TRAFFICKING IN PERSONS REPORT

10th EDITION

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Dear Reader:

I am pleased to celebrate and reflect upon the last decade of progress identifying and fighting the phenomenon of modern slavery. Ten years ago, the United Nations negotiated the international standards against trafficking in persons and the United States enacted the Trafficking Victims Protection Act. Since then, the international community has witnessed tangible progress in the effort to end the scourge of trafficking in persons. More victims have been protected, more cases have been successfully prosecuted, and more instances of this human rights abuse have been prevented. Countries that once denied the existence of human trafficking now work to identify victims and help them overcome the trauma of modern slavery, as well as hold responsible those who enslave others.

Although progress has undoubtedly been made against this global phenomenon, there is more work to do. This annual assessment is an opportunity to diagnose the world's efforts to implement the "3P" paradigm of prevention, protection, and prosecution. Based on lessons learned, we must work together with civil society, the corporate sector, and across governments through the "fourth P" – partnership – toward a world in which every man, woman, and child is safe from the hands of traffickers and can realize their God-given potential.

The 10th annual Trafficking in Persons Report outlines the continuing challenges across the globe, including in the United States. The Report, for the first time, includes a ranking of the United States based on the same standards to which we hold other countries. The United States takes its first-ever ranking not as a reprieve but as a responsibility to strengthen global efforts against modern slavery, including those within America. This human rights abuse is universal, and no one should claim immunity from its reach or from the responsibility to confront it.

This year's report highlights several key trends, including the suffering of women and children in involuntary domestic servitude, the challenges and successes in identifying and protecting victims, and the need to include anti-trafficking policies in our response to natural disasters, as was evident in the aftermath of this year's earthquake in Haiti.

Ending this global scourge is an important policy priority for the United States. This fluid phenomenon continues to affect cultures, communities, and countries spanning the globe. Through partnerships, we can confront it head-on and lift its victims from slavery to freedom.

Sincerely yours,

Hillary Rodham Clinton

Dear Reader:

As we celebrate the timeless words of our Constitution's 13th Amendment – that "[n]either slavery nor involuntary servitude … shall exist" – we recognize that such absolute guarantees need to be constantly enforced lest they only be words on a page. So too in the international arena; Article 4 of the Universal Declaration of Human Rights and the United Nations' Protocol to Prevent, Suppress, and Punish Trafficking in Persons (Palermo Protocol) do not enforce themselves. Rather, it takes governments and civil society working in partnership to identify victims and punish the traffickers who would enslave them.

The call that went forth from Palermo in December of 2000 is being heard; 116 countries have enacted legislation to prohibit all forms of trafficking. This last year saw more victims identified, more services provided, and more traffickers convicted than any year in history. Yet enslaving someone still carries too little risk. Remediation, fines, or warnings are too small a price to pay – those who would profit by stealing freedom should lose their own. Fighting trafficking commands too few resources, too little vision, and as a result, too few outcomes.

Millions continue to toil in modern forms of slavery. Disturbing trends are coming into focus, such as the feminization of migration. For example, in the last three years, one source country in Southeast Asia has seen the demographics of its outgoing migrants switch from majority male to more than 70 percent female. Given the unscrupulous nature of labor recruiting, this trend leads to the feminization of labor trafficking, once simply thought of as the male counterpoint to sex trafficking. But like their brothers, husbands, and sons, women are trapped in fields, factories, mines, and restaurants, often suffering the dual demons of forced labor and sexual assault. As we more fully understand the plight of women who are victims of labor trafficking, we continue to see the devastating effects of sex trafficking, where services for survivors are as rare as programs that address the demand for their victimization. And if they are found, women are repatriated as a matter of first instance, or are locked in "shelters" that look more like prisons than the safe haven that a survivor needs.

Despite these sobering trends, this 10th anniversary is not a time to despair at the scope of this problem; it is a time to honor progress and re-dedicate ourselves to the fight. We can celebrate triumphs that are no less great because they did not solve the whole problem; we must recognize needs that are no less pressing because others were met. In that spirit, let this be the year that we imagine a world without slavery. Let this be the year that we come together in partnership to deliver on that vision.

Sincerely,

Luis CdeBaca

Ambassador Luis CdeBaca

The 2010 Trafficking in Persons Report

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"The victims of modern slavery have many faces. They are men and women, adults and children. Yet, all are denied basic human dignity and freedom. … All too often suffering from horrible physical and sexual abuse, it is hard for them to imagine that there might be a place of refuge."

U.S. President Barack Obama, January 4, 2010

Victims' Stories

The victims' testimonies included in this report are meant to be representative only and do not include all forms of existing trafficking. Any of these stories could take place anywhere in the world. They illustrate the many forms of trafficking and the wide variety of places in which trafficking occurs. 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 2010 TRAFFICKING IN PERSONS (TIP) REPORT

10 YEARS OF FIGHTING MODERN SLAVERY

The 2010 Trafficking in Persons (TIP) Report marks the 10th anniversary of key milestones in the fight against modern slavery. In 2000, the United States enacted the Trafficking Victims Protection Act (TVPA), and the United Nations adopted the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, also known as the Palermo Protocol. Since then, the world has made great strides in combating this ultimate exploitation – both in terms of what we know about this crime and how we respond.

The Palermo Protocol focused the attention of the global community on combating human trafficking. For the first time, an international instrument called for the criminalization of all acts of trafficking – including forced labor, slavery, and slavery-like practices – and that governmental response should incorporate the "3P" paradigm: **prevention**, criminal **prosecution**, and victim **protection**.

Over 10 years, governments worldwide have made appreciable progress in understanding a number of realities about human trafficking: people are in situations of modern slavery in most countries; trafficking is a fluid phenomenon responding to market demands, weakness in laws and penalties, and economic and development disparities. More people are trafficked for forced labor than for commercial sex. The crime is less often about the flat-out duping and kidnapping of naïve victims than it is about the coercion and exploitation of people who initially entered a particular form of service voluntarily or migrated willingly. Trafficking can occur without movement across borders or domestically, but many countries and commentators still assume some movement is required. Men comprise a significant number of trafficking victims. And traffickers often use sexual violence as a weapon against women to keep them in compelled service, whether in a field, a factory, a brothel, a home, or a war zone.

The "3P" paradigm is an interlocking one. It is not enough to prosecute traffickers if we do not also provide assistance to the survivors and work to ensure that no one else is victimized. No country has yet attained a truly comprehensive response to this massive, ever increasing, ever changing crime. Ten years of focused efforts is the mere infancy of this modern movement; many countries are still learning about human trafficking and the best responses to it.

KENYA

In 1991, a 6-year-old boy was working part-time as a house boy for a fisheries officer. The officer was reassigned to a different region and promised the boy an education if he accompanied him. But instead of being enrolled in school, the boy was forced to tend cattle and serve as the homestead's security guard. The officer changed the boy's name to Charles and over time, the boy forgot his native language. Charles, now 26, still works for the fisheries officer but has never received payment and relies on the officer for everything. When Charles requested a piece of land to build a house so he could marry, the man instead forced him to work as a fisherman and turn over the profits. With the help of a local anti-trafficking committee, Charles moved into a rented room in a nearby town but continues to be abused by his trafficker. Charles does not know who or where his family is.

"Those who profess to favor freedom, and yet depreciate agitation, are men who want crops without plowing up the ground. … This struggle may be a moral one; or it may be a physical one; or it may be both moral and physical; but it must be a struggle."

Frederick Douglass,
American abolitionist

Activists protest against child labor in farms during a demonstration in front of Argentina's Government House.

Albania-Western Europe

Anna's trafficker kept her in submission through physical abuse – beating her, raping her, and slicing her with knives. He abducted her from Albania and took her to a Western European country, where she was forced into prostitution for about five months. He then took her to a second Western European country, where she told border authorities she was traveling on a falsified passport in hopes of getting help. The police sent her to a refugee camp where two Albanian social workers released her back to her trafficker. During more than four years of subsequent forced prostitution in the second destination, Anna was made to undergo four abortions. When her trafficker was deported to Albania, five years after her initial abduction, Anna went to police with information about the trafficking ring. Two days later, she too was deported to Albania, where the trafficker continued his threats and abuse. Anna pursued prosecution of her trafficker in Albania, but he remains free. She has been denied residency and assistance from several Western European countries, including the ones in which she was exploited. She was able to resettle in the United States where she is continuing her rehabilitation and studying to become a nurse.

Promising practices, task forces, and coordinating bodies' national plans of action must be implemented on the ground, and local innovations must be supported and amplified by central governments. The vast majority of the millions held in modern slavery have yet to benefit from any progress; every country must do more to fulfill the promise of the Palermo Protocol.

Last year, the world imported and exported billions of dollars in products tainted by forced labor in manufacturing and raw materials procurement, according to the International Labour Organization (ILO). Governments knowingly and unknowingly deported trafficking victims and failed to provide victims shelter and reintegration services, which led to undercutting investigations and delaying the rehabilitation of victims. They continued to struggle with poorly constructed immigration laws that increased the vulnerability of migrant populations to trafficking.

When reviewing the trafficking assessment for each country, it is critical to remember that these assessments are based on compliance with *minimum* standards set forth in the TVPA, as amended – what the U.S. government considers the floor for engagement rather than the ceiling.

Fighting human trafficking is not a static exercise. A trafficking law passed last year must be implemented and improved this year. The lessons learned from last year's prosecutions should inform and improve this year's law enforcement response. Wide disparities between numbers of trafficking victims identified and trafficking offenders prosecuted should be reviewed with the goal of improving the capacity of law enforcement responders to deliver justice for victims. Although numbers of trafficking prosecutions and convictions are important indicators of progress, the quality and impact of counter-trafficking law enforcement efforts are more significant.

The missed opportunities for compassionate and effective victim identification must serve as a clarion call to ensure that

HUMAN TRAFFICKING BY THE NUMBERS

Adults and children in forced labor, bonded labor, and forced prostitution around the world: **12.3 million**

Successful trafficking prosecutions in 2009: **4,166**

Successful prosecutions related to forced labor: **335**

Victims identified: **49,105**

Ratio of convicted offenders to victims identified, as a percentage: **8.5**

Ratio of victims identified to estimated victims, as a percentage: **0.4**

Countries that have yet to convict a trafficker under laws in compliance with the Palermo Protocol: **62**

Countries without laws, policies, or regulations to prevent victims' deportation: **104**

Prevalence of trafficking victims in the world: **1.8 per 1,000 inhabitants**

Prevalence of trafficking victims in Asia and the Pacific: **3 per 1,000 inhabitants**

this year, there is a proactive approach to victim identification and assistance, upholding the Palermo Protocol and the TVPA's guarantees of justice for every victim.

The 2010 TIP Report is a diagnostic tool reflective of efforts on the ground now. It is neither a condemnation nor a reprieve; nor is it a guarantee of next year's ranking. Indeed, this year's report reflects upgrades for 22 countries in recognition of long overdue results and downgrades for 19 countries demonstrating sparse victim protections, desultory implementation, or inadequate legal structures.

Most countries that deny the existence of victims of modern slavery within their borders are not looking, trying, or living up to the mandates of the Palermo Protocol and the demands of our common humanity. There is no shame in addressing a problem of this magnitude; the shame lies in ignoring it.

The United States holds itself accountable to the same standards by which we judge others. For the first time, this year's TIP Report includes a U.S. ranking as well as a full, candid narrative on U.S. efforts to combat human trafficking. The ranking reflects the contributions of government agencies, public input, and independent research by the Department of State. The United States recognizes that, like other countries, it has a serious problem with human trafficking for both labor and commercial sexual exploitation. The U.S. government takes pride in its best practices to combat the crime of trafficking, recognizes challenges, and seeks continual innovation and strengthening of its efforts at home and in partnership with other countries.

WHAT IS TRAFFICKING IN PERSONS?

Over the past 15 years, "trafficking in persons" or "human trafficking" have been used as umbrella terms for activities involved when one person obtains or holds another person in compelled service. The TVPA describes this compelled service using a

"…the worst thing in my life. Who was this [person], where'd [the mama-san] come from, to make me pay such a huge debt? I can't forget it. She pointed in my face and said, 'Don't think about running away or I'll have you killed' … it was a system. As soon as I paid off all the debt, they were going to sell me again. And then they were going to give me more debt. That was too much, I couldn't stand it. I had to run away, even if it meant I might die."

Thai woman trafficked to Japan
(ILO report, 2009)

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, 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.

number of different terms: involuntary servitude, slavery, debt bondage, and forced labor.

Under the TVPA, a person may be a trafficking victim regardless of whether they once consented, participated in a crime as a direct result of being trafficked, were transported into the exploitative situation, or were simply born into a state of servitude. At the heart of this phenomenon are the myriad forms of enslavement – not the activities involved in international transportation.

Major forms of human trafficking include:

Forced labor

Recent studies show the majority of human trafficking in the world takes the form of forced labor. The ILO estimates that for every trafficking victim subjected to forced prostitution, nine people are forced to work. Also known as involuntary servitude, forced labor may result when unscrupulous employers exploit workers made more vulnerable by high rates of unemployment, poverty, crime, discrimination, corruption, political conflict, or cultural acceptance of the practice. Immigrants are particularly vulnerable, but individuals also may be forced into labor in their own countries. Female victims of forced or bonded labor, especially women and girls in domestic servitude, are often sexually exploited as well.

WHAT IS NOT TRAFFICKING IN PERSONS?

Illegal adoptions: The kidnapping or unlawful buying/selling of an infant or child for the purpose of offering that child for adoption represents a serious criminal offense, but it is not a form of human trafficking, as it does not necessarily involve the use of force, fraud, or coercion to compel services from a person. As stated in the *travaux preparatoires* of the Palermo Protocol, only "where illegal adoption amounts to a practice similar to slavery . . . it will also fall within the scope of the Protocol."

The trade in human organs: The trade in human organs – such as kidneys – is not in itself a form of human trafficking. The international trade in organs is substantial and demand appears to be growing. Some victims in developing countries are exploited as their kidneys are purchased for low prices. Such practices are prohibited under the Palermo Protocol, for example when traffickers use coercive means, such as force or threats of force to secure the removal of the victim's organs.

Child pornography: Sex trafficking of children can involve several different forms of exploitation, including the production of child pornography. However, the production of sexual images representing children – which increasingly includes drawings and computer-generated images – is not sex trafficking unless a child is actually induced to perform a commercial sex act for the purpose of producing the pornography. Distribution and possession of child pornography, while often criminally prohibited, are not acts of human trafficking.

Prostitution: Prostitution by willing adults is not human trafficking regardless of whether it is legalized, decriminalized, or criminalized. However, pursuant to the TVPRA of 2008, the definitions of human trafficking under U.S. law are not construed to treat prostitution as a valid form of employment. The TIP Report evaluates the efforts of countries with legalized prostitution to reduce the demand for commecial sex acts as part of its assessment of the countries' serious and sustained efforts to eliminate severe forms of trafficking in persons.

Sex trafficking

Sex trafficking comprises a smaller but still significant portion of overall human trafficking. When an adult is coerced, forced, or deceived into prostitution – or maintained in prostitution through coercion – that person is a victim of trafficking. All of those involved in recruiting, transporting, harboring, receiving, or obtaining the person for that purpose have committed a trafficking crime. Sex trafficking can also occur within debt bondage, as women and girls are forced to continue in prostitution through the use of unlawful "debt" purportedly incurred through their transportation, recruitment, or even their crude "sale" – which exploiters insist they must pay off before they can be free. It is critical to understand that a person's initial consent to participate in prostitution is not legally determinative: if they are thereafter held in service through psychological manipulation or physical force, they are trafficking victims and should receive the benefits outlined in the Palermo Protocol and applicable domestic laws.

Bonded labor

One form of force or coercion is the use of a bond, or debt. Often referred to as "bonded labor" or "debt bondage," the practice has long been prohibited under U.S. law by its Spanish name – *peonage* – and the Palermo Protocol requires its criminalization as a form of trafficking in persons. Workers around the world fall victim to debt bondage when traffickers or recruiters 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. In South Asia, for example, it is estimated that there are millions of trafficking victims working to pay off their ancestors' debts.

Debt bondage among migrant laborers

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

Involuntary domestic servitude

A unique form of forced labor is the involuntary servitude of domestic workers, whose workplace is informal, connected to their off-duty living quarters, and not often shared with other workers. Such an environment, which often socially isolates domestic workers, is conducive to nonconsensual exploitation since authorities cannot inspect private property as easily as they can inspect formal workplaces. Investigators and service providers report many cases of untreated illnesses and, tragically, widespread sexual abuse, which in some cases may be symptoms of a situation of involuntary servitude.

