and approved a national anti-trafficking policy and an accompanying communications strategy developed in association with NGOs and other stakeholders. IOM and a local NGO operate a 24-hour hotline for Zambians to report possible trafficking cases or ask about the bona fides of offers to work abroad. The media extensively covered Zambian police raids of suspected brothels in high-density neighborhoods; police officials were quoted in the press stressing that prostitution is illegal and dangerous for both the clients and the prostitutes. The Zambian government's interagency committee on trafficking obtained weekly air time on ZNBC, the nation's largest television broadcaster, and on a national radio station to talk about trafficking issues. The government launched its "Break the Chain of Human Trafficking" trafficking prevention campaign with assistance from IOM. The government targeted both potential trafficking victims and those driving the demand for the services of human trafficking victims with its information campaign. It also worked with IOM to monitor movement patterns along the Zambia-Zimbabwe border for evidence of forced migration and human trafficking. The military has no specific measures in place to provide anti-trafficking training to troops currently participating in peacekeeping missions. New military personnel, however, will receive trafficking awareness training as part of a new anti-trafficking curriculum being developed for training academies.

ZIMBABWE (Tier 3)

Zimbabwe is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. Large scale migration of Zimbabweans to surrounding countries has increased – as they flee a progressively more desperate situation at home – and NGOs, international organizations, and governments in neighboring countries report that some of these Zimbabweans face human trafficking. Rural Zimbabwean men, women, and children are trafficked within the country to farms for agricultural labor and to cities for forced domestic labor and commercial sexual exploitation. NGOs believe internal trafficking increased during the year, largely due to the closure of schools, worsening political violence, and a faltering economy. In 2008, Zimbabwean security forces consolidated their control of mining in the Marange region, forcing members of the local population to mine for diamonds. Between the March 2008 presidential election and the June 2008 run-off, youth militias controlled by Robert Mugabe's ZANU-PF political party abducted and held an unknown number of women and girls, particularly opposition supporters, in sexual and domestic servitude at command bases.

Zimbabwean women and children are trafficked for domestic servitude and sexual exploitation, including in brothels, along both sides of the country's borders with Botswana, Mozambique, South Africa, and Zambia. Young men and boys are trafficked to South Africa for farm work, often being forced to labor for months in South Africa without pay before "employers" have them arrested and deported as illegal immigrants. Small numbers of Zimbabwean men are trafficked for work in Mozambique's construction industry. Young women and girls are lured to South Africa and potentially other countries with false employment offers that result in involuntary domestic servitude or forced prostitution. Men, women, and children from the Democratic Republic of the Congo, Malawi, Mozambique, and Zambia are trafficked through Zimbabwe en route to South Africa.

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.

The government made minimal progress in combating trafficking in 2008, and members of its military and the former ruling party's youth militias perpetrated acts of trafficking on local populations. The government's anti-trafficking efforts were further weakened as it failed to address Zimbabwe's economic and social problems during the reporting period, thus increasing the population's vulnerability to trafficking within and outside of the country.

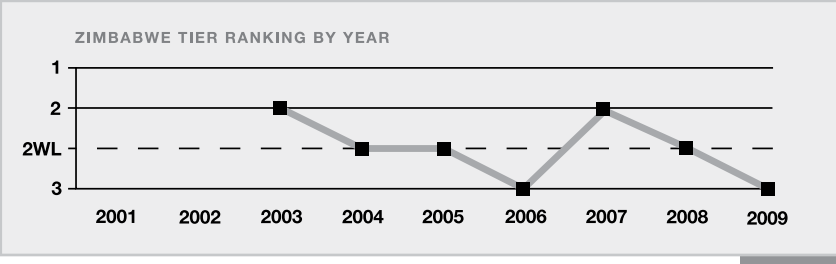
Recommendations for Zimbabwe: Cease the use by members of security forces of local populations for forced diamond mining; prosecute, convict, and punish trafficking offenders; advance comprehensive anti-trafficking legislation; formalize procedures for interviewing victims and transferring them to the care of NGOs; and launch a broad awareness-raising campaign that educates all levels of government officials, as well as the general public, on the nature of trafficking and the availability of assistance for victims.

Prosecution

The government did not provide any data on its anti-trafficking law enforcement efforts during the year, including any data on prosecutions and convictions of traffickers. Zimbabwe does not prohibit all forms of trafficking in persons, though existing statutes outlaw forced labor and numerous forms of sexual exploitation. Forced labor offenses are punishable by a fine or two years' imprisonment, or both; these penalties are not sufficiently stringent or commensurate with those prescribed for other grave crimes. The government reported in 2007 that it was drafting comprehensive trafficking legislation; however, the draft was neither publicly available nor introduced in Parliament during the last year. Parliament was not sworn in until August 2008 following March elections; the newly elected parliamentarians have not yet formed the committees that review and propose legislation. The government failed to provide information on anti-trafficking law enforcement activities conducted during the reporting period. The Ministry of Justice reported that none of the cases investigated in 2007 was brought to trial during 2008. The government did not provide specialized anti-trafficking training for law enforcement officials.

Protection

The growing number of illegal migrants deported from South Africa and Botswana, combined with a crippling lack of resources, severely impeded the government's ability to effectively identify victims of trafficking among returnees. The Department of Immigration required all deportees returning from South Africa via the Beitbridge border crossing to attend an IOM-led briefing on safe migration, which includes a discussion on human trafficking and IOM and NGO assistance services. The reception center's social workers – who are employed by the Department of Social Welfare, but funded and trained by IOM – screened the deportees and referred them to NGO shelters; one trafficking victim was identified through this process in 2008. The District Council of Beitbridge employed one child protection officer and convened a child protection committee to coordinate programs and resources on issues relating to children. In May 2008, IOM opened a second reception center at the Plumtree border crossing for Zimbabweans deported from Botswana. Although the government has an established process for referring victims to international organizations and NGOs that provide shelter and other services, in 2008 the government primarily depended on these organizations to identify trafficking victims and alert the authorities. However, the Zimbabwe Republic Police's Victim Friendly Unit referred three victims to IOM during the reporting period. The government generally encourages victims to assist in the prosecution of traffickers, but is not believed to have prosecuted trafficking offenses during the year. Likewise, the government did not inappropriately incarcerate or otherwise penalize victims for unlawful acts committed as a direct result of being trafficked. It could have offered foreign victims relief from deportation while they receive victim services and their cases are investigated, though there were no cases of victims receiving such relief in 2008. With the exception of deportees from South Africa and Botswana, the government's law enforcement, immigration, and social services do not have a formal system for proactively identifying trafficking victims among vulnerable populations.



Prevention

The government did not conduct anti-trafficking information or education campaigns during the reporting period, and there remained a general lack of understanding of human trafficking across government agencies, especially at the local level. Senior government officials occasionally spoke, however, about the dangers of trafficking and illegal migration, and the state-run media printed and aired warnings about false employment scams and exploitative labor conditions. During the year, all four government-controlled radio stations aired an IOM public service announcement eight times each day in five languages during peak migration periods. The inter-ministerial anti-trafficking task force took no concrete action during the year. Anecdotal reports indicated that the worsening economy reduced the demand for commercial sex acts, though there were no known government efforts to reduce the demand

for forced labor or the demand for commercial sex acts. Information was unavailable regarding measures adopted by the government to ensure its nationals deployed to peacekeeping missions do not facilitate or engage in human trafficking. Zimbabwe has not ratified the 2000 UN TIP Protocol.