Forced child labor

Most international organizations and national laws recognize children may legally engage in certain forms of work. There is a growing consensus, however, that the worst forms of child labor should be eradicated. The sale and trafficking of children and their entrapment in bonded and forced labor are among these worst forms of child labor, and these are forms of

Siti Hara, an Indonesian domestic worker, says her Malaysian female employer severely abused her for three years, at times beating her with a cane and dousing her with boiling water. Labor groups in the region are pressing for better protection for vulnerable migrant workers.

CHILD SOLDIERS

The Child Soldiers Prevention Act of 2008 (CSPA) was signed into law on December 23, 2008 (Title IV of Pub. L. 110-457) and became effective on June 21, 2009. The CSPA requires publication in the annual TIP Report of a list of foreign governments identified during the previous year as hosting governmental armed forces or government-supported armed groups that recruit and use child soldiers, as defined in the Act. These determinations cover the reporting period beginning March 1, 2009 and ending February 28, 2010.

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

(i) any person under 18 year of age who takes a direct part in hostilities as a member of governmental armed forces;

(ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces;

(iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces; or,

(iv) any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state.

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

Governments identified on the list are subject to restrictions, in the following fiscal year, on certain security assistance and commercial licensing of military equipment. The CSPA prohibits the following forms of assistance to governments identified on the list: international military education and training, foreign military financing, excess defense articles, section 1206 assistance, and the issuance of licenses for direct commercial sales of military equipment. Beginning October 1, 2010 and effective throughout FY 2011, these types of assistance will be prohibited to the countries listed, absent a presidential national interest waiver, applicable exception, or reinstatement of assistance pursuant to the terms of the CSPA.

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

The 2010 CSPA list consists of governments in the following countries:

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

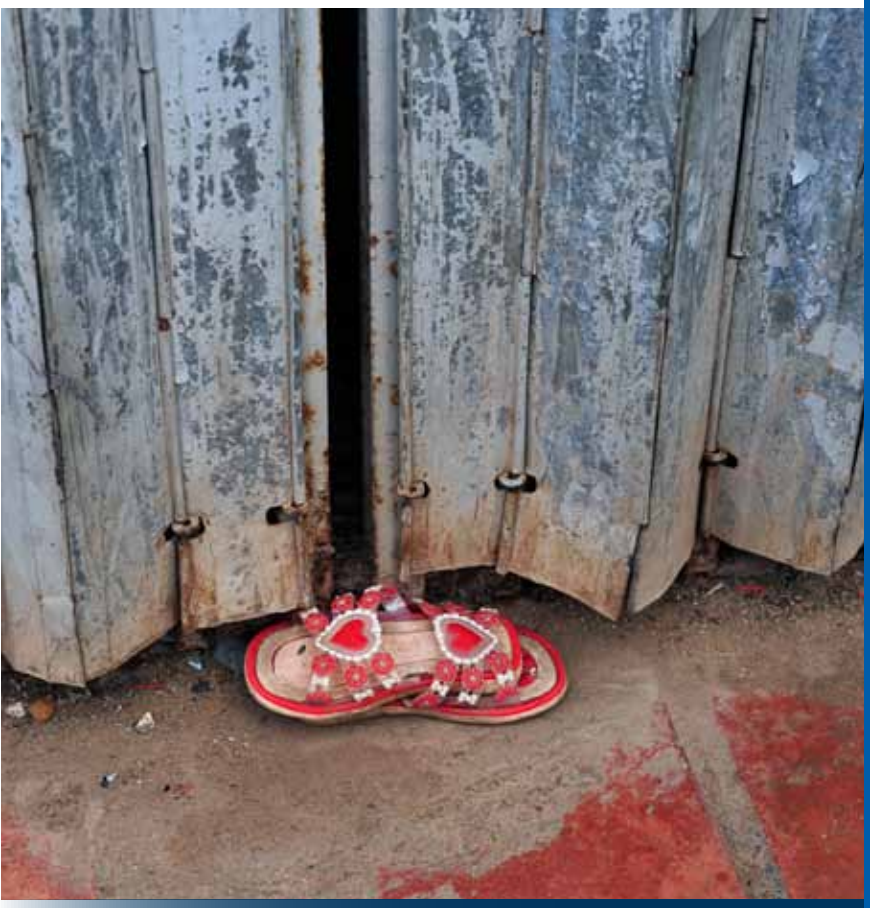
Child soldiers in eastern Congo are taken from their homes by armed men who beat them if they refuse to carry ammunition, fight and kill.

trafficking. A child can be a victim of human trafficking regardless of the location of that nonconsensual exploitation. Indicators of possible forced labor of a child include situations in which the child appears to be in the custody of a non-family member who has the child perform work that financially benefits someone outside the child's family and does not offer the child the option of leaving.

Anti-trafficking responses should supplement, not replace, traditional actions against child labor, such as remediation and education. However, when children are enslaved, their abusers should not escape criminal punishment by virtue of long-standing administrative responses to child labor practices.

Child soldiers

Child soldiering can be a manifestation of human trafficking where it involves the unlawful recruitment or use of children – through force, fraud, or coercion – as combatants or for labor or sexual exploitation by armed forces. Perpetrators may be government forces, paramilitary organizations, or rebel groups. Many children are forcibly abducted to be used as combatants. Others are made unlawfully to work as porters, cooks, guards, servants, messengers, or spies. Young girls can be forced to marry or have sex with male combatants. Both male and female child soldiers are often sexually abused and are at high risk of contracting sexually transmitted diseases.



At the doors of a brothel in Cambodia that has been shut down, tiny sandals provide a reminder of the youngest victims exploited there.

The Democratic Republic of the Congo

By 18, Christophe had been abducted by the Congolese army three times and forced to transport their supplies from region to region. Christophe and other abducted civilians, sometimes as many as 100, were forced to walk for days carrying boxes of ammunition, jerry cans of whiskey, cases of beer, and other baggage. Primary school children, some as young as 8, were forced to carry the soldiers' children on their backs. If they got tired or walked slowly, they were beaten or whipped. They were given no food and ate only whatever they could find in the villages they passed through.

"He scuffed on his sandals to another low tin-roofed hut and fumbled with a bolt, pulled the door open, switched on a bright light. More blinking girls, like an apparition in the brightness, five or six of them squirming on a mattress that lay flat on the floor. Their blinking in the light made them look terrified – and they may well have been terrified for none was older than fourteen or fifteen. …

'Which one you want?'

One thin-necked unsmiling girl, with pale skin and a fragile body, narrow shoulders and no breasts, tried shyly, turning sideways, to catch my eye. She was attempting to smile, but her eyes gave her away, for as she posed as a coquette, she seemed afraid that I might choose her. She was a soft pale thing with muscles like custard. Was I imagining that she was twisting a little stuffed toy in her hands?

'Maybe later.'

'I'll be here."

I got one last glimpse of the girl before he switched off the light. Her child's face stayed with me the rest of the night and saddened me."

Paul Theroux, travel writer, in *Ghost Train to the Eastern Star* (2008)

Indian children work at a construction site in New Delhi, India. The construction project is one of many aimed at enhancing the city's sporting and transport infrastructure in advance of the October 2010 Commonwealth Games. Migrant workers from all over India are being paid below the minimum wage and are living and working in substandard conditions to complete these projects.

China-Ghana

Cindy was a poor girl in rural China when a neighbor and her husband offered to give her work at a restaurant their friends opened in Africa. Cindy dropped out of school and went with the couple to Ghana, only to fall victim to a Chinese sex trafficking ring. She was taken to live in a brothel with other Chinese women, and her passport and return tickets were confiscated. Her traffickers forced her to engage in commercial sex and beat her when she refused. They made her peruse casinos to attract white men. The traffickers took Cindy's money, telling her she had to repay them for her travel and accommodation costs. A Ghanaian investigative journalist exposed the ring, and the traffickers were prosecuted in a Ghanaian court. With NGO assistance, Cindy and the other women returned to China and are trying to rebuild their lives.

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 Palermo Protocol as well as by legislation in countries around the world. There can be no exceptions and no cultural or socioeconomic rationalizations preventing the rescue of children from sexual servitude. Sex trafficking has devastating consequences for minors, including long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and possible death.

Policy Priorities

Since the issuance of President Bill Clinton's Executive Memorandum on the Trafficking of Women and Children in March 1998, the U.S. government has advocated a policy structured by the "3P" paradigm: prosecution, protection, and prevention.

Prosecution

Trafficking in persons is a crime akin to murder, rape and kidnapping. Criminalization is mandatory for all parties to the Palermo Protocol, and the importance of prosecution is

WHAT MAKES A GOOD TRAFFICKING IN PERSONS LAW?

Throughout the last decade, most of the world has developed new legislation to conform with the Palermo Protocol. In so doing, many countries have looked to other countries' existing laws, model laws offered by the United Nations and other international organizations or donor governments, and advice from anti-trafficking experts in crafting legislation most appropriate for their legal systems and cultures. This diversity in contextual factors prevents the development of detailed language that would apply to all countries. Some basic principles can and should be considered as best practices in designing legislation to fight modern slavery.

A good anti-trafficking law should include the following:

- A broad definition of the concept of "coercion" that covers its many manifestations in modern forms of slavery, including the threat of physical, financial, or reputational harm sufficiently serious to compel a reasonable person to perform or to continue performing labor or services in order to avoid incurring that harm.
- A well-articulated definition of trafficking that facilitates effective law enforcement and prosecutorial responses and allows for the collection of meaningful data. The definition should incorporate all forms of compelled service in addition to forced prostitution. The definition should not simply criminalize the recruitment or transportation of prostituted persons. The definition should *not* include related but distinct crimes, such as alien smuggling or prostitution.
- A mechanism of care provided to all suspected victims of trafficking through which they have the opportunity to access basic services – including shelter, food, medical care, psycho-social counseling, legal aid, and work authorization.
- Explicit immigration relief for trafficking victims, regardless of their past legal status, and relief from any legal penalties for unlawful activities committed by victims as a direct result of their trafficking.
- Specific protections for child victims of trafficking ensuring a responsible chain of custody and a priority placed on the best interests of the child in all decisions made in providing services to them.
- Explicit provisions ensuring identified victims have access to legal redress to obtain financial compensation for the trafficking crimes committed against them. In order to be meaningful, such access must be accompanied by options to obtain immigration relief. Trafficking victims should not be excluded from legal services providers who can assist with these efforts, whether NGOs or government programs.

reflected in the U.S. law enforcement approach. Yet the numbers of prosecutions each year are dismally low in comparison to the scope of the problem. Passing modern laws that prohibit all forms of trafficking by focusing on the enslavement of victims rather than the recruitment and transportation of workers or people in prostitution is an important first step in complying with the Palermo Protocol and meeting the TVPA minimum standards. For those laws to have any meaning, however, they must be enforced. As long as there are only around 4,000 trafficking convictions worldwide each year, a message is sent that the injustice suffered by victims is not a national or international priority.

Too often the victims of this crime are perceived to be society's throwaways – prostitutes, runaways, the poor, racial or ethnic minorities, members of a low caste, or recent immigrants. Victims themselves do not know the legal definitions of this crime and should not be required to self-identify. Bias against the vulnerable classes and an inability to envision them as victims affects whether they are identified and whether their traffickers are brought to justice. A narrow focus hinders a robust law enforcement response and allows traffickers to operate with impunity. Moreover, it diminishes the promise of equal protection under the law, undermining basic rule of law principles. All victims should be entitled to see their traffickers brought to justice and to be heard through the legal process. Compassionate and smart prosecution is thus the foundation of a victim-centered approach.

Protection

Just as passage of a law without its enforcement is an empty promise, law enforcement alone without victim protections is an inadequate response. A victim-centered approach does not mean assisting a potential witness just long enough to get his or her testimony; it means meeting needs and fulfilling obligations that extend beyond the confines of a criminal case. Such an approach calls for partnerships between law enforcement agencies and service providers – not just to win the case but as colleagues sharing a humanitarian responsibility to act in the best interest of the victim.

Since the 1970s, many workers from northeast Brazil, the poorest and driest region of the country, have migrated to the Amazon and to the south to work on ranches, soy and sugar plantations, and in logging camps. Labor investigators say land barons and middlemen often exploit these migrants for degrading work, denying them payment and charging exorbitant prices for basic goods such as food and tools. It is estimated that tens of thousands of Brazilian workers still find themselves in debt bondage.

Ethiopia-United Arab Emirates

Mary left her home in East Africa determined to earn money for her family. But from her second day of work as a maid in a private house in the United Arab Emirates, she was beaten daily. "If she didn't beat me in the day, she would beat me at night," Mary says of her employer. The beatings continued for two years. Once, Mary's employer threw boiling water on her and continued to beat her after she collapsed in pain. She was denied medical attention. Her clothing stuck to her wounds. Her employer ordered Mary to have sex with another maid on video. When Mary refused, the woman put a hot iron on her neck and threatened her with more beatings. After two years, a doctor noted wounds, scars, and blisters all over Mary's body.

Victim protections conditioned on victims' active role in prosecutions brought by the state also fall far short. In many countries, immigration relief and social services are offered only to victim-witnesses purely as incentives to cooperate. They do not aim to restore the dignity or health of the person who was victimized. Optimally, the response to this human rights abuse should focus on all victims, offering them the opportunity to access shelter, comprehensive services, and in certain cases, immigration relief. Repatriation of foreign victims should not be the first response, but should be undertaken as an informed decision and done so in a manner that serves the best interest of the victim. Detention of the victim is not only at odds with the Palermo Protocol, but is counterproductive to effective rehabilitation and criminal prosecution alike.

At its best, victim protection is a series of laws and policies that are broadly funded, understood, and implemented, and that are adaptable on the ground and considerate of victims' needs.

Prevention

While prevention is an important goal, neither the Palermo Protocol nor the TVPA as amended give much guidance in setting forth prevention activities beyond the obvious: public awareness campaigns, addressing root causes, and conducting law enforcement-related or border security activities. A decade later, governments are expanding their understanding of prevention to include policies and practices that cut off modern slavery at the source. This includes initiatives that both combat the demand for commercial sex and ensure that the demand for low prices is balanced by a demand for traceability, transparency, and worker protections throughout the supply chain. Governments, corporations, and consumers can come together to ensure that free trade means labor that is freely offered because of fair compensation, rather than labor taken for free.

Prevention must address key vulnerabilities in legal systems: policies and implementation loopholes that allow trafficking to occur, tolerance within government procurement and contracting, unscrupulous labor recruiting companies, restrictive visa practices used as coercive tools, and lax enforcement of labor laws. Effective prevention lies in targeted initiatives to protect the rights of marginalized, low-income workers, such as domestic servants, farm workers, miners, and garment workers. These workers are too often subjected to offenses that span a continuum of labor exploitation, including at its worst, human trafficking.

FORCED AND CHILD MARRIAGES

Marriage induced through force, coercion, or deceit is a global phenomenon engendered by cultural and societal norms about the institution of marriage and the roles of spouses. Forced marriage is one entered into without full consent and under duress, where the individual has no right to choose a partner or ability to say no.

Around the world, forced or coerced marriages are used by parents and families as a means to many ends, but most commonly to settle debt, receive dowry payments, further economic interests, relieve poverty, obtain residency permits, display status, provide inheritance, counteract promiscuity, and serve as compensation for a wrongful death. Forced marriages render the forced party (in most cases a woman) vulnerable to abuse and exploitation by her spouse or his family, who exercise significantly greater power and control. This can trap the victim in conditions of enslavement, particularly in domestic or sexual servitude.

Not all forced marriages result in cases of trafficking. Each situation is unique and needs to be evaluated on a case-by-case basis to determine whether it meets the legal definition of trafficking. The evaluation must look particularly at the terms of the marriage and the possible conditions of exploitation encountered afterward. Trafficking and forced marriage intersect when marriage is used both in conjunction with force, fraud, coercion, or abuse of power and as a means to subject wives to conditions of slavery, often in the form of domestic or sexual servitude.

Prevention also can and should harness the economic impetus for this crime in order to fight it – by increasing criminal or civil penalties for companies that directly frely on forced labor in the production of goods or services.

Partnerships

Combating human trafficking requires the expertise, resources and efforts of many individuals and entities. It is a complex, multi-faceted issue requiring a comprehensive response of government and nongovernment entities in such areas as human rights, labor and employment, health and services, and law enforcement. It requires partnerships among all these entities to have a positive impact.

Partnerships augment efforts by bringing together diverse experience, amplifying messages, and leveraging resources, thereby accomplishing more together than any one entity or sector would be able to alone. Examples of existing partnerships governments use to facilitate prosecution, prevention, and protection include:

- task forces among law enforcement agencies that co-operate to share intelligence, work across jurisdictions, and coordinate across borders;
- alliances between governments and business associations that seek to craft protocols and establish compliance mechanisms for slavery-free supply chains; and,
- regional partnerships among nations, such as the anti-human trafficking efforts of the Organization of American States (OAS) or the European Union (EU).