HAITI (Special Case)

Haiti has had a weak government since widespread violence and political instability led to the resignation of the president in 2004. National elections in 2006 elected a president and a Parliament that replaced an appointed interim government, but the effectiveness of state institutions remained severely limited. Civil unrest in April 2008 left the country without a government for five months. The Government of Haiti's ability to provide basic services and security for citizens, and to control rampant crime in the capital, Port-au-Prince, continues to be compromised by limited resources, an untrained and poorly equipped police force, entrenched government corruption, and perennially weak government institutions. The UN Stabilization Mission in Haiti (MINUSTAH) continued to maintain more than 6,950 troops and 1,900 police throughout the country to provide security. Haiti remains a Special Case for the fourth consecutive year as the new government formed in September 2008 has not yet been able to address the significant challenges facing the country, including human trafficking. The U.S. government, however, notes the progress of Haiti's government, and urges the Government of Haiti to take immediate action to address its serious trafficking-in-persons problems. The following background and recommendations are provided to guide government officials.

Scope and Magnitude: Haiti is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. Haitian women, men, and children are trafficked into the Dominican Republic, The Bahamas, the United States, Europe, Canada and Jamaica for exploitation in domestic service, agriculture, and construction. Trafficked Dominican women and girls are forced into prostitution. Some may be patronized by UN peacekeepers in Haiti, although MINUSTAH is implementing programs among its personnel to suppress this practice. Several NGOs noted a sharp increase in the number of Haitian children trafficked for sex and labor to the Dominican Republic and The Bahamas during 2008. The majority of trafficking cases are found among the estimated 90,000 to 300,000 *restaveks* in Haiti, and the 3,000 additional *restaveks* who are trafficked to the Dominican Republic. Poor, mostly rural families send their children to cities to live with relatively wealthier "host" families, whom they expect to provide the children with food, shelter, and an education in exchange for domestic work. While some *restaveks* are cared for and sent to school, most of these children are subjected to involuntary domestic servitude. These *restaveks*, 65 percent of whom are girls between the ages of six and 14, work excessive hours, receive no schooling or payment and are often physically or sexually abused. Haitian, labor laws require employers to pay domestic workers over the age of 15, so many host families dismiss *restaveks* before they reach that age. Dismissed and runaway *restaveks* make up a significant proportion of the large population of street children, who frequently are forced to work in prostitution or street crime by violent criminal gangs. Women and girls from the Dominican Republic are trafficked into Haiti for commercial sexual exploitation. Some Haitians who voluntarily migrate to the Dominican Republic, The Bahamas, the United States, and other Caribbean nations, subsequently face conditions of forced labor on sugar-cane plantations, and in agriculture and construction.

Government Efforts: Haitian officials recognize that human trafficking is a serious problem in the country, including the exploitation of *restavek* children as domestic servants. As a policy matter, however, the national police child protection unit, the Brigade for the Protection of Minors (BPM), does not pursue *restavek* trafficking cases because there is no statutory penalty against the practice. Haitian law also does not specifically prohibit trafficking in persons, which limits its ability to punish traffickers and protect victims. It did shut down a number of unregistered orphanages whose residents were believed to be vulnerable to trafficking. The Ministry of Social Affairs and Labor (MAST) should make every effort to complete its revision of and resubmit to Parliament its comprehensive anti-trafficking bill; Parliament should consider it, and then pass a law prohibiting all forms of human trafficking. Until then, authorities could begin to enforce existing criminal statutes penalizing slavery, kidnapping, forced prostitution, and forced labor to prosecute trafficking offenses. Judges, police, and prosecutors throughout the country need additional anti-trafficking training before they can effectively prosecute and punish trafficking offenders. Lacking its own resources, the government cooperates with numerous NGOs to assist victims and to train officials about trafficking issues. Haitian immigration officers working with MINUSTAH proactively identified potential child trafficking victims at airports and the border with the Dominican Republic. The Office of National Identification, with technical assistance from the Organization of American States and the Government of Canada, began to provide national identity cards to persons who reached the legal voting age since the last election. It continued to provide birth certificates to citizens who had not previously been issued official identity documents. The government does not follow systematic victim identification procedures, though Haitian authorities work closely with NGOs to refer identified victims – primarily children – and coordinate protective services as needed. Shelter services for adult trafficking victims do not exist, and the government

should make every effort to open or support facilities which could provide men and women with appropriate assistance.