Outside the government, partnerships include coalitions of nongovernmental organizations (NGOs) coming together for purposes of advocacy, service provision, and information sharing, and networks of survivors, whose experiences inform the broader trafficking movement.

While there is broad agreement on the purpose and benefits of a partnership approach to human trafficking, there is less agreement on and documentation of proven, successful strategies – something all should endeavor to create and share in the years ahead.

"We were going to be booked with customers daily. Our body would be used every day. We would work hard, but we would not get anything in return. Who would want that kind of work?"

Filipina woman trafficked to Malaysia
(ILO report, 2009)

Laos-Thailand

At 17, Khansee left his village in southern Laos to find work in a border town. He had very little education, could barely read or write, and was supporting his mother and grandmother. Another young man told Khansee he could earn $170 a month working at a garment factory in Thailand. Khansee trusted him because he was a fellow Lao, but he never made it to the garment factory. They crossed the river at night and boarded a van that took them to the coast of Thailand. When Khansee stepped out of the van, he was immediately led onto a fishing trawler under the watchful eyes of men armed with guns. For two years, Khansee worked day and night, heaving nets of fish without a rest or break. He ate and slept little on a crowded deck with 40 other men. He was beaten on a regular basis. Once, Khansee watched his traffickers beat a fellow worker until the man was unconscious. After two years of forced servitude, Khansee managed to escape when the boat was docked. He ran for days through the jungle, until he reached the home of a woman who took him in, fed him, and gave him money for a taxi to the Lao Embassy in Bangkok. With NGO and embassy assistance, Khansee made it back to his village alive.

Millions of migrants from Central Asia flock to work in Russia, often at construction sites. But human rights groups say the government fails to protect them from predatory employers and corrupt officials. According to Human Rights Watch, migrant workers in Russia are routinely denied wages, threatened with violence, and abused by the police.

Dismantling the "3D" approach to human trafficking

In the 10 years since the passage of the Palermo Protocol with its "3P" paradigm of prevention, protection and prosecution, a competing, more unfortunate, paradigm seems to persist in impeding greater anti-trafficking progress: the "3D" phenomenon of **detention**, **deportation** and **disempowerment**.

The use of this approach in detaining and deporting trafficking victims is most often the outgrowth of immigration policies or archaic laws that have yet to fully appreciate the phenomenon of modern slavery. However, some of the manifestations of this response are new, appearing only in the last few years and affecting many more women than men.

In such a response, governments may act out of self interest in ridding themselves of potential burdens. Or they may act in what they claim is the best interest of foreign victims. This usually includes detaining the victims for a short period of time and then deporting them to their country of origin without offering them credible opportunities to seek legal redress (including civil restitution), adequate psychological repair, longer term residency and work, or relocation to a third country.

Attempts to hold identified trafficking victims in detention-based facilities governments describe as "shelters" – no matter how comfortable and safe they may be – disempower victims at a critical time when they need a restored sense of individual freedom. Detention models undercut any rapport service providers or investigators might build with victims. Research and law enforcement practice indicates that initial trauma lasts for months and that victims can only give a

In September 2009, the U.S. Department of Labor published a list of 122 goods or products from 58 countries that are produced with forced labor or child labor in violation of international standards. The full report is available at: http://www.dol.gov/ilab/programs/ocft/PDF/2009TVPRA.pdf.

THE DEPARTMENT OF LABOR'S LIST OF GOODS PRODUCED BY CHILD LABOR OR FORCED LABOR

Report Required by the Trafficking Victims Protection Reauthorization Acts of 2005 and 2008

The United States Department of Labor
Bureau of International Labor Affairs
Office of Child Labor, Forced Labor, and Human Trafficking

2009

PHILIPPINES-NIGERIA-TOGO-CYPRUS

Neah was promised a job as a waitress in Germany but found herself forced to work in a Nigerian brothel instead. After some time, she was sold to another brothel in Togo. There, Neah and other women lived in a confined environment. They were allowed to go out only if a customer took them out. They lived and worked in a guarded complex, enclosed by high walls and were accompanied by guards whenever they went to a shop. They used the little money they were given to pay for their monthly provisions. In both Nigeria and Togo, Neah was indentured to her employers and never had enough money to buy a ticket home. Neah decided to go to Cyprus to find a better-paying brothel. After six months, she earned enough money to pay her debts and buy a ticket home.

In the eastern regions of the Democratic Republic of the Congo, various armed groups, including Congolese national army (FARDC) troops, reportedly use threats and coercion to force men and children to mine for minerals.

HOW CONSENSUAL IS "VOLUNTARY REPATRIATION"?

According to the Palermo Protocol, repatriation of trafficking victims should preferably be voluntary and done with the victim's safety in mind. Many governments, believing they are acting in the victims' best interests, make concerted efforts to return victims to their countries of origin as quickly as possible.

During the research phase of this report, officials from a prosperous country that has ratified the Protocol claimed all identified victims in that country had, without fail, consented to "voluntarily" repatriation.

This refrain is heard regularly from well-intentioned law enforcement and social affairs officials in countries that are destinations for transnational trafficking: "the foreign victims we encounter just want to go home (back to their country of origin)." They point to a 100 percent rate of "repatriation" of foreign victims as proof of the "consent" of these victims.

Yet substantial research shows that the reality is not so simple. Many, if not most, victims wish to fulfill what they were seeking before they fell into a human trafficking trap: to earn income and become more self-reliant and empowered. Many trafficking victims are never told there are alternatives to returning home. When government officials cannot offer meaningful, attractive, and legal alternatives to repatriation – including the ability to reside legally outside of a shelter, the ability to work legally in the local economy, and access to government assistance programs – the "consent" victims give to their repatriation is not meaningful. It is more acquiescence to a regime of deportation.

It should not be surprising that trafficking victims choose to return to their home countries after being detained in a trafficking "shelter" or jailed for violations that occurred as a direct result of being trafficked. Victims often risk retribution in their home countries, but if the choice is to remain in jail or go home, most will take the risk. This is then considered "voluntary repatriation" by many governments.

Deporting victims to their countries of origin without meaningful consent puts victims' lives at risk – many face re-trafficking, violence, and sometimes death – and often allows perpetrators of forced labor or prostitution to evade justice. It is a government's responsibility to immediately provide suspected foreign victims who have been exploited within its borders with protection and treatment, an explanation of their rights, and a choice to avoid deportation if they face danger in their own countries.

Overseeing this process takes specialized expertise, time, and funds. But it can lead to strengthened prosecutions of traffickers through improved victim cooperation and a better chance at recovery for victims who have suffered immeasurably in their destination country.

Undocumented migrants with a local boat pilot disembark at an unofficial crossing at the Cambodia-Thailand border. Both the Thai army and the Cambodian military police keep watch over the crossing. With land mines planted nearly everywhere, it takes a guide with minefield knowledge and relationships with border patrol to get migrants into Thailand where they look for jobs. This leaves the migrants vulnerable to abuse at the hands of human traffickers working with some guides.

partial account of their experiences in the early stages of an investigation; a response based on detention and repatriation – even if initial statements have been reduced to video or affidavit – will likely prevent law eforcement from arriving at critical facts.

Sending victims back to their countries of origin without informing them of a full range of options not only exposes them to possible trauma associated with being identified as a trafficking victim, but it also risks returning them to the same condition and exposing them to the same or even more enhanced pressures that contributed to their initial trafficking experience, thus raising the prospects for their re-trafficking. Furthermore, when a country jails and repatriates victims without screening or protection, NGOs are deterred from bringing their clients to the government's attention.

THE 2010 TIP REPORT

Methodology

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

U.S. diplomatic posts and domestic agencies reported on the trafficking situation and governmental action based on

Cambodia

Rathana was born to a very poor family in Cambodia. When Rathana was 11 years old, her mother sold her to a woman in a neighboring province who sold ice in a small shop. Rathana worked for this woman and her husband for several months. She was beaten almost every day and the shop owner never gave her much to eat. One day a man came to the shop and bought Rathana from the ice seller. He then took her to a far-away province. When they arrived at his home he showed Rathana a pornographic movie and then forced her to act out the movie by raping her. The man kept Rathana for more than eight months, raping her sometimes two or three times a day. One day the man got sick and went to a hospital. He brought Rathana with him and raped her in the hospital bathroom. Another patient reported what was happening to the police. Rathana was rescued from this man and sent to live in a shelter for trafficking survivors.

Migrant workers in China, particularly construction workers, are vulnerable to exploitation by employers, according to Human Rights Watch. Employers sometimes withhold salary payments as a means of maintaining the workers' labor in substandard conditions.

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. Every U.S. mission overseas employs at least one officer covering human trafficking issues.

Tier placement

The Department places each country in the 2010 TIP Report onto one of three tiers as mandated by the TVPA. This placement is based more on the extent of government action to combat trafficking than on the size of the problem, although the latter is also an important factor. The analyses are based on the extent of governments' efforts to reach compliance with the TVPA's minimum standards for the elimination of human trafficking (see page 366).

While Tier 1 is the highest ranking, it does not mean that a country has no human trafficking problem. On the contrary, a Tier 1 ranking indicates that a government has acknowledged the existence of human trafficking, has made efforts to address the problem, and meets the TVPA's minimum standards. Each year, governments need to demonstrate appreciable progress in combating trafficking to maintain a Tier 1 ranking. Indeed, Tier 1 represents a responsibility rather than a reprieve.

Tier rankings and narratives in the 2010 TIP Report reflect the following:

- enactment of laws prohibiting severe forms of trafficking in persons, as defined by the TVPA, and provision of criminal punishments for trafficking offenses;
- implementation of human trafficking laws through vigorous prosecution of the prevalent forms of trafficking in the country;
- victim protection efforts that include access to services and shelter without unnecessary detention and with legal alternatives to removal to countries in which the victim would face retribution or hardship;
- proactive victim identification measures with systematic procedures to guide law enforcement and other governmental or government-supported front-line responders in the process of victim identification;
- criminal penalties prescribed for human trafficking offenses with a maximum of at least four years' deprivation of liberty, or a more severe penalty;

- the extent to which a government ensures the safe, humane, and to the extent possible, voluntary repatriation and reintegration of victims;
- government funding and partnerships with NGOs to provide victims with access to primary health care, counseling, and shelter, allowing them to recount their trafficking experiences to trained social counselors and law enforcement at a pace with minimal pressure;
- governmental measures to prevent human trafficking, including efforts to curb practices identified as contributing factors to human trafficking, including employers' confiscation of foreign workers' passports or allowing labor recruiters to charge excessive fees to prospective migrants – factors shown to contribute to forced labor; and,
- the extent to which a government ensures victims are provided with legal and other assistance and that, consistent with domestic law, proceedings are not prejudicial against victims' rights, dignity, or psychological well being.

Tier rankings and narratives are NOT affected by the following:

- efforts, however laudable, undertaken exclusively by nongovernmental actors in the country;
- public awareness events – government-sponsored or otherwise – lacking concrete ties to prosecution of traffickers, protection of victims, or prevention of trafficking; and,
- broad-based development or law enforcement initiatives without a discrete human trafficking focus.

The Government of Uzbekistan routinely compels children and adults as laborers in the country's annual cotton harvest. During the 2009 fall harvest, school children were forced to pick cotton in at least eight of 14 regions in the country.

Kenya-Saudi Arabia

Salima was recruited in Kenya to work as a maid in Saudi Arabia. She was promised enough money to support herself and her two children. But when she arrived in Jeddah, she was forced to work 22 hours a day, cleaning 16 rooms daily for several months. She was never let out of the house and was given food only when her employers had leftovers. When there were no leftovers, Salima turned to dog food for sustenance. She suffered verbal and sexual abuse from her employers and their children. One day while Salima was hanging clothes on the line, her employer pushed her out the window, telling her, "You are better off dead." Salima plunged into a swimming pool three floors down and was rescued by police. After a week in the hospital, she was deported. She returned to Kenya with broken legs and hands.

Farm workers in California march during a campaign to end human rights violations in the U.S. agricultural industry. The prevalence of forced labor in agriculture has led to increased pressure on major brands to trace their products to "the farm gate" and ensure proper treatment of workers throughout their supply chains.

Eastern Europe-United States

Katya, a student athlete in an Eastern European capital city, dreamed of learning English and visiting the United States. Her opportunity came in the form of a student visa program, through which international students can work temporarily in the United States. But when she got to America, rather than being taken to a job at a beach resort, the people who met her put her on a bus to Detroit, Michigan. They took her passport away, and forced her and her friends to dance in strip clubs for the traffickers' profit. They controlled the girls' movement and travel, kept keys to the girls' apartment, and listened in on phone calls the girls made to their parents. After a year of enslavement, Katya and her friend were able to reach federal authorities with the help of a patron of the strip club in whom they had confided. Due to their bravery, six other victims were identified and rescued. Katya now has immigration status under the U.S. trafficking law. She works in a health club and hopes to finish her degree in kinesiology. The traffickers are in federal prison.

A Guide to the Tiers

Tier 1

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

Tier 2

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

Tier 2 Watch List

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

a) the **absolute number of victims** of severe forms of trafficking is very significant or is significantly increasing;

b) there is a **failure to provide evidence of increasing efforts** to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and **decreasing evidence of complicity** in severe forms of trafficking by government officials; or,

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 steps over the next year.**

Tier 3

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

The TVPA lists 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 and, in particular, the extent to which officials or government employees have been complicit in severe forms of trafficking; and (3) what measures are reasonable to bring the government into compliance with the minimum standards in light of the government's resources and capabilities to address and eliminate severe forms of trafficking in persons.

CORE PRINCIPLES FOR SHELTER PROGRAMS

Shelters for trafficking victims offer safe refuge and comprehensive services. These shelters need not be run by governments, and often shelters are most effectively operated by NGOs, though they should adhere to some core principles, including the following:

Trafficked persons' sense of empowerment, trust, and community need to be re-built.

Traffickers deny victims their basic freedoms, leaving them feeling trapped, fearful, and ashamed. A shelter is often the first place victims are offered assistance and begin to rebuild what was shattered by the trafficker. Effective shelter programs adopting this principle create an environment offering victims:

- access to family, friends, and the community outside the shelter;
- power to decide their own recovery plan;
- comfortable accommodations resembling a residence, not a jail;
- respectful treatment as individuals with rights and not as criminal offenders;
- respectful, caring, and qualified staff; and,
- opportunities to work and the ability to leave the shelter at will.

Trafficked persons' safety and well-being should be the core of all services.

The goal of a shelter program is to provide a safe haven and move a trafficked person from crisis to recovery. Anything endangering a trafficked person's safety or well-being is in direct conflict with this main goal. Trafficked persons have physical safety needs that require protocols and physical building enhancements for their protection. However, shelter programs must meet these safety needs in a manner that does not diminish the residents' well-being. For instance, enhancements representative of a prison or even the trafficking situation will only re-traumatize the trafficked person.

Trafficked persons require some combination of comprehensive services, including psychological, medical, legal, educational, life skills, vocational, and translation/interpretation.

Shelters for trafficked persons should not be a detention facility used to safeguard the person before return to the country of origin. Instead, shelters should be both a safe haven and a place where trafficked persons can access critical and comprehensive services beyond emergency assistance of food and shelter. These services help the trafficked person begin the process of healing body and mind and reintegrating into society. They may also serve a preventive purpose and decrease the likelihood of re-trafficking.

Service delivery must be victim-centered.

Each trafficking experience is unique and affects individuals differently; not every trafficked person will require or want the same services. Shelter staff should work with trafficked persons individually to create a tailored recovery plan including:

- individualized case management;
- intake as well as needs and risk assessments;
- cultural and linguistic considerations;
- confidentiality;
- safety and safety planning; and,
- re-integration services.

A Zimbabwean girl sits in the shadows near a truck stop around Musina, South Africa. An increasing number of young Zimbabweans are setting out on their own to escape their homeland's economic ruin and help their families. International aid groups say some 500 Zimbabwean youngsters are in Musina today, compared with about 50 five years ago. They fear the girls have disappeared into forced prostitution or domestic work.

MIGRATION RESTRICTIONS AS ANTI-TRAFFICKING RESPONSES

Many destination countries throughout the world face seemingly insurmountable challenges in confronting illegal immigration. In response to this crisis, governments of developed destination countries are summarily deporting undocumented migrants in large numbers, without careful consideration of whether they are in need of protection or without screening them for indicators of exploitation and human trafficking.

For instance, in 2009, after forging a partnership with the Libyan government, Italy intercepted thousands of sub-Saharan migrants in boats *en route* to Italy and returned the migrants to Libya and the custody of Libyan authorities. In Spain, thousands of migrants are intercepted as they attempt to land on Spanish soil after making arduous journeys through the Sahara and North Africa; Spanish authorities routinely deport these migrants to Morocco without interviewing them to determine if they are trafficking victims or have valid asylum claims.

This trend is not confined to Europe. The governments of some Asian labor demand countries regularly conduct sweeps to identify, detain, and deport those migrants who are out of legal status, but they do not make adequate efforts to identify trafficking victims among those migrants. Some incidents of summary deportations of foreign migrants were reported in the region throughout 2009 and disturbingly seem to validate these countries' enhanced pre-occupation with immigration control. Immigration enforcement, developed and implemented without taking into account anti-trafficking standards and victim care responsibilities, is an aggressive response that ignores basic tenets of victim protection. It undercuts victim-centered law enforcement approaches, which place a premium on protecting all regardless of immigration status.

Beyond hindering the effectiveness of anti-trafficking efforts, harsh anti-migration responses can contribute to new cases of human trafficking. Migrants who were not yet in trafficking situations become more vulnerable to forced labor and forced prostitution when exploiters can effectively use the threat of their detention and deportation – without the opportunity to seek legal redress for human trafficking complaints – to obtain or maintain the migrants' forced labor or service. They also become vulnerable to trafficking when expelled to third countries with no protections for undocumented foreigners.

If the laudable principles and guidelines on human trafficking victim protections and rights developed in New York, Geneva, and Vienna are to be respected, governments need to bring immigration controls and practices into conformity with anti-trafficking policies.

As a result of amendments made by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA of 2008), any country that has been ranked Tier 2 Watch List for two consecutive years (beginning from the time of the 2009 report) and that would otherwise be ranked Tier 2 Watch List for the next year will instead be ranked Tier 3 for the next year, 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. Such assistance may be withdrawn from countries receiving it, and in addition, countries on Tier 3 may not receive funding for government employees' participation in educational and cultural exchange programs. Consistent with the TVPA, governments subject to sanctions would also face U.S. opposition to assistance (except for humanitarian, trade-related, and certain development-related assistance) from international financial institutions such as the International Monetary Fund (IMF) and the World Bank.

Imposed sanctions will take effect on October 1, 2010; however, all or part of the TVPA's sanctions

Romania-Portugal

Cristina flew from Bucharest to Lisbon where a friend's boyfriend promised her a job serving drinks in a café. But instead she was taken to a town in southern Portugal and forced into street prostitution. Cristina was expected to give her traffickers 200-500 euros a day. Her traffickers verbally and physically abused her, one time breaking several of her teeth. They took her passport and forced her to use heroine and methadone. A Romanian friend helped Cristina escape and contacted Portuguese law enforcement officials, who took her to the government's trafficking shelter after taking her statements. Her resilient spirit prevailed. With the shelter's assistance, she relocated to London, where she is currently living and working.

"More and more people including young women are on the move, at a time when changing patterns of production and consumption are in turn affecting demand for labour. … A particular problem throughout the world has been the manipulation of financial credit, locking poor people into severe indebtedness and in the worst cases a debt bondage that can be equated legally with modern slavery."

Roger Plant, former head of the ILO's Special Action Programme to Combat Forced Labor

SPONSORSHIP SYSTEM REFORMS

Many governments of countries with significant foreign migrant labor populations have created legal avenues for temporary labor migration – termed "guest worker" or "sponsorship" systems. These laws, regulations, and policies provide the terms under which foreign workers can migrate and work in the destination country.

The threat of detention and summary deportation without compensation for wages earned or planned can serve as a powerful tool of coercion. Often working through labor recruiters in source countries, sponsors – who are either employers or labor brokers – are able to offer a job to a potential migrant worker. The worker accepts the job – generally in his or her home country with the facilitation of a local labor recruiter – and receives a visa or immigration entry permit linked to the sponsor in the destination country.

These systems contribute to forced labor in the labor-importing country when they (1) provide excessive power to sponsors in granting and sustaining the immigration or legal status of a migrant worker and (2) do not provide real options for migrants to seek legal remedy for abuses or conditions of forced labor. Such remedy would include (but is not limited to) the availability of and access to immigration relief, shelter, medical care, counseling, worker hotlines, and legal aid.

Governments should analyze their sponsorship systems and assess their potential contributions to forced labor. Officials should conduct detailed and accurate assessments of proposed new systems, regulations, laws, or policies. Countries should be flexible; if initial reforms reveal or create new problems, the government should re-design the system to address its flaws.

There are a number of best practices to be considered in reassessing sponsorship systems, such as:

- providing credible legal remedies to all vulnerable migrant laborers (including domestic workers);
- criminalizing the withholding of workers' identity or travel documents (e.g., passport) by the employer or sponsor;
- allowing workers to switch employers or sponsors, as well as leave the country without employer or sponsor permission, if they experience conditions of forced labor;
- requiring a standard contract for all workers, written in the languages of both the employer or sponsor and the worker; and,
- requiring the payment of wages electronically to an account owned by the individual worker.

"Modern slavery – be it bonded labor, involuntary servitude, or sexual slavery – is a crime and cannot be tolerated in any culture, community, or country...[It] is an affront to our values and our commitment to human rights."

Hillary Rodham Clinton,
U.S. Secretary of State

Migrants in Malaysia are held in deplorable conditions in immigration detention centers. For migrants, the choice is a tough one: face the possibility of being sold by an unscrupulous agent or linger in an overcrowded detention center.

Jamaica-United States

A recruiter in Jamaica promised Sheldon a visa through the U.S. federal H-2B seasonal worker program. The processing fee was hefty, but the prospect of working in America seemed worth it. Sheldon arrived in Kansas City eager to work, but he ended up at the mercy of human traffickers. Along with other workers from Jamaica, the Dominican Republic, and the Philippines, Sheldon cleaned rooms at some of the best-known hotels in Kansas City. The traffickers kept Sheldon in debt, constantly charging him fees for uniforms, transportation, and rent in overcrowded apartments. Often, his paychecks would show negative earnings. When Sheldon refused to work, the traffickers threatened to cancel his immigration status, and which would render him illegal in an instant. In May 2009, a federal grand jury indicted the leaders of this trafficking ring – including eight nationals of Uzbekistan – on charges related to forced labor in 14 states.

Bangladeshi children labor work at a rope twisting workshop on the outskirts of Dhaka. Many children work in debt bondage to pay off loans that remain from previous generations.

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 for a waiver of sanctions 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. All countries must maintain and increase efforts to combat trafficking.

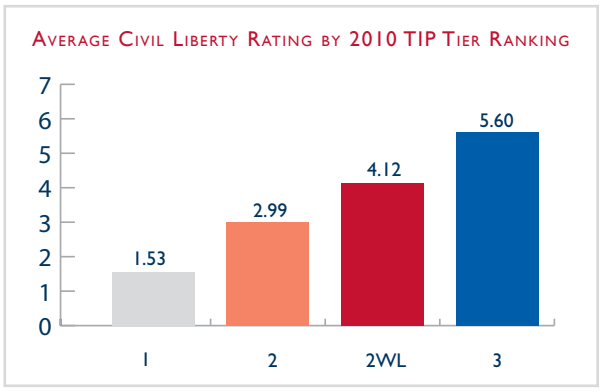
COMPARING CIVIL LIBERTIES, CORRUPTION, AND COMPELLED SERVICE

This report highlights trafficking in persons as a human rights issue; it can also be viewed as related to fundamental issues of civil liberties. Research has shown corruption of public officials to be a key impediment to progress in addressing modern slavery. A review of publicly available indexes on civil liberties and corruption around the world shows governments that rank poorly in the 2010 TIP Report also rank poorly on indices assessing the governments' protection of civil liberties and their perceived corruption.

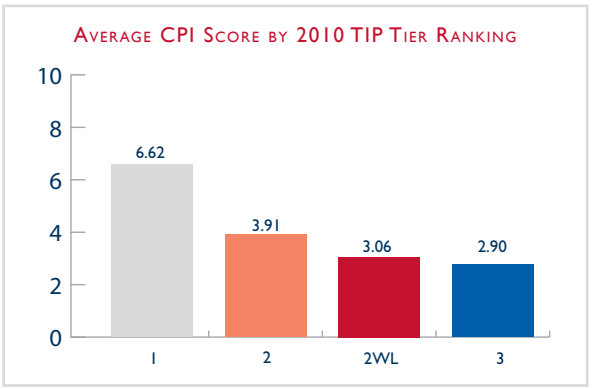
Of the 175 countries ranked in the 2010 TIP Report, all but two were ranked in this year's Freedom House report, "Freedom in the World." Similarly, all but nine of the 175 countries have been assessed and given scores on Transparency International's "Corruption Perception Index." Freedom House assigns a numerical value to a country's civil liberty performance, measuring "freedom of expression and belief, association and organizational rights, rule of law, and personal autonomy without interference from the state." This scale for civil liberties runs from one to seven, with one being the highest level of freedom and seven being the lowest. Transparency International assigns a numerical value to a country's "perceived level of public sector corruption in a country/territory," using a scale of one to 10, with one representing high prevalence of perceived corruption and 10 representing the least prevalence of perceived corruption.

By looking at the assessments of these products against the rankings of the 2010 TIP Report, it appears governments ranked Tier 3 and Tier 2 Watch List more closely track Freedom House's low-performing civil liberties scale than do those countries ranked Tier 2 and Tier 1. These poor-performing governments, on average, rank significantly "higher" on this scale, reflecting lower freedoms.

A 2010 calendar published as part of the Serbian Ministry of Interior's campaign against human trafficking features and other winners from among 1,200 art submissions from school-age children. The campaign raised awareness among children and their parents about the dangers of human trafficking through lectures at school, public forums, and television broadcasts. This illustration was chosen for a special stamp issued by the Serbian Post Office. The stamp was sold for one week, and it gathered $86,000. The money went to the budget, the Police, and NGOs that deal with trafficking victims.



Additionally, governments ranked Tier 3 and Tier 2 Watch List, on average, rank significantly "lower" on the Transparency International corruption index, reflecting higher perceptions of corruption.



United States

Harriet ran away from home when she was 11 years old and moved in with a 32-year-old man who sexually and physically abused her and convinced her to become a prostitute. In the next two years, Harriet became addicted to drugs and contracted numerous sexually transmitted diseases. The police arrested Harriet when she was 13 and charged her with committing prostitution. They made no efforts to find her pimp. Harriet was placed on probation for 18 months in the custody of juvenile probation officials. Her lawyers have appealed the decision, arguing that since she could not legally consent to sex, she cannot face prostitution-related charges.

BREAKING THE (SUPPLY) CHAIN

With the majority of modern slaves in agriculture and mining around the world – and forced labor prevalent in cotton, chocolate, steel, rubber, tin, tungsten, coltan, sugar, and seafood – it is impossible to get dressed, drive to work, talk on the phone, or eat a meal without touching products tainted by forced labor. Even reputable companies can profit from abuse when they do not protect their supply chain – whether at the level of raw materials, parts, or final products – from modern slavery.

Consumer spending and corporate investment in business are leverage points that can turn around a system that has for too long allowed traffickers and economies to operate with impunity. There is an increasing push for consumer transparency, certification, and more rigorous regulation.

Research suggests companies investing in fair labor practices and labeling their products accordingly improve conditions on the ground and drive up the demand for, and price of, their products.

A new paradigm of corporate accountability is emerging demanding companies cast their attentions beyond the places where their products are produced or processed – such as apparel factories and seafood processing shops – to places where the raw materials are collected, harvested, or mined.

Human trafficking is a crime and no level of corporate best practices can replace a government's responsibility to prosecute and protect victims. Still, verifiable corporate policies prohibiting the use of forced labor through the supply chain all the way down to raw materials are a critical prevention tool.

Key principles in setting supply chain standards:

- Statements of corporate policy must incorporate truly independent verification.
- While remediation is important, when labor abuses rise to the level of a human trafficking offense, authorities should be notified.
- Governments must redefine norms and set standards to create a space for companies to take the lead on combating modern slavery.
- Lending institutions should consider establishing whether a company has a forced labor supply chain policy as a factor for determining that company's credit rating.

There is no way to effectively monitor a supply chain without tracing it all the way down to raw materials. Such research will lead to an understanding of supply and demand factors used to encourage greater protections of the workers whose labor contributes to downstream profits.

Modern slavery exists in diverse areas, including manufacturing, harvesting of raw materials, and the market for commercial sexual activity so often aimed at the business traveler. In this environment, companies should staff and source their supply chains in a manner decreasing the demand traffickers so often satisfy through violence. To that end, companies should adopt policies that commit to:

- taking accountability for all the labor in the supply chain all the way down to raw materials, with a pledge to monitor compliance, remediate noncompliance, and verify those actions by an independent third party;
- honoring the role and voice of the worker as the best check on abuse;
- publicly disclosing mechanisms for providing independent, unannounced, and thorough audits;
- providing effective whistleblower and complaint procedures;
- providing clear guidelines for security procedures throughout the supply chains to ensure that security forces are not used to intimidate, hold, or abuse workers;
- regularly updating shareholders and stakeholders on creation, maintenance, and implementation of their related policies;
- guaranteeing all workers mobility by strictly forbidding any confiscation of official documents;
- committing to providing restitution for victims and other forms of remediation;
- complying with trafficking-related local laws and international standards for confronting human trafficking and protecting victims; and,
- holding employees accountable for any violation or exploitative conduct contributing to trafficking in persons.

10 TROUBLING GOVERNMENTAL PRACTICES

1. Complicity of law enforcement officials in trafficking offenses.
2. Legal and administrative penalties imposed on trafficking victims as a direct result of their enslavement, including, but not limited to, penalties for engaging in prostitution or immigration offenses.
3. Guestworker programs giving "sponsors" or employers inordinate power over migrant workers' legal status and basic freedoms and denying victims any ability to make a complaint.
4. Lack of meaningful legal alternatives to the involuntary repatriation of victims.
5. Trade policies and agreements/regimes that fail to safeguard against forced labor and labor exploitation, particularly when involving states that have a poor record of addressing labor exploitation.
6. Barriers to citizenship. Without birth certificates, national identification cards, or other identity documents, stateless persons and some indigenous groups are vulnerable to being trafficked.
7. Bilateral labor agreements between source and destination governments that allow employers to confiscate/withhold travel documents and allow summary deportation of workers without trafficking victim protections.
8. Lack of education available to women, girls, and other populations, which blocks them from mainstream economic advancement and leaves them vulnerable to trafficking.
9. Internal migration controls. When populations within a country can move within the country's borders only with special permission, they often turn to the underground economy where traffickers flourish.
10. Clumsily conceived "anti-trafficking" activities, such as wholesale raids of worksites or brothel districts without initial investigation to determine whether trafficking is occurring, or of the suspension of emigration or immigration or other activities (in the name of fighting trafficking) for an entire country or nationality.

Thousands of children attending Koranic schools in Senegal are exploited by their teachers. The children – most under 12 and some as young as 4 – are forced to beg on city streets and are subjected to often brutal physical and psychological abuse.

DOMESTIC WORK IS WORK: TOWARD INCREASED FREEDOM FOR HOUSEHOLD SERVANTS

Millions of migrant domestic workers around the world – including some employed by diplomats (see p. 38) – are particularly vulnerable to forced labor. Overwhelmingly female and typically from developing countries in Asia, Africa, and Latin America, they assume great risks when migrating abroad. As a recent ILO report noted, the origins of domestic work trace back to a "master-servant" relationship rooted in slavery and other forms of servitude. Despite such linkages, many countries, including the United States, do not offer protection to domestic workers under prevailing labor laws, perceiving their work as something other than regular employment. This lack of legal protections – combined with the social isolation and a lack of personal autonomy inherent in live-in domestic service – provides an enabling environment for slavery.