SOMALIA (Special Case)

Somalia remains a Special Case for a seventh 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, which is 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, the TFG remained preoccupied with the task of securing government representatives and installations from attacks by extremist 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, or address systemic issues in Somalia, including those related to trafficking in persons; its capacity to address human trafficking will not significantly increase without tangible progress in reestablishing governance and stability in Somalia.

Scope and Magnitude. Information regarding trafficking in Somalia remains extremely difficult to obtain or verify; however, the Somali territory is believed to be a source, transit, and perhaps destination country for trafficked men, women, and children. In Somali society, certain groups are traditionally viewed as inferior and are marginalized; Somali Bantus and Midgaan are sometimes kept in servitude to other more powerful Somali clan members as domestics, farm laborers, and herders. During the year, the widespread use of children in fighting forces in the country was noted; the extremist groups opposed to the TFG conscripted and recruited children as young as eight years of age, including girls, for use in armed conflict, including soldiering, planting bombs, carrying out assassinations, portering, and domestic servitude. There were reports that militias loyal to the TFG or associated with members of the TFG conscripted children. Armed militias also purportedly traffic Somali women and children within the country for sexual exploitation and forced labor. Because of an inability to provide care for all family members, some Somalis willingly surrender custody of their children to people with whom they share family relations and clan linkages; some of these children may become victims of forced labor or commercial sexual exploitation. There are anecdotal reports of children engaged in prostitution within the country, but the practice is culturally proscribed and not publicly acknowledged.

Human smuggling is widespread in Somalia and there is evidence to suggest that traffickers utilize the same networks and methods as those used by smugglers. Dubious employment agencies are involved with or serve as fronts for traffickers, especially to target individuals desiring to reach the Gulf States. Somali women are trafficked to destinations in the Middle East, including Iraq, Lebanon, and Syria, as well as to South Africa, for domestic labor and, to a lesser extent, commercial sexual exploitation. Female Somali refugees residing in Yemen are trafficked by Somali men into prostitution in Aden and Lahj governorates. Somali men are trafficked into labor exploitation as herdsmen and menial workers in the Gulf States. Some Somalis transit Djibouti to reach Yemen. Somali children are reportedly trafficked to Djibouti for commercial sexual exploitation and forced labor, as well as to Saudi Arabia through Yemen for forced begging. Members of the Somali diaspora use fake offers of marriage to traffic unsuspecting victims, many of whom are relatives, to Europe for commercial sexual exploitation. Ethiopian women are trafficked through Somalia to Yemen and onward to other destinations in the Middle East for forced domestic labor and sexual exploitation.

Government Efforts. The respective authorities operating in Somalia's three regions did not make significant progress in addressing human trafficking during the reporting period. Understanding of the phenomenon of human trafficking and how it is to be identified and addressed remains low among government officials and the general population. In Somaliland, laws explicitly prohibit forced labor, involuntary servitude, and slavery, which, in addition to trafficking for sexual exploitation, may be prohibited under the most widespread interpretations of Shari'a and customary law. There are no such laws that prohibit these practices in other parts of Somalia. 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 of human trafficking offenses during the reporting period. Most crimes, including rape, were addressed under customary law, with penalties varying among clans; most punishments involve paying animals to victims' clan members. There were reports that government officials may be involved in trafficking; business people involved in human smuggling and trafficking in Puntland, for instance, purportedly work with the knowledge of influential officials within the administration. In February 2009, Puntland's newly elected president, accompanied by police and other officials, raided Marero village, a major hub for human smuggling and trafficking. No arrests were made.

RELEVANT INTERNATIONAL CONVENTIONS

Country	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(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
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
Burkino Faso	X	X	X	X	X	X	X	X	X
Burma		X(a)						X	
Burundi	X		X		X	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
Chad			X	X	X	X	X	X	X
Chile	X	X	X	X	X	X	X	X	X
China (PRC)			X	X	X	X	X		
Colombia	X	X	X	X	X	X	X	X	X
Congo, Rep. of	X		X					X	X

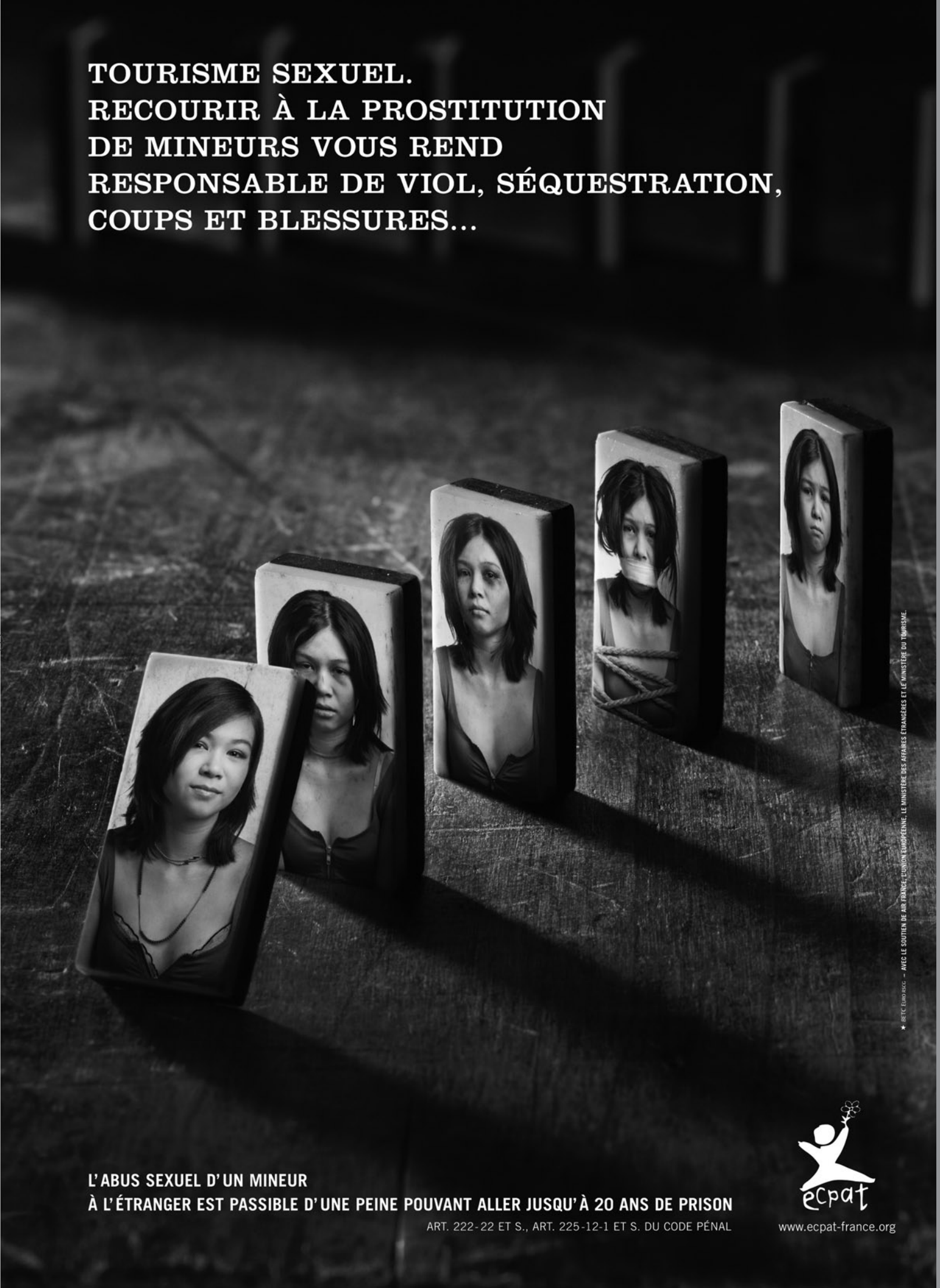
Country	Protocol to Prevent, Suppress & Punish Trafficking in Persons		ILO Convention 182, Elimination of Worst Forms of Child Labor	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography		Optional Protocol to the Convention on 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
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
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	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
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	X	X	X		X	X
Gambia, The	X	X	X	X		X		X	X
Georgia	X	X	X		X(a)			X	X
Germany	X	X	X	X		X	X	X	X
Ghana			X	X		X		X	X
Greece	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(a)	X	X		X		X	X
Guyana		X(a)	X					X	X
Haiti	X		X	X		X		X	X
Honduras		X(a)	X		X(a)		X(a)	X	X
Hungary	X	X	X	X		X		X	X
Iceland	X		X	X	X	X	X	X	X
India	X			X	X	X	X	X	X
Indonesia	X		X	X		X		X	X