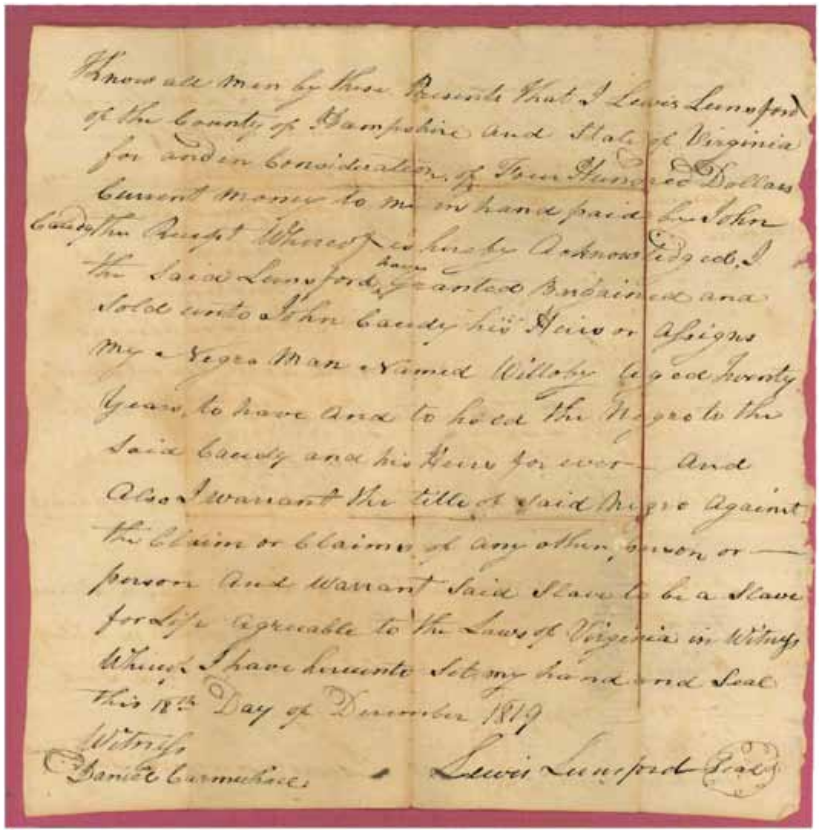
Domestic workers are vulnerable to all forms of abuse, though forced labor is one of the most severe. Such abuses often include confinement, confiscation of travel documents, withholding of salary, physical and sexual abuse, and threats of harm, including the threat of arrest and summary deportation as an undocumented migrant. For domestic workers from another country, freedom often is proscribed by law; some countries' "sponsorship" laws grant the employer of a foreign domestic worker the power to decide when she can leave the workplace and when she can leave the country, even if the servant has escaped and reported abuse.

The ILO notes that in many countries, domestic work is largely performed by children. When children are used as servants instead of being educated, the situation should be remedied. When the child is abused, the employer should face criminal, not administrative, sanctions.

The cost to these millions of migrant workers – mostly from Asian countries like Indonesia, Sri Lanka, India, and the Philippines – is serious and appears to be rising. According to analysis conducted in Indonesia by a reputable international organization, the number of Indonesian domestic workers killed abroad rose from 33 in 2001 to more than 100 in 2009. Recent health examinations by an international organization found that almost all of nearly 600 domestic workers returning to Indonesia after their domestic work in the Middle East found almost 100 percent had sexually transmitted diseases, including HIV/AIDS. In addition, NGOs have reported increased sexual violence experienced by domestic workers in the Middle East.

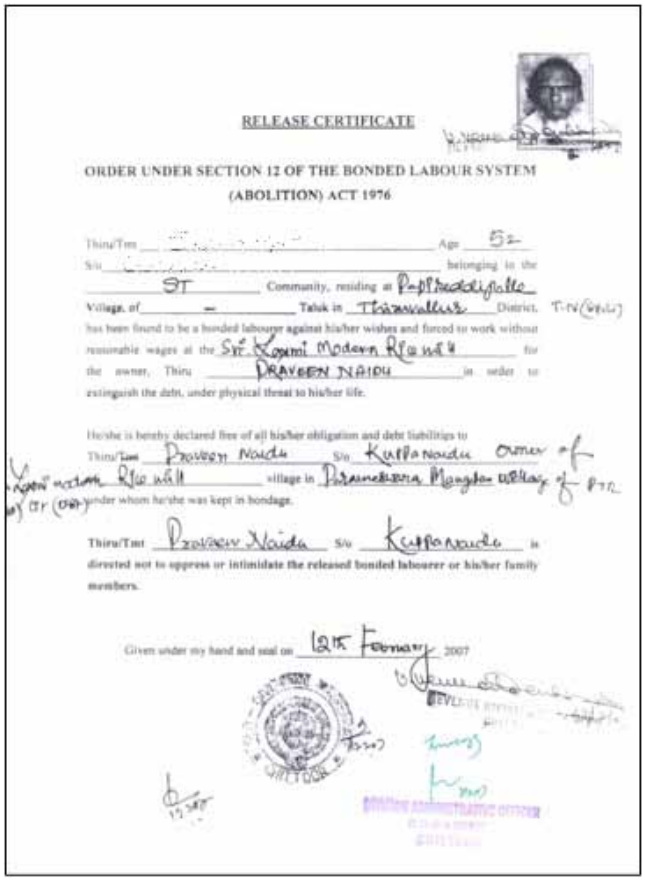
Some domestic workers' source-country governments attempt to solve the problem of trafficking by crudely banning the emigration of all females under a certain age. This misguided use of migration barriers inevitably pushes migrants – who still feel the "pull" factors of greater economic opportunities – to migrate through illegal channels, which perversely increases their chances of becoming a victim of trafficking. Far more effective would be a global movement to apply to this uniquely vulnerable group international norms for protecting victims of forced labor and for punishing offenders – such as those found in the UN's Palermo Protocol.

Bought and released: documents of slavery



Know all Men by these Presents That I Lewis Lunsford of the County of Hampshire and State of Virginia for and in Consideration of Four Hundred Dollars Current Money to me in hand paid by John Candy the Receipt Whereof is hereby Acknowledged I the said Lunsford Have Granted Bargained and Sold unto John Candy his Heirs or Assigns my Negro Man Named Willoby aged twenty Years to have and to hold the Negro to the said Candy and his Heirs for ever — And Also I warrant the title of said Negro Against the Claim or Claims of any other person or persons and Warrant said Slave to be a Slave for Life Agreeable to the Laws of Virginia in Witness Whereof I have hereunto Set my hand and Seal this 18th Day of December 1819

Witness
Daniel Carmichael — Lewis Lunsford Seal



RELEASE CERTIFICATE

ORDER UNDER SECTION 12 OF THE BONDED LABOUR SYSTEM (ABOLITION) ACT 1976

Thiru/Tmt ... Age 52
S/o ... belonging to the ST Community, residing at Pattukkottai
Village, of — Taluk in Thiruvallur District, T.N.
has been found to be a bonded labourer against his/her wishes and forced to work without reasonable wages at the Sri Kaumi Modern Rice Mill for the owner, Thiru PRAVEEN NAIDU in order to extinguish the debt, under physical threat to his/her life.

He/she is hereby declared free of all his/her obligation and debt liabilities to Thiru/Tmt Praveen Naidu S/o Kuppanaidu owner of Sri Kaumi Modern Rice Mill village in Pranemkuppam Mangalam village of Ptr. under whom he/she was kept in bondage.

Thiru/Tmt Praveen Naidu S/o Kuppanaidu is directed not to oppress or intimidate the released bonded labourer or his/her family members.

Given under my hand and seal on 12th February 2007

A bill of sale dated 1819 documents the receipt of $400 in exchange for a "Negro Man Named Willoby aged twenty years … to be a Slave for Life Agreeable to the Laws of Virginia."

An 2007 official release certificate confirms that a 52-year-old Indian man "has been found to be a bonded labourer against his wishes and forced to work without reasonable wages … in order to extinguish the debt, under physical threat to his life." The certificate declares the man free from all obligations and debt liabilities and directs his previous employer "not to suppress or intimidate the released bonded labourer or his family members."

"The familiar remedies of food, shelter, schools and medicine are urgent, but they do not address the root cause of aggressive violence that manifests itself in slavery – indefensible abuse of the vulnerable by the more powerful. Addressing this issue will require a systemic and sustained commitment to effective public justice systems that protect the global poor."

Gary Haugen, president of International Justice Mission

A produce truck houses the Florida Modern-Day Slavery Museum. The truck is similar to the vehicle used to enslave farm workers in Immokalee, FL, in a case prosecuted in 2008. The Coalition of Immokalee Workers, a Florida-based organization that advocates for the rights of farm workers, created the traveling museum, which toured the state in April.

KAZAKHSTAN

Darya divorced her husband and left her village in rural Kazakhstan to look for a job in the capital city, Astana. But when she arrived, her brother-in-law took her documents and sold her to a pimp. After two years of forced prostitution, Darya escaped and was found by police during an anti-trafficking operation. She was 20 weeks pregnant when she arrived at a shelter for trafficking victims. Darya is being trained as a manicurist at the shelter and will leave once she finds a job and an apartment.

"The reality is detestable, nauseating — but we cannot allow ourselves to turn away. In order to put an end to this worldwide injustice, we must become as organized, as sophisticated, and as relentless as the criminal syndicates who perpetrate it."

Lucy Liu, actress and UNICEF ambassador

HUMAN TRAFFICKING AS A WOMEN'S ISSUE

"[W]omen concentrate in temporary, casual, and flexible labor primarily due to their subordinate social and economic status, [and they] are hired as cheap, compliant labor that can be hired and fired more easily."

"A Pro-Poor Analysis of the Shrimp Sector in Bangladesh," United States Agency for International Development, 2006

Women comprise at least 56 percent of the world's trafficking victims. They are exploited in fields and brothels, in homes and conflicts, and in factories and fisheries. More women are being pushed out of developing countries due to economic, familial, and societal pressures – becoming ever more vulnerable to modern slavery.

This feminization of migration is seen in Indonesia, where millions of girls and women – almost 70 percent of all departing migrants – leave to find work abroad, including as domestic servants in more developed countries in East Asia and the Middle East. They often end up in places void of protections from abuse and enslavement, and some feel compelled to make the journey more than once to try earning the money they were initially promised. New routes of feminized migration have appeared in recent years – from Madagascar to Lebanon, from Ethiopia to the Persian Gulf states, and from Indonesia to Malaysia and the Middle East.

Women continue to be enslaved in commercial sex around the world. They are often arrested for participating in a crime that victimizes them when they should instead be provided with services and benefit from a well-trained police force implementing proven and compassionate victim identification measures.

Women continue to toil in sweatshop factories without food or break, sewing garments, peeling shrimp, and weaving carpets under threat of violence. Bonded by debt and force, they pick cotton, mine conflict minerals, and harvest rice alongside their children. They toil in diplomatic households and suburban residences as domestic workers often without anyone knowing they are there let alone being abused.

Women are not just the victims; in so many countries, they are the solution. In the United States, the victim-centered approach of the TVPA was patterned on the lessons of legal reforms targeting domestic violence and sexual assault.

HUMAN TRAFFICKING CONSIDERATIONS IN DISASTER RESPONSE

From cyclones and floods in Southern Africa to the earthquake in Haiti, the last year has seen a multitude of natural disasters leading to increased physical and economic insecurity. These disasters disproportionately affected the most vulnerable sectors of society – migrants, job seekers, and poor families – making them easy targets for exploitation and enslavement.

The following are useful considerations for the international community and governments responding to modern slavery in the context of natural disaster response.

- *Counter-trafficking interventions must start in the emergency phase of disaster response.* While human trafficking generally does not increase in the immediate days and weeks following a disaster, proper planning starting in the immediate term helps reduce the number of gaps traffickers can later exploit when the emergency phase has passed.
- *Definitions matter.* The key question under the Palermo Protocol is not whether someone has been moved, it is whether they are in compelled service, whether such service is termed enslavement, involuntary servitude, debt bondage, sex trafficking, forced labor, or practices similar to slavery. Focusing on movement instead of exploitation results in misdeployment of countertrafficking resources to border areas instead of interior enforcement, results in confusion over practices such as adoption, and undercuts local organizations' pre-disaster anti-slavery efforts.
- *Institutional support is the key to sustainability.* Efforts should be made to support the government institutions that play a role in effective anti-trafficking response, including those responsible for social welfare, education, child protection, and the judiciary. International efforts should focus on supporting the government in playing the predominant role, avoid fostering dependence on the international community, and be well coordinated to leverage resources and avoid duplication of efforts.
- *Engagement of local stakeholders and consideration of cultural factors are essential.* Sustainable trafficking interventions depend on the robust engagement of civil society with government. They also should take into account cultural factors, such as practices surrounding child custody. In many areas, this requires a concerted effort to build the capacity of civil society, including NGOs, schools, civic associations, and community leaders, to identify the needs of the community, plan effective interventions, and obtain the necessary support for their implementation.
- *Trafficking interventions should pay particular attention to the most vulnerable sectors of the population.* Efforts should be made to rapidly identify, register, and provide interim care for separated and unaccompanied children while family tracing is done. Exploitation reduction efforts should be undertaken for displaced and migrating workers, whether moving within their own country or seeking employment opportunities in nearby countries. Special care should be taken to protect women and girls from gender-based violence, particularly in spontaneous settlements and displaced persons camps.
- *Governments should assess the existing vulnerabilities and ensure policies, legislative tools, and social norms are adequate to respond.* Education campaigns to warn populations about the potential for trafficking and inform them about how to receive help are important. Codes of conduct should be promulgated within rebuilding efforts and economic recovery plans, including job creation for rubble and debris removal, recovery and burial of the deceased, construction, and microenterprise. Inadequate legislation or government policies to address trafficking should be strengthened.

An estimated 225,000 children were enslaved as restaveks in Haiti prior to the 2010 earthquake. Now, in the earthquake's aftermath, even more children are vulnerable to exploitation.

HUMAN TRAFFICKING RESEARCH: INFORMING POLICIES AND PROGRAMS

Research is an integral vehicle for enhancing the U.S. government's understanding of human trafficking and guiding its countertrafficking policies and programs. During the last decade, there has been a spike in journal articles, reports, and books on human trafficking. Most of these documents were descriptive, and were neither driven by empirical research nor peer reviewed. There is growing government support for evidence-based research that suggests effective strategies for combating the crime and highlights successes among current countertrafficking initiatives.

Several recent studies have made inroads by closing knowledge gaps. The following reports present key findings useful for law enforcement and service providers.

- **Finding Victims of Human Trafficking** (University of Chicago); and **Understanding and Improving Law Enforcement Responses to Human Trafficking** (Northeastern University)

  These reports compiled information from 60 counties, 42 federally funded task forces, and 3,000 local law enforcement agencies across the United States. They found where there was education and training, there was a better understanding of trafficking, a greater likelihood of proactive strategies, and increased identification of trafficking victims. Jurisdictions with interagency task forces identified more trafficking cases, made more arrests, and brought more charges. Key contributing factors included police leadership, special units, training, and systematic interagency cooperation.

- **Global Database on Human Trafficking** (IOM)

  The database contains information from 13,650 victims that IOM has assisted in more than 100 source and destination countries over a 10-year period. It shows there is more recognition of trafficking in males, greater identification of an older victim population, and increased forced labor cases, including women in domestic work. It also shows traffickers are changing their methods of control; they are using more female recruiters, more subtle forms of exploitation, and greater psychological abuse.

- **Male Trafficking in Serbia** (The Victimology Society of Serbia)

  While the forced prostitution of women and girls remains the leading form of trafficking in Serbia, this report found that the police and border officials had identified an increasing number of male victims in the construction industry. The men had been threatened, had their passports taken, had their movements restricted, and were not paid. It also noted a paucity of assistance for male victims.

- **Strategic Information Response Network (SIREN)** (United Nations Inter-Agency Project on Human Trafficking in Bangkok, Thailand)

  SIREN interviews samples of deportees at border checkpoints and migrants in hotspots to track trends in human trafficking. Analysis of data from the past year revealed that the likelihood of a Cambodian labor migrant being trafficked increases 1.5 times with every additional broker involved in the process. Also, Cambodian men are twice as likely as women to be trafficked across borders because men tend to use brokers more readily than women do. Labor exploitation is substantially higher in the fishing industry compared with other labor industries such as construction or agriculture, with numerous documented cases of severe abuse, nonpayment, and murder. The analysis has informed law enforcement agencies on the prevalence of trafficking in multiple countries, by documenting specifics on broker-trafficker networks, including locations, tricks used to deceive victims, and amounts of money exchanging hands.

- **Trafficking of Men – A Case Less Considered: The Case of Belarus and Ukraine** (IOM and the NEXUS Institute)

  The study examined the pre- and post-trafficking experiences of 685 Belarusian and Ukrainian men. Key findings indicate most had children and some technical training, and most were seeking better circumstances. They were trafficked for construction and labored seven days a week under exploitative conditions with no freedom of movement. The study called for increased assistance for these victims, including medical, psychological, and housing support – all necessary for reintegration.

blue heart campaign against Human Trafficking

The UN's Blue Heart Campaign seeks to inspire people and mobilize support for action against human trafficking. The campaign enables citizens to show their support for the cause and to create urgency around the fight to end this crime. The intention is that the blue heart becomes the worldwide symbol for human trafficking.

Migrant workers congregate at a labor camp outside Dubai, where hundreds of thousands of men reside amidst garbage and raw sewage. Up to 20 men often share small rooms, and employers often withhold wages of these workers with the intent of preventing them from leaving.

India

Vipul was born into extreme poverty in a village in Bihar, the poorest state in India. His mother was desperate to keep him and his five brothers from starving, so she accepted $15 as an advance from a local trafficker, who promised more money once 9-year-old Vipul started working many miles away in a carpet factory. The loom owner treated Vipul like any other low-value industrial tool. He forced Vipul and the other slaves to work for 19 hours a day, never allowed them to leave the loom, and beat them savagely when they made a mistake in the intricate designs of the rugs, which were sold in Western markets. The work itself tore into Vipul's small hands, and when he cried in pain, the owner stuck Vipul's finger in boiling oil to cauterize the wound and then told him to keep working. After five years, local police, with the help of NGO activists, freed Vipul and nine other emaciated boys.