Country	Protocol to Prevent, Suppress & Punish Trafficking in Persons		ILO Convention 182, Elimination of Worst Forms of Child Labor	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography		Optional Protocol to the Convention on the Rights of the Child in Armed Conflict		ILO Convention 29, Forced Labour	ILO Convention 105, Abolition of Forced Labour
	Signature	Ratification, Accession (a), or Acceptance (A)	Ratification	Signature	Ratification, Accession (a)	Signature	Ratification, Accession (a)	Ratification	Ratification
Iran			X		X(a)			X	X
Iraq		X(a)	X		X(a)		X(a)	X	X
Ireland	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	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
Korea, Rep. Of	X		X	X	X	X	X		
Kosovo									
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
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	X	X	X
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

Country	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
Morocco			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
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
North Korea									
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
Papau 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		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. Vincent & the Gren.	X		X		X(a)			X	X
Saudi Arabia	X	X	X					X	X
Senegal	X	X	X	X	X	X	X	X	X
Serbia	X	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
Somalia						X		X	X
South Africa	X	X	X		X(a)	X		X	X
Spain	X	X	X	X	X	X	X	X	X

Country	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
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(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(a)		
Togo	X	X	X	X	X	X	X	X	X
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(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(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

A prevention campaign warns travelers on Air France flights that sexual exploitation of minors in other countries amounts to “rape, kidnapping, assault, and battery” and can earn them up to 20 years in prison.


TOURISME SEXUEL.
RECOURIR À LA PROSTITUTION
DE MINEURS VOUS REND
RESPONSABLE DE VIOL, SÉQUESTRATION,
COUPS ET BLESSURES...
★ BETC Euro RSCG – AVEC LE SOUTIEN DE AIR FRANCE, L'UNION EUROPÉENNE, LE MINISTÈRE DES AFFAIRES ÉTRANGÈRES ET LE MINISTÈRE DU TOURISME.
L'ABUS SEXUEL D'UN MINEUR
À L'ÉTRANGER EST PASSIBLE D'UNE PEINE POUVANT ALLER JUSQU'À 20 ANS DE PRISON
ART. 222-22 ET S., ART. 225-12-1 ET S. DU CODE PÉNAL
ecpat
www.ecpat-france.org

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.

Protecting Domestic Workers


PT. DJAMIN HARAPAN ABADI

إرشادات عن معاملة المستخدمة

An Indonesian labor recruitment company sends these instructions to employers of Indonesian domestic workers in the Middle East.

Explanations on the Treatment of Employees

1. We expect that you are patient in guiding her and instructing her on housework, and that you consider the difference of customs and language between yours and hers. We hope that she would be shown respect from all members of the family, and that you would avoid any cruel or harsh treatment and understand that she might miss her community. Also, we hope that you would avoid, as appropriate, blaming or scolding her excessively for simple mistakes, for her speaking for herself from time to time, or for her forgetfulness—for she is not free from mistakes.
2. We expect that you provide for her housing, clothes, and food and perhaps grant her the option of making her food herself.
3. We expect that you would not give her work above her level or make her continue without a break or rest, and that you would provide for her cleanliness or physical rest, as she is a helper only in housework or caring for children.
4. We expect that you help her prepare and send letters to her family, because that is a great help for her spirits. And we expect you to give her your full and clear address in English for ease of correspondence with her family.
5. We expect that you pay her salary every 30 days and help her send it to her family.
6. Do not give her encouraging gifts in the first months. If you wish to, save them for later months.
7. We expect for adherence always to these instructions. Always familiarize and inform all members of the family of them when it's appropriate for everyone. This will be a great help to her efforts in serving you with full energy and loyalty.
8. We expect that you provide appropriate meals as she is accustomed to and make available to her the foods she likes. Allow her to cook her meals herself if she wishes or to eat meals cooked before you in the house.