"You have to carry 50 kg bricks and blocks of cement in the worst heat imaginable … This heat – it is like nothing else. You sweat so much you can't pee, not for days or weeks. It's like all the liquid comes out through your skin and you stink. You become dizzy and sick but you aren't allowed to stop, except for an hour in the afternoon. You know if you drop anything or slip, you could die. If you take time off sick, your wages are docked, and you are trapped here even longer."

Bangladeshi construction worker in Dubai ("The dark side of Dubai," The Independent, April 7, 2009)

DIPLOMATS AND DOMESTIC WORKERS

Worldwide, domestic workers employed by diplomats suffer abuses ranging from wage exploitation to trafficking offenses. Diplomats are government officials who serve their governments abroad and are generally able to apply for visas enabling domestic workers – often from third countries – to accompany them on their foreign assignments.

Because domestic servants working for diplomats work behind closed doors – cleaning, cooking, and caring for children – they can become invisible to the neighborhoods and communities they live in. Domestic workers brought into a country by diplomats face potentially greater isolation than other workers because of language and cultural barriers, ignorance of the law, and sheer distance from family and friends. They work for government officials who may appear to them to hold exceptional power and/or influence. The resulting invisibility and isolation of such workers raises concerns about the potential for diplomatic employers to ignore the terms of their employment contracts and to restrict their domestic workers' freedom of movement and subject them to various abuses. Because diplomats generally enjoy immunity from civil and criminal jurisdiction while on assignment, legal recourse and remedies available to domestic workers in their employ – and the criminal response otherwise available to the host government – are often significantly limited.

The U.S. government has undertaken a number of steps to reduce the vulnerability of domestic workers employed by diplomats to all aspects of labor exploitation, including trafficking offenses. Some questions any government might ask itself in order to prevent abuse and offer protection are as follows:

- Do you instruct your government's diplomats assigned to duty overseas about the treatment to be accorded their domestic workers and the repercussions for any abuse or exploitation of such workers?
- Do you hold your own diplomats accountable for their treatment of domestic workers?
- Do you provide domestic workers of diplomats with information about their rights and how to obtain help if they need it in a language and format that they understand?
- Are domestic workers able to legally transfer to another employer?
- Do you allow domestic workers to remain legally in your country to pursue legal remedies against a former employer?
- Do you require the employment agreement between diplomats and domestic workers include mandatory provisions that include, for example, the requirements they be paid the minimum wage and not be deprived of possession of their passport?
- Is the employment agreement reviewed by anyone within the government prior to the issuance of a visa to the domestic servant?
- Do you require the domestic servants of diplomats to be paid in a manner that permits reliable accountability for deposits and withdrawals?
- Have you taken any steps to advise domestic workers employed by diplomats of their rights once they are working in your country?

"The involuntary servitude and mistreatment that this victim endured is intolerable in a nation founded on freedom and individual rights"

Thomas Perez,
Assistant Attorney General for Civil Rights, upon the sentencing of a Texas couple for enslaving their maid.

Many victims of trafficking who try to escape conditions of forced labor or commercial sexual exploitation end up in immigration detention centers without access to legal aid, counseling, or medical care.

At a protest in Beirut, Lebanon, an Eritrean woman carries a banner in Arabic that reads: "On International Women's Day, for the rights of foreign domestic workers."

"Over 120 years since the United States acquired peonage from New Mexico and over a century after Congress passed a statute outlawing the practice, it continues. Concerned people on the local level who recognize the evil and try to crush it are continually frustrated now, as in the past. For peonage has been like the dark side of the moon; it existed, but only exceptional circumstances enabled one to see it. Nor was the average citizen concerned with such dark and dangerous places. So it remained largely unexplored, charted only in law books and statutes which remained regrettably removed from the reality, from the vertiginous but stagnant world of peonage."

Pete Daniel in *The Shadow of Slavery (1969)*

BLIND SWEEPS AND SMART RAIDS

Law enforcement raids are most effective when they involve good information gathering and planning, and that is certainly the case in fighting modern slavery. While it is unrealistic to expect every intervention will have complete information, learning enough to know with a high degree of certainty that trafficking victims are present in labor and commercial sex sites is important before mounting an operation. Victim information is usually obtained through the accounts of escaped or rescued victims, by law enforcement agents working undercover or through strategically recruited informants.

"Smart" raids can free trafficking victims while minimizing harm to others. They are based on real evidence, have a well-defined goal grounded in law, and are planned to ensure the safety of everyone involved. They should include arrangements to segregate supervisors, to conduct victim-centered interviews, to cross-reference victims' accounts, and to quickly transition to post-rescue care and shelter for identified victims.

On the other hand, some raids are "blind": they are executed against a target without adequate prior attempts to verify the existence of trafficking victims in those locations. They are based on assumptions, or are simply round-ups meant to clean out a red light district. They often do not have a legal theory or any evidentiary basis driving them, and do not include victim identification processes. Blind raids can lead to poor results while harming those not involved in human trafficking. Officers often become disheartened after such unsuccessful raids, especially if they naively assumed exploited people would be found enthusiastically awaiting liberation. Bad experiences with blind raids can lead to less effort to actually find and raid sites where labor or sex trafficking is continuing, or can lead to cynicism in government and civil society regarding even the existence of human trafficking as a crime phenomenon.

Identifying victims of trafficking

The violence – physical and psychological – and intimidation marking involuntary servitude means victims are often reluctant to identify themselves as victims. This is true around the world and occurs for various reasons. Victims are usually taught to fear law enforcement authorities and NGOs. If victims are underage, they are often coerced by traffickers and brothel keepers to claim they are adults consensually involved in prostitution. Adult trafficking victims may be threatened to keep them from revealing any indicators of trafficking such as involuntary confinement, debt bondage, or threats of violence against them and their families. Labor managers and brothel keepers often threaten victims or their relatives with future harm if they tell the truth to authorities.

Suspected victims must be removed from the site of exploitation – a threatening environment – and taken to a safe place. Bosses and guards should be identified and segregated, lest they threaten the victims or chill them by their mere presence. The state needs to have temporary custody of these suspected victims as victims or witnesses of serious crimes. In a place where they can be interviewed in a non-confrontational setting, victims of human trafficking are more likely to reveal at least a portion of their true situations. The true ages of victims can be learned through self-reporting or consensual medical examinations. Police and social counselors need time to interview and counsel suspected victims. This counseling period, ranging from a few days to two weeks, should become a standard practice in countries with significant trafficking problems. Once a person's status as a victim of trafficking has been determined, the opportunity for long-term care can be offered to facilitate rehabilitation, though victims should not be pressured to accept such assistance.

Children Used for Commercial Sex

U.S. government policy on children (under the age of 18) used for commercial sex is unambiguous: they must be removed from exploitation as soon as they are found. The use of children in the commercial sex trade is prohibited under both U.S. and international law. There can be no exceptions, no cultural or socio-economic rationalizations to prevent the rescue of children from sexual servitude.

NGO involvement

NGOs often help law enforcement officers carry out raids and rescues. They can offer psychosocial counseling skills to help identify trafficking victims, usually after they are removed from trafficking situations.

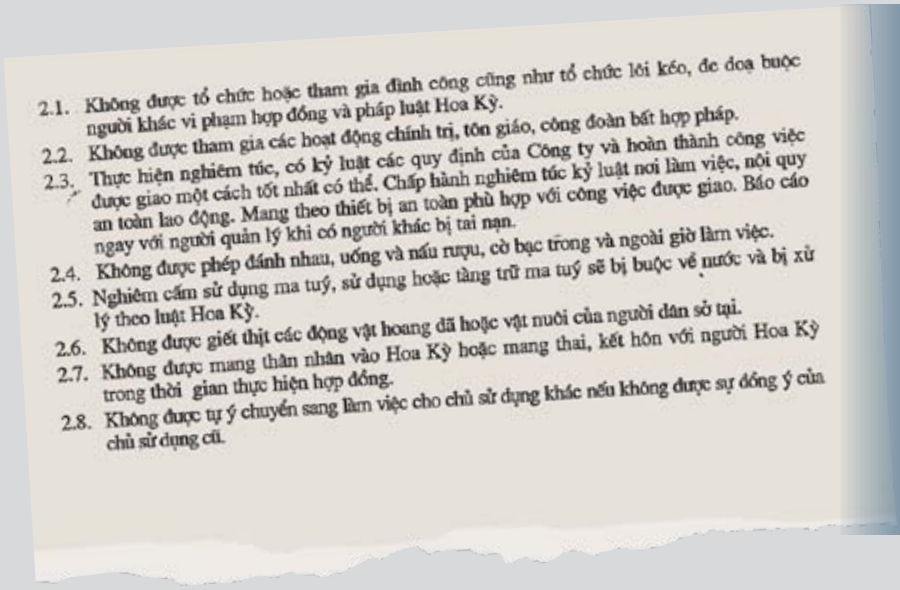
NGOs and media representatives can also play a valuable role in holding law enforcement authorities to legal standards of crime prevention and victim care by bearing witness and demanding accountability. NGOs, however, should not play a lead role in a raid or rescue, as they lack authority to perform law enforcement actions and could easily be caught in a cross-fire. NGOs and the media should avoid any practices harmful to the rights of children or others. While it may be attractive as a public relations tool, including broadcast media in counter-trafficking raids is an invasion of victims' privacy and puts them at risk.

CONTRACT FRAUD AND CONTRACT SWITCHING

Contract switching increases a migrant worker's vulnerability to human trafficking. Upon arrival in destination countries, many migrants find the jobs and working conditions differ substantially from those they agreed to in their original employment contracts, whether written or oral. Some employers make employees sign new contracts at their destination, while others alter contracts without the knowledge or consent of workers. Such fraud in original employment offers can be used by labor recruiters, labor agents, sponsors, and employers as a tool to induce workers into forced labor.

Here is how it often works: many workers who are employed abroad agree verbally to terms of employment set forth by a recruiter and, in reliance on the promised wages, take out massive debts to pay recruiting fees. Workers are later asked to sign written contracts after already having paid significant fees, in some cases just before they are about to board a plane to their destination. At this point, they are not permitted to read the contract or cannot read it because it is in a foreign language.

Workers are also often denied a copy of their signed contract. They are not only unable to prove the terms promised to them verbally, but they are unaware of the terms to which they have agreed in writing. In some cases, recruitment agencies have workers sign two separate contracts in different languages with different terms.



2.1. Không được tổ chức hoặc tham gia đình công cũng như tổ chức lôi kéo, đe dọa buộc người khác vi phạm hợp đồng và pháp luật Hoa Kỳ.
2.2. Không được tham gia các hoạt động chính trị, tôn giáo, công đoàn bất hợp pháp.
2.3. Thực hiện nghiêm túc, có kỷ luật các quy định của Công ty và hoàn thành công việc được giao một cách tốt nhất có thể. Chấp hành nghiêm túc kỷ luật nơi làm việc, nội quy an toàn lao động. Mang theo thiết bị an toàn phù hợp với công việc được giao. Báo cáo ngay với người quản lý khi có người khác bị tai nạn.
2.4. Không được phép đánh nhau, uống và nấu rượu, cờ bạc trong và ngoài giờ làm việc.
2.5. Nghiêm cấm sử dụng ma tuý, sử dụng hoặc tàng trữ ma tuý sẽ bị buộc về nước và bị xử lý theo luật Hoa Kỳ.
2.6. Không được giết thịt các động vật hoang dã hoặc vật nuôi của người dân sở tại.
2.7. Không được mang thân nhân vào Hoa Kỳ hoặc mang thai, kết hôn với người Hoa Kỳ trong thời gian thực hiện hợp đồng.
2.8. Không được tự ý chuyển sang làm việc cho chủ sử dụng khác nếu không được sự đồng ý của chủ sử dụng cũ.

2.1. Employee shall not organize or partake in strikes or organize to instigate or use threats to threaten to force others to violate the contract or U.S. law.

2.2. Employee shall not participate in any activities involving politics, religion, or unions that are illegal.

2.7. Employee shall not bring relatives to the United States or get pregnant or get married to an American during the time of this contract.

2.8. Employee shall not leave or organize or instigate others to break the contract and leave (the work-place).

A portion of a Vietnamese contract with provisions considered illegal in the United States and Vietnam.

In 2008, a Vietnamese worker was asked to sign multiple versions of two contracts – one in English and one in Vietnamese – just before boarding a plane to the United States; this is in contravention with U.S. and Vietnamese law. He believed the contracts were identical. However, the terms and conditions of the contracts differed, and at least one version of both the English and Vietnamese contracts included articles that are illegal in the United States and Vietnam.

One English contract promised multiple guaranteed contract extensions, a term of employment that cannot be promised under the H-2B visa. Another version of the English contract did not include this provision.

The Vietnamese contract included provisions considered to be illegal in the United States and Vietnam, including restrictions on "illegal political or religious or labor union affiliation," "organizing or participating in a worker strike," "getting pregnant," "getting married to Americans," and "bringing relatives to the United States."

Changing the terms and conditions of employment, particularly after workers have invested money in the recruitment process or taken on debt to do so, can also increase a worker's vulnerability to forced labor. Analysis of the ILO's May 2009 report on global forced labor found two types of this contract fraud among some Pakistani temporary contract workers recruited for work in the Persian Gulf states: the issuance, after arrival, of a contract with new terms and conditions; and the issuance of a new written contract with terms and conditions not clear to the worker (sometimes because the new contract was written in a foreign language) and presented for signature only at the time of the employer's first salary payment. In some cases, the new contract provided wages estimated to be some 10 percent lower than the contract signed in Pakistan prior to the worker's departure.

2010 TIP REPORT HEROES

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

Mauritania

In 2009, ***Aminetou Mint Moctar,*** spearheaded highly visible public campaigns to denounce trafficking of young Mauritanian girls to Gulf States and the exploitation of Mauritanian and West African women living in domestic servitude. Because of the work of Ms. Mint Moctar and others like her, the Government of Mauritania now recognizes the existence of these practices. Ms. Mint Moctar has fought for these women – whose voices are not heard in Mauritanian society – to create a legal framework to protect victims and fight impunity. She has been a vocal opponent of the traditional practice of early marriages, which increases girls' chances of being trafficked or sexually exploited. She heads the Association Femmes Chefs de Familles, an organization she founded in 1999 to provide assistance to victims of domestic violence, rape, and slavery. For her work with these sensitive and often taboo issues, Ms. Mint Moctar has been accused of being a bad Muslim and a traitor to her country and has received innumerable threats. But Ms. Moctar continues her dedication and commitment to assisting female trafficking victims and raising awareness about their plight on a national and international level.

Uzbekistan

Natalia Abdullayeva has been working since 2003 to combat human trafficking in northwestern Uzbekistan, focusing her efforts on prevention. She has published anti-trafficking advertisements and disseminated them in the markets and buses heading for Kazakhstan, a primary destination point, and she has conducted labor trafficking information sessions on regular private shuttle vans *en route* to the border. She created a small group of lawyers and volunteers to reach the most remote areas of the Karakalpakistan region, particularly targeting those segments of the population who are without access to television, radio, and newspapers.

Ms. Abdullayeva has also developed partnerships with the private sector, cooperating with the local cellular phone company to disseminate free text messages with anti-trafficking information and a hotline number to subscribers. Moreover, she has established a cooperative relationship with the regional government, working closely with local officials to address trafficking prevention and repatriation of victims.

Jordan

Linda Al-Kalash, of Tamkeen for Legal Aid and Human Rights in Amman, stands with and assists trafficking victims as they seek justice and take their traffickers to court. In the organization's first 10 months, she received more than 200 complaints of forced labor in numerous sectors and, along with her small team, directly filed lawsuits or worked with prosecutors to file criminal charges in more than 20 cases. These included two ground-breaking cases involving employers who allegedly sexually assaulted, abused, detained, and withheld payments from their domestic workers. Moreover, Ms. Al-Kalash won all 20 cases involving nonpayment of wages and successfully negotiated the payment of wages, release of travel documents, and other remedies for many more migrant workers. Ms. Al-Kalash and her team have received numerous e-mail, telephone, and handwritten threats from a variety of sources. Organizations and individuals who work with Ms. Al-Kalash have also been threatened. Despite the threats, Ms. Kalash remains determined to help the most vulnerable members of society.

Mongolia

After years of leading innovative efforts for victims of domestic violence and children, ***Ganbayasgakh Geleg*** founded the Gender Equality Center (GEC) in 2002 to provide shelter, psychological and legal counseling, rehabilitation, and advocacy for victims of sex and labor trafficking. Under her leadership, the GEC has become a pioneer in urging the Mongolian government to recognize and address human trafficking as a crime. The organization has assisted nearly 300 trafficking victims to date, and its hotline is the primary means for domestic and overseas victims to report their situations and seek counseling in Mongolian.

Ms. Ganbayasgakh has designed university curriculums, textbooks, and pamphlets on the nature of human trafficking. She has organized more than 400 trainings for government officials, police, border forces, social workers, doctors, teachers, and members of civil society. The trainings raised public awareness and focused on prevention, victim protection, and other means of combating the crime.

Ms. Ganbayasgakh's efforts extend beyond the borders of Mongolia. Recognizing the routes traffickers use, she helped craft an agreement between the police departments of Zamiin-Uud and Erlian, China, to share information and cooperate in combating trafficking.

Burundi

Christine Sabiyumva is a pioneer in Burundi as one of the first women to become an army officer. Now a commander of the National Police's Women and Children's Brigade, Mrs. Sabiyumva is well known on the streets of Bujumbura, where she personally searches for children in prostitution and human traffickers. In 2008 and 2009, Ms. Sabiyumva broke a human trafficking ring in which businessmen and women lured 17 young victims across borders to Rwanda, Kenya, and Uganda for sexual exploitation. She continues her work with dedication and determination despite the lack of technical support and human resources available to her, such as dedicated police vehicles or communications equipment. Mrs. Sabiyumva has taken the lead role in reducing trafficking in Bujumbura through investigations, protection, and public awareness campaigns. She is currently traveling across Burundi, with international donor support, to sensitize local officials to the dangers of human trafficking and to raise awareness among local populations about the different types of human trafficking and gender-based violence prevalent within the country.

India

Sattaru Umapathi, the anti-human trafficking officer of the Crime Investigation Department for the state of Andhra Pradesh, has led numerous interstate and intrastate rescue operations across India. Officer Umapathi has played a key role in rescuing victims and arresting traffickers; he has contributed to multiple convictions, leading to sentences ranging from four to 14 years' imprisonment. He also forged partnerships with NGOs across the country and implemented UNODC anti-trafficking protocols in his state police department.

Officer Umapathi has changed the mindset of the his state's law enforcement community by teaching officials to stop treating trafficking victims as criminals. He has organized judicial conferences and addressed a colloquium in New Delhi, helping educate the judiciary about the need to treat victims with empathy. Officer Umapathi argued for application of the more stringent sections of Indian law in trafficking cases, such as laws related to minors in prostitution, import of foreign girls, and unlawful compulsory labor. He successfully implemented a rescue protocol that included the payment of $220 as interim relief for trafficking victims. Thanks to Officer Umapathi's dedicated efforts, Andhra Pradesh is becoming a model for other Indian states fighting human trafficking.

Hungary

Irén Adamné Dunai is the deputy head of the Department for Gender Equality at the Ministry of Social Affairs and Labor. She was a founding member of the inter-ministerial human trafficking working group and has organized numerous training opportunities for professionals and NGOs to improve assistance for trafficking victims. In 2005, Ms. Dunai negotiated an agreement between the Ministry of Interior and the Ministry of Foreign Affairs to provide a 50-bed facility and fund a service contract to open the first shelter for victims of sex trafficking in Hungary. The same year, she helped establish the crisis hotline, which has referred more than 70 trafficking victims to crisis centers. Ms. Dunai personally ensured crisis center workers located near the borders were trained to identify trafficking victims and support their special needs. As a result, these centers now offer short-term shelter to trafficking victims prior to transferring them to the trafficking shelter. In 2009, she secured financial support to open a second shelter for trafficking victims.

Brazil

Brother Xavier Plassat, a French Dominican friar, came to Brazil in 1983 and began to work with the Pastoral Land Commission (CPT) in 1989 on behalf of the rural poor in the rapidly growing northern part of the country. Since 1997, he has been the coordinator of CPT's National Campaign Against Slave Labor. He leads an extensive network of volunteers who denounce cases of slave labor, provide necessary services for the rehabilitation of rescued victims of forced labor, and advocate for legal enforcement and consistency of public policies against modern slavery. CPT works closely with NGOs, trade unions, landless movements, and small farmers in all 26 states and the Federal District. The organization receives complaints directly from escaped laborers, collects and publishes extensive data on the slave-labor problem, and runs a number of programs to provide alternative employment and income for freed workers.

Brother Plassat has represented CPT on the National Commission for the Eradication of Slave Labor since 2003. He received the Chico Mendes Resistance Medal in 2006 and the National Human Rights Prize of the Presidency of the Republic in 2008. On behalf of CPT, he received the Harriet Tubman Freedom Award in 2008 from Free the Slaves and the John Templeton Foundation.

United States

Laura Germino coordinates the Anti-Slavery Campaign for the Florida-based Coalition of Immokalee Workers (CIW), a community organization of more than 4,000 migrant farm workers. Since the early 1990s, she and her co-workers have investigated numerous violent slavery operations in the agricultural industry of the southeastern United States, resulting in the federal prosecutions of the ringleaders and the liberation of more than 1,000 workers. The CIW's Campaign for Fair Food calls on the world's largest food corporations to demand an end to slavery and other human rights abuses in their produce supply chains.

Ms. Germino has helped develop curriculum for the Florida Department of Law Enforcement on advanced investigative techniques in human trafficking and for the National Sheriffs' Association on first response to victims of crime. As a co-founder of the Freedom Network Training Institute, she trains NGOs and law enforcement agencies on how to identify and put a stop to modern slavery operations. She has presented on forced labor at the OSCE's technical seminar in Vienna on agricultural labor trafficking and at the 15th World Congress on Criminology in Barcelona. While CIW has been honored on many occasions, Ms. Germino's insistence that the focus be on the workers has largely kept her out of the limelight.

Secretary of State Hillary Rodham Clinton met with key members of anti-trafficking task forces from Moldova, Mongolia, Argentina, and South Africa in May 2010 at the Department of State.

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 showed for the first time a breakout of the number of total prosecutions and convictions that related to labor trafficking, placed in parentheses.

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2004	6,885	3,026		39
2005	6,593	4,766		41
2006	5,808	3,160		21
2007	5,655 (490)	3,427 (326)		28
2008	5,212 (312)	2,983 (104)	30,961	26
2009	5,606 (432)	4,166 (335)	49,105	33

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

GOVERNMENT CONTRACTORS AND GOVERNMENT PROCUREMENT OF LABOR

Governments are massive consumers of services and goods. Therefore, government contracts should address modern slavery to ensure that government funds do not inadvertently contribute to trafficking offenses.

Too often it is reported that workers – particularly in combat zones – have been misinformed about their contracts, are poorly housed, have their passports confiscated, and are required to pay back large recruitment fees. Bidding for government business is often based in part on cost, but governments must let contractors and subcontractors know up front any cost advantage will be, at best, illusory if obtained by force, fraud, or coercion.

Governments should have the ability to terminate any contract under which a contractor or an employee engages in human trafficking. Contracts should clearly require contractors to inform governments immediately of any allegations of human trafficking by subcontractors or employees during the period of performance of the contract and to take appropriate actions against their employees for any such offenses. Contracts can require companies to undertake countertrafficking training and demand reduction activities.

Governments should also work together to criminally prosecute human trafficking violations by contractors, subcontractors, or their employees. Coordination between governments is needed since prosecution of such cases requires a significant amount of evidence and cooperation. Only when governments clearly promote zero-tolerance policies will contractors and subcontractors respond by ensuring the goods and services they provide are free of exploitation.

Rural Burmese families often sell their young children to work at tea shops in bigger cities.

THE TIERS

TIER 1

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

TIER 2

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

TIER 2 WATCH LIST

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

a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;

b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or,

c) the determination that a country is making significant efforts to bring 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 RAKINGS

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

* See page 249

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2004	134	29		7
2005	194	58		12
2006	170	51		3
2007	123 (28)	63 (26)		5
2008	109 (18)	90 (20)	7,799	10
2009	325 (47)	117 (30)	10,861	8

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	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
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)	3,374	2
2009	357 (113)	256 (72)	5,238	3

Tier Placements

Tier 1 Tier 2 Tier 2 Watch List Tier 3

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

EUROPE

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
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)	8,981	1
2009	2,208 (160)	1,733 (149)	14,650	14

* See page 249

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	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2004	134	59		1
2005	112	104		3
2006	295	187		2
2007	415 (181)	361 (179)		1
2008	120 (56)	26 (2)	688	6
2009	80 (9)	57 (8)	1,011	6

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	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
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)	3,510	2
2009	1,989 (56)	1,450 (10)	8,325	1

Tier Placements

Tier 1 Tier 2 Tier 2 Watch List Tier 3

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

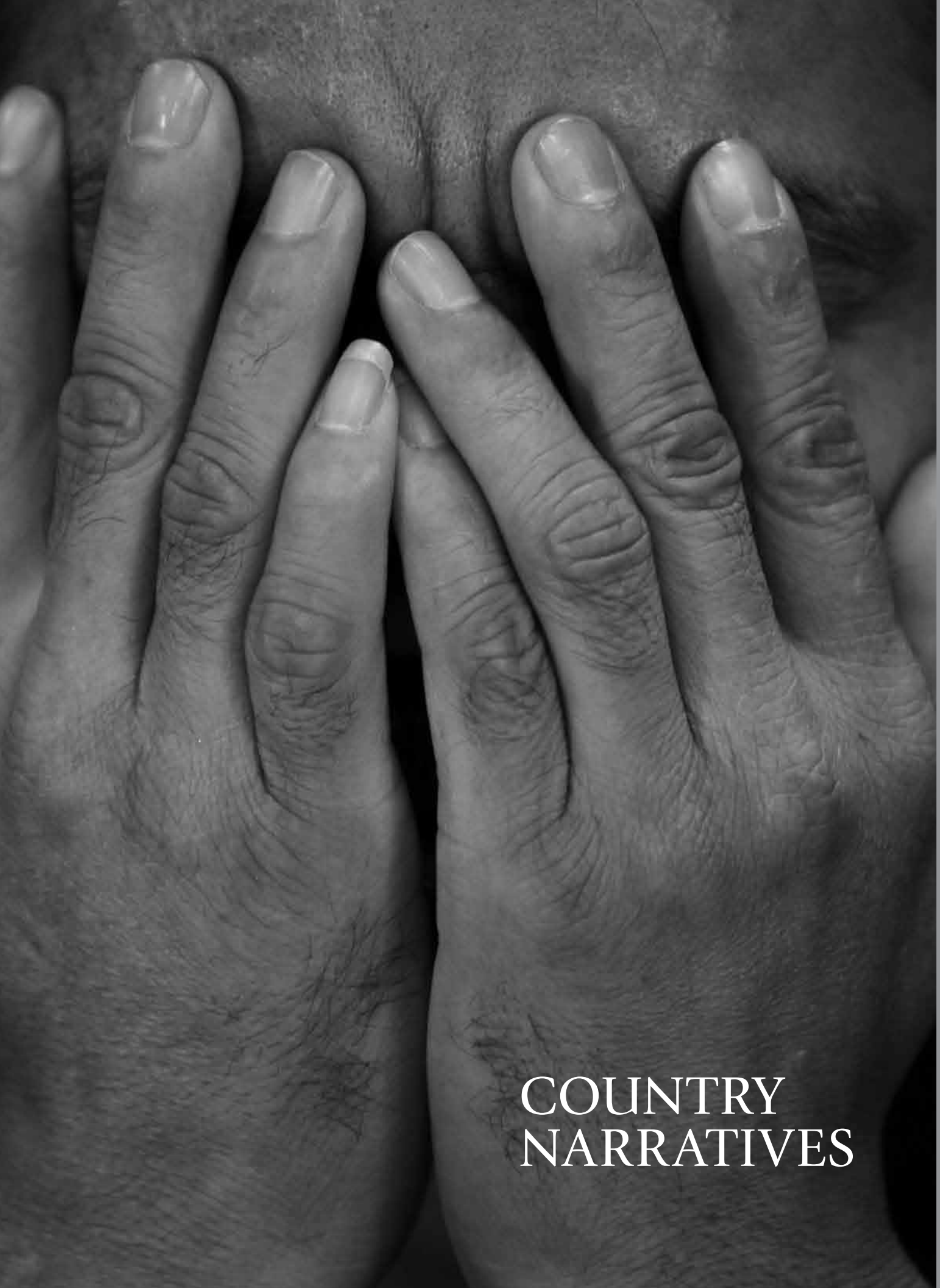
WESTERN HEMISPHERE

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2004	145	56		7
2005	170	59		9
2006	443	63		6
2007	426 (1)	113 (1)		7
2008	448 (42)	161 (24)	6,609	5
2009	647 (47)	553 (66)	9,020	1

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.



COUNTRY NARRATIVES

AFGHANISTAN (Tier 2 Watch List)

Afghanistan is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. Trafficking within Afghanistan is more prevalent than transnational trafficking, and the majority of victims are children. Afghan boys and girls are trafficked within the country for forced prostitution and forced labor in brick kilns, carpet-making factories, and domestic service. Forced begging is a growing problem in Afghanistan; Mafia groups organize professional begging rings. Afghan boys are subjected to forced prostitution and forced labor in the drug smuggling industry in Pakistan and Iran. Afghan women and girls are subjected to forced prostitution, forced marriages—including through forced marriages in which husbands force their wives into prostitution—and involuntary domestic servitude in Pakistan and Iran, and possibly India. NGOs report that over the past year, increasing numbers of boys were trafficked internally. Some families knowingly sell their children for forced prostitution, including for *bacha baazi* – where wealthy men use harems of young boys for social and sexual entertainment. Other families send their children with brokers to gain employment. Many of these children end up in forced labor, particularly in Pakistani carpet factories. NGOs indicate that families sometimes make cost-benefit analyses regarding how much debt they can incur based on their tradable family members.

Afghan men are subjected to forced labor and debt bondage in the agriculture and construction sectors in Iran, Pakistan, Greece, the Gulf States, and possibly Southeast Asian countries. Under the pretense of high-paying employment opportunities, traffickers lure foreign workers to Afghanistan, and lure Afghan villagers to Afghan cities or India or Pakistan, then sometimes subject them to forced labor or forced prostitution at the destination. At the end of 2009 and beginning of 2010, an increasing number of male migrants from Sri Lanka, Nepal, and India who migrated willingly to Afghanistan were then subjected to forced labor.

Women and girls from Iran, Tajikistan, and possibly Uganda and China are forced into prostitution in Afghanistan. Some international security contractors may have been involved in the sex trafficking of these women. Brothels and prostitution rings are sometimes run by foreigners, sometimes with links to larger criminal networks. Tajik women are also believed to be trafficked through Afghanistan to other countries for prostitution. Trafficked Iranian women transit Afghanistan *en route* to Pakistan.

The United Nations reported that children were associated with the Afghan National Police (ANP) during the year. The government is taking measures to improve the age-verification systems of the ANP. Children from ages 12 to 16 years are used as suicide bombers by the Taliban. Some children have been tricked or forced to become suicide bombers. Others are heavily indoctrinated or are not aware that they are carrying explosives that are then set off remotely without their knowledge. Some child soldiers used by insurgent groups were sexually exploited. Boys are sometimes promised enrollment in Islamic schools in Pakistan and Iran, but instead are trafficked to camps for paramilitary training by extremist groups.

The Government of Afghanistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, such as the continued referral of identified trafficking victims to care facilities, the government did not show evidence of increasing efforts over the previous year. Specifically, the Afghan government did not prosecute or convict trafficking offenders under its 2008 law, and punished victims of sex trafficking with imprisonment for adultery or prostitution. Afghanistan is therefore placed on Tier 2 Watch List.

Recommendations for Afghanistan: Increase law enforcement activities against trafficking using the 2008 anti-trafficking law, 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 unlawful acts committed as a direct result of being trafficked, such as prostitution or adultery; ensure that government actors no longer conflate the crimes of kidnapping, human trafficking, and human smuggling; collaborate with NGOs to ensure that all children, including boys, victimized by sex and labor trafficking receive protective services; and undertake initiatives to prevent trafficking, such as continuing a public awareness campaign to warn at-risk populations of the dangers of trafficking.