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 Cooperation in Europe (OSCE) to prevent trafficking in persons or the exploitation of victims of trafficking.

UNITED NATIONS (UN)

The United Nations adopted a zero-tolerance policy in 2003 and implemented a series of reforms over the last four years to prevent military and civilian personnel assigned to UN peacekeeping and humanitarian missions from engaging in sexual exploitation and abuse. Below are highlights of key UN reforms with updates from 2008. The measures below apply to approximately 140,000 UN uniformed personnel (troops, military observers and police), and UN international and locally-hired civilian staff members.

Prevention

- UN Staff Regulations classify sexual exploitation and abuse as a form of serious misconduct subject to disciplinary action, including summary dismissal.
- Consultants, individual contractors, volunteers, military observers and civilian police are legally bound by the standards of the Secretary-General's 2003 bulletin. All contracts and "letters of undertaking" include these standards.
- The UN has a model memorandum of understanding (MOU) (GA 61/267 B) to include provisions for addressing sexual exploitation and abuse. The Department of Peacekeeping Operations (DPKO) is also revising existing MOUs to include these provisions.
- Where necessary, UN peacekeeping missions have instituted "off-limits premises and areas," curfews, and telephone hotlines and have required mission personnel to wear uniforms at all times.
- In early 2008, the DPKO initiated mission-customized information campaigns and strategies to combat commercial sexual exploitation in Cote D'Ivoire, Democratic Republic of the Congo, Haiti, Liberia, Sudan, and East Timor.
- The UN reports that its missions routinely inform the local population about the UN's zero-tolerance policy on sexual exploitation and abuse, including the status of allegations and the risk of making false allegations. The UN is also developing a mechanism by which to inform the public on the outcome of disciplinary cases involving UN personnel, including actions taken by the UN or the troop-contributing country (TCC).
- The DPKO has three training modules for different levels of personnel to prevent sexual exploitation and abuse. The Department provides these modules to the TCCs for pre-deployment training, but it is not able to verify if the training has been completed. All UN mission personnel are made aware of the standards of conduct and zero-tolerance policy and are trained in prevention of sexual exploitation and abuse. Revised pre-deployment training modules will be released to TCCs during the first half of 2009.
- 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 efforts to implement the zero-tolerance policy.

Victim Assistance

- The UN's victim assistance strategy (GA 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. The implementation guidelines have been finalized and transmitted to all UN missions.
- In 2008, UN mission managers and NGO partners in Kenya, Somalia, Liberia, and South Africa were trained in advancing protection from sexual exploitation and abuse in the field. Similar trainings are planned for Libya, Nepal, Cote D'Ivoire, and Haiti in 2009.

Investigations

- The DPKO has conduct and discipline units (CDUs) at UN headquarters and peacekeeping missions. These units 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. Less serious allegations are handled by the peacekeeping mission itself. CDUs also train UN peacekeepers and civilian mission staff on combating sexual harassment, exploitation, and abuse.
- Some OIOS investigators are stationed in the peacekeeping missions, though these may be moved to regional UN offices in the future -- to reduce costs and for more effective and timely investigations.
- There were 83 allegations against UN peacekeeping personnel in 2008, down from 127 allegations in 2007. During that same period, the UN completed 82 investigations into new and pending allegations and deemed 65 of them credible. There were 14 repatriations and five cases of disciplinary action such as suspension, dismissal, censure, demotion, and referral to employers.

Investigations for 52 cases are still pending.

Further information on the UN's sexual exploitation and abuse prevention measures is available at **http://www.un.org/Depts/dpko/CDT/index.html.**

NORTH ATLANTIC TREATY ORGANIZATION (NATO)

NATO has measures in place to prevent its personnel from engaging in human trafficking. To date there have been no reports of any NATO personnel or units engaging in or facilitating human trafficking. NATO has six on-going missions with nearly 70,000 troops.

- In 2004, NATO Allies and Partners adopted an anti-human trafficking policy. Provisions include training for personnel of NATO-led missions, support for host country law enforcement in anti-trafficking investigations, incorporated guidelines prohibiting contractors from engaging in trafficking, and evaluations of implementation of efforts as part of on-going reviews. All NATO operational plans incorporate anti-human trafficking directives.
- NATO has also developed three anti-human trafficking awareness training modules for troops, commanders, and military police. These modules are available online and are offered at NATO's two training facilities. Officials and staff who violate NATO's zero-tolerance policy are subject to disciplinary action including dismissal. NATO Allies and Partners are responsible for taking legal action against nationals participating in missions who are in violation of the zero-tolerance policy. NATO 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.
- In February 2009, the North Atlantic Council agreed to recommendations made by NATO's counter-trafficking chief. They included developing a standardized form for reporting trafficking cases; offering more anti-trafficking courses at NATO training facilities; organizing a conference of national, international, and civil society experts to share best practices; and developing a brochure on NATO policy for the general public.

Further information on NATO's anti-human trafficking prevention measures is available at **http://www.nato.int/issues/trafficking/.**

ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE)

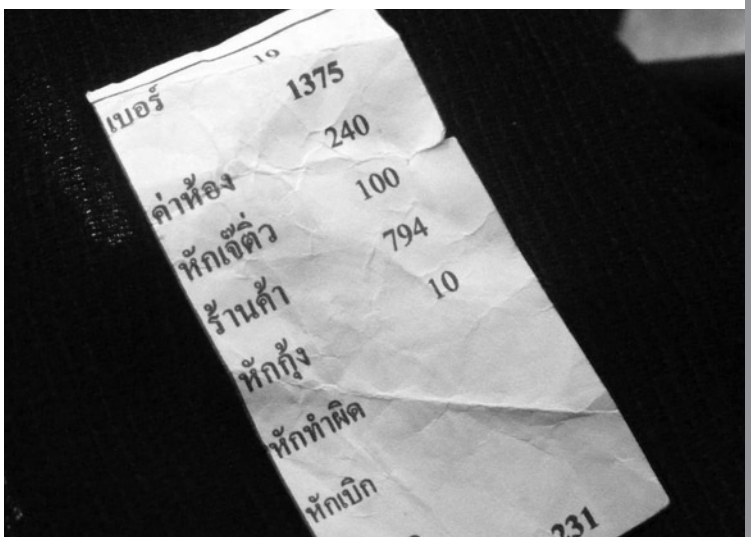
The OSCE has measures in place to prevent personnel from engaging in human trafficking, sexual exploitation and abuse. There have been no reports of any OSCE personnel engaging in or facilitating human trafficking. The OSCE has 18 field missions and 3,266 personnel. The OSCE Secretary-General is responsible 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.
- 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, 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 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 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 at 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 anti-trafficking prevention measures please go to **http://www.osce.org/activities/13029.html.**

Monthly pay slip of a Burmese worker in the Thai seafood sector, showing large deductions for room rental, the store, and "shrimp deduction." Such deductions contribute to debt bondage and involuntary servitude.



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 Cooperation in Europe
UN	United Nations
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNODC	United Nations Office on Drugs and Crime
2000 UN TIP 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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Special thanks to Nick Crawford, GPO's Creative Services Division; and GPO's APS Team.

A public awareness campaign in Hungary aims to reduce the demand side of sex trafficking by asking "You can quit…and can she?"

Te kiszállhatsz. És ő?



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