Prosecution

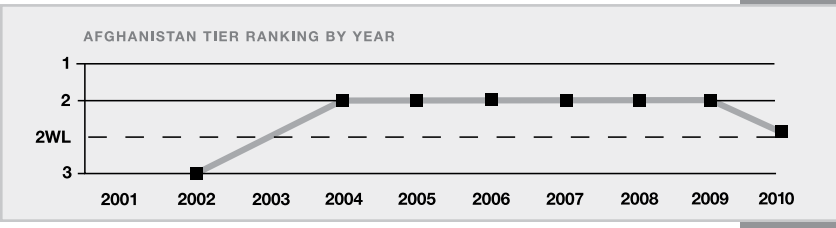
The Government of Afghanistan made no discernible anti-human trafficking law enforcement efforts over the reporting period. Afghanistan's Law Countering Abduction and Human Trafficking (2008) prescribes penalties of life imprisonment for sex trafficking and "maximum term" imprisonment for labor trafficking, which in practice is between eight and 15 years. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. However, the Elimination of Violence Against Women (EVAW) law, enacted in July 2009, supersedes other laws and can be used to decrease the penalties outlined in Afghanistan's anti-trafficking law. The prescribed penalty for an offender who abducts a victim and subjects him or her to forced labor is short-term imprisonment not to exceed six months, and a fine, and the prescribed penalty for an offender who forces an adult female into prostitution is at least seven years. The National Directorate of Security (NDS) has investigated 16 cases of suspected human trafficking crimes and sent them to court for potential prosecution. The Ministry of Interior (MOI) arrested 24 offenders in 19 alleged cases of human trafficking during the reporting period. Since the government of Afghanistan confuses trafficking

with smuggling and abductions, it is not clear whether all of these prosecutions and arrests were for trafficking. The government did not report whether the arrests, investigations, and prosecutions were under the counter-trafficking law. The Afghanistan government did not provide information on human trafficking convictions. The government reported difficulty engaging Pakistani authorities for joint investigation of transnational 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 national and border police and workers in government-run orphanages who facilitated trafficking or raped sex trafficking victims. The International Organization for Migration (IOM) and a foreign government provided separate trainings to police, prosecutors, judges, and other government officials, which included components on identifying victims of trafficking and distinguishing trafficking and smuggling cases.

Protection

The Government of Afghanistan made minimal progress in protecting victims of trafficking. Afghanistan did not have a formal procedure to identify victims of trafficking. The MOI identified 360 victims of sex trafficking—including 44 women, 211 men, 13 girls, and 70 boys. The MOI released 338 of these victims to return home, but did not provide data on whether it ensured their safe return and reintegration. The remaining 22 victims were unaccounted for. The government continued to run two referral centers in Parwan and Jalalabad. Under a formalized referral agreement established in late 2007, Afghan police continued to refer women victimized by violence to the Ministry of Women's Affairs (MOWA), UNIFEM, IOM, and NGOs. The government lacked resources to provide victims with protective services directly; NGOs operated the country's shelters and provided the vast majority of victim assistance, but some faced hardships due to threats from the local community, particularly when assisting in cases that involved perceived "honor" crimes, such as rape. One NGO-run shelter in Kabul is specifically for trafficking victims. Some NGOs running care facilities for trafficking victims reported generally adequate coordination with government officials. The Ministry of Labor and Social Affairs, Martyrs and Disabled (MOLSAMD) provided some job training to street children and children in care facilities, and MOWA provided free legal services to victims of violence; it is unclear how many people served were victims of trafficking. There are no facilities in Afghanistan to provide shelter or specific protective services to male trafficking victims, although an NGO-run shelter for boy victims will open in 2010. 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, while adult men are kept in detention centers during investigation. Living conditions in government-run orphanages are extremely poor and some corrupt officials may have sexually abused children and forced them into prostitution. The anti-trafficking law permits foreign victims to remain in Afghanistan for at least six months; there were no reports of foreign victims making use of this provision of immigration relief.

Serious concerns remain regarding government officials who punish victims of trafficking for acts they may have committed as a direct result of being trafficked. In some cases, trafficking victims were jailed pending resolution of their legal cases, despite their recognized victim status. Female trafficking victims continued to be arrested and imprisoned or otherwise punished for prostitution and fleeing forced marriages for trafficking purposes. In some cases, women who fled their homes to escape these types of forced marriages reported being raped by police or treated by police as criminals simply for not being chaperoned. Victimized women who could not find place in a shelter often ended up in prison; some women chose to go to prison for protection from male family members. There is no evidence that the government encouraged victims to assist in investigations of their traffickers during the reporting period. Attempts to seek redress are impeded in part because an Afghan victim would be in grave danger for simply identifying his or her assailant.



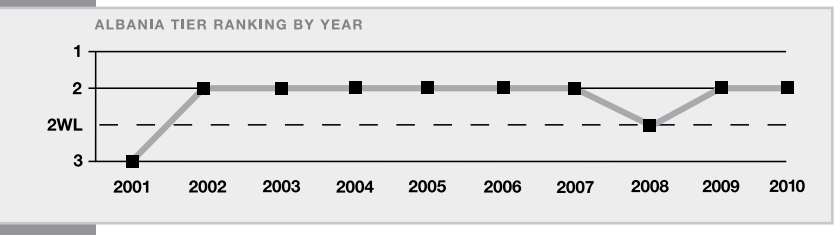
Prevention

During the reporting period, the Government of Afghanistan made no discernible progress in preventing human trafficking. The MOWA Initiative to Strengthen Policy and Advocacy through Communications and Institution Building launched and partially funded a public information campaign with foreign donor support. The campaign was comprised of billboards, radio spots, and a short radio drama series on trafficking, and targeted all 34 provinces. Monitoring reports confirmed increased awareness of trafficking issues. The ANP worked to improve its age verification procedures in order to eliminate child soldiers from its ranks. While the government issued some birth certificates and marriage certificates, many citizens in rural areas do not request or obtain these documents; fewer than ten percent of children are registered at birth. The government did not take steps to reduce the demand for commercial sex acts or forced labor during the reporting period. In December 2009, the Monitoring, Reporting and Response Steering Committee was formed to write an action plan for the government's work with UN Task Forces on Trafficking and Children in Armed Conflict; this action plan has not been completed to date. Afghanistan is not a party to the 2000 UN TIP Protocol.

ALBANIA (Tier 2)

Albania is a source country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor, including the forced begging of children. Albanian victims are subjected to conditions of forced labor and sex trafficking within Albania and Greece, Italy, Macedonia, Kosovo, and Western Europe. Approximately half of the victims referred for care within the country in 2009 were Albanian; these were primarily women and girls subjected to conditions of forced prostitution in hotels and private residences in Tirana, Durres, and Vlora. Children were primarily exploited for begging and other forms of forced labor. There is evidence that Albanian men have been subjected to conditions of forced labor in 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 continued to improve its capacity to identify, protect, and reintegrate trafficking victims. It also successfully prosecuted some sex trafficking offenders, leading to significant penalties imposed on them during the reporting period. In March 2009, the government approved an amendment to the Social Assistance law which will provide victims of trafficking with the same social benefits accorded to other at- risk groups in Albania and provide government funding for shelters. The government continues to track and analyze trafficking trends through a nationwide database. Government officials have increased public attention to trafficking in Albania. There were serious concerns, however, about protection for victims who testified against their traffickers. The government did not vigorously prosecute labor trafficking offenders and did not adequately address trafficking-related complicity. Lack of political will and cooperation in some key government agencies hampered the government's overall ability to vigorously prosecute all forms of trafficking.



Recommendations for Albania: Ensure proactive identification of persons exploited within Albania's sex trade and labor sectors, and intensify partnerships with NGOs to increase detection and referral of all trafficking victims; improve the safety of victims who cooperate as court witnesses by more vigorously implementing the witness protection law for such victims and follow through on plans to create a victim-witness advocate within the Prosecutor General's office; consider establishing a general fund for victim protection and reintegration using assets seized by the Serious Crimes Court from convicted trafficking offenders; finalize the draft law that provides reintegration assistance to victims after they leave a shelter and assistance to shelters; improve identification, protection and specialized services for child trafficking victims; aggressively prosecute labor trafficking offenders and law enforcement officials who are complicit in human trafficking; and continue to improve data collection and analysis efforts in tracking investigations, prosecutions, and convictions.

Prosecution

The Government of Albania sustained its anti-trafficking law enforcement efforts during the reporting period. Albania criminally prohibits sex and labor trafficking through its penal code, which prescribes penalties of 5 to 15 years' imprisonment. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. The State Police and Serious Crimes Prosecution division reported investigating a combined 35 suspected traffickers in 2009. The government prosecuted 31 suspected trafficking offenders in 2009, convicting 11 of them; this contrasts with 26 trafficking offenders convicted in 2008 and seven in 2007. All of the prosecutions and convictions involved sex trafficking of women or children. In 2009, sentences imposed on convicted trafficking offenders ranged from 5 to 16 years' imprisonment. Pervasive corruption in all levels and sectors of Albanian society seriously hampered the government's ability to address its human trafficking problem, according to local observers. While there were no prosecutions of trafficking-related complicity initiated, the Supreme Court overturned convictions of traffickers in two cases in 2009, raising concerns regarding the court's impartiality. In January 2009, the government reported it doubled the number of police investigators to investigate trafficking. The Serious Crimes Court successfully seized and confiscated $268,115 in traffickers' assets and property in 2009. The government, in partnership with other relevant stakeholders, continued its routine anti-trafficking training for police recruits, in-service police personnel, and other front-line responders in 2009. The government also continued its anti-trafficking training for 200 judges, prosecutors, and judicial police officers.

Protection

The Government of Albania took some steps to improve its efforts to identify and protect victims of trafficking victims in 2009. The government implemented its National Referral Mechanism and conducted meetings with relevant stakeholders to improve its functioning. It identified 94 victims of trafficking in 2009, compared with 108 in 2008. The government's one shelter assisted 24 victims and NGOs assisted 70 during the reporting period. In 2009, the government provided free professional training to 38 victims, provided 11

with micro-credit loans to start private businesses, and integrated five victims into schools. In January 2010, it approved a draft law to provide social assistance to trafficking victims bridging the time that they leave the shelters until they find employment. NGO-managed shelters continued to rely primarily on international donor funds in order to provide comprehensive services to trafficking victims. The government continued to fund and operate a reception center that housed both victims of trafficking and irregular foreign migrants identified within Albanian territory; however, victims' freedom of movement is often restricted in this high-security center. The government did not penalize victims for unlawful acts committed in connection with their being trafficked and, under law, it offered legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution, though no victims were granted such legal alternatives during the reporting period.

The government encouraged victims to participate in investigations and prosecutions of trafficking offenders; however, victims often refused to testify, or they changed their testimony as a result of intimidation from traffickers or fear of intimidation. In some cases in 2009, the police offered no protections to trafficking victims when testifying against their traffickers, forcing victims to rely exclusively on NGOs for protection. In 2009, one victim witness received asylum in another country due to ongoing threats from the trafficker to her and her family and concerns that the government could not adequately protect her. The General Prosecutor's office did not request witness protection for victims of trafficking in 2009.

Prevention

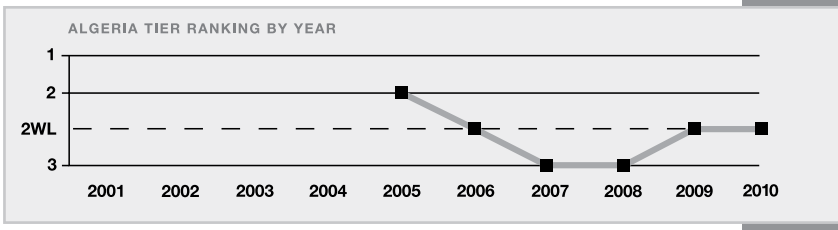
The Government of Albania sustained partnerships with international organizations in order to implement anti-trafficking prevention activities aimed at informing the public and vulnerable groups about trafficking. The National Coordinator's office continued to manage regional anti-trafficking working groups comprised of relevant stakeholders in 2009. These working groups, however, reportedly do not always include civil society actors and they did not efficiently address trafficking cases brought to their attention. The government continued to fund the national toll-free, 24-hour hotline for victims and potential victims of trafficking. In November 2009, the government passed legislation to improve the registration process for new births and individuals in the Roma community; previous cumbersome procedures rendered unregistered Albanians and ethnic Roma highly vulnerable to trafficking.

ALGERIA (Tier 2 Watch List)

Algeria is a transit and, to a lesser extent, destination country for men and women subjected to trafficking in persons, specifically forced labor and forced prostitution. Most commonly, sub-Saharan African men and women enter Algeria voluntarily but illegally, often with the assistance of smugglers, for the purpose of traveling to Europe. Some become victims of trafficking: men may be forced into unskilled labor and women into prostitution to repay smuggling debts. Criminal networks of sub-Saharan nationals in southern Algeria facilitate this irregular migration by arranging transportation, forged documents, and promises of employment. Reliable statistics on the number of potential victims are not available from the government or NGOs. One NGO estimates that the populations most vulnerable to trafficking include between 10,000 and 15,000 illegal sub-Saharan African migrants.

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. The government helped formulate a training program for police, judges, and prosecutors on its counter-trafficking law. Despite these efforts, the government did not show overall progress in punishing trafficking crimes and protecting trafficking victims and continued to lack adequate prevention and protection measures; therefore, Algeria is placed on Tier 2 Watch List for the second consecutive year.

Recommendations for Algeria: Proactively implement the new anti-trafficking law by training law enforcement and judicial officials, investigating potential offenses and prosecuting offenders, and establishing necessary legal structures; 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 made minimal efforts to address human trafficking through investigations, prosecutions, or convictions during the reporting period. Algeria prohibits all forms of trafficking under Section 5 of its criminal code. In March 2009, the government enacted a comprehensive anti-trafficking statute; prescribed penalties range from three to ten years' imprisonment, which can be increased to 20 years if certain aggravating circumstances are found. These penalties are sufficiently stringent and commensurate with those prescribed under Algerian law for other serious

crimes, such as rape. The government did not report investigating or prosecuting any trafficking offenses, or convicting or punishing any trafficking offenders during the year. The Ministry of Justice, in seminars on amendments to the criminal code, briefed judges and prosecutors on Algeria's anti-trafficking law.

Protection

The Government of Algeria made no discernible progress in protecting victims of trafficking over the last year. It did not demonstrate development or use of systematic procedures for the identification of trafficking victims among vulnerable populations, such as foreign women arrested for prostitution or illegal migrants. Victims therefore remained at risk of detention for unlawful acts committed as a result of being trafficked. According to local NGOs, the government did not provide specialized training to government officials in recognizing trafficking or in dealing with victims of trafficking. The government did not provide foreign victims with legal alternatives to their removal to countries where they faced hardship or retribution. The government did not provide medical, counseling, or legal services to victims, nor did it refer victims to other service providers. However, government-operated health clinics that provide emergency care to crime victims were available for victims of trafficking. There is no formal program to encourage trafficking victims to assist with investigation and prosecution of offenders.

Prevention

The Algerian government made minimal prevention efforts during the reporting period. The government convened regional police chiefs in Algiers for a meeting with foreign officials in February 2010 to develop a long-term training plan on transnational crime, including trafficking in persons. Algeria hosted a meeting in March 2010 of Sahel-region foreign ministers to coordinate joint action against transnational crime, including trafficking in persons. The government did not conduct a public awareness campaign on trafficking in persons. It did not have a formal anti-trafficking policy or a national plan of action to complement its anti-trafficking law.

ANGOLA (Tier 2)

Angola is a source and destination country for men, women, and children subjected to trafficking in persons, specifically conditions of forced prostitution and forced labor. Internally, trafficking victims are forced to labor in agriculture, construction, domestic servitude, and reportedly in artisanal diamond mines. Angolan women and children more often become victims of internal rather than transnational sex trafficking. Women and children are trafficked to South Africa, the Democratic Republic of the Congo (DRC), Namibia, and European nations, primarily Portugal. Traffickers take boys to Namibia for forced labor in cattle herding. Children are also forced to act as couriers in illegal cross-border trade between Namibia and Angola as part of a scheme to skirt import fees. Illegal migrants from the DRC voluntarily enter Angola's diamond-mining districts, where some are later reportedly subjected to forced labor or prostitution in the mining camps.

The Government of Angola does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government educated the public about the dangers of trafficking in Angola, amended its constitution to specifically prohibit human trafficking, and maintained its level of funding for anti-trafficking activities despite a significant drop in national revenue and subsequent cuts to its national budget. The government took some proactive steps to prevent human trafficking during an international soccer tournament, identified trafficking victims, trained more counter-trafficking investigators and agents, and increased enforcement at key trafficking border crossings. No trafficking offenders, however, were prosecuted, and services for victims remained minimal.

Recommendations for Angola: Specifically amend the Penal Code to prohibit and punish all forms of trafficking in persons and sufficiently protect victims; continue to increase the capacity of law enforcement officials to identify and protect victims; collect anti-trafficking law enforcement data on offenses, identified victims, and prosecutions to evaluate the effectiveness of anti-trafficking activities; provide support for the establishment and maintenance of new shelters and other care facilities for trafficking victims; follow through on promising prevention efforts which create opportunities to identify victims and investigate trafficking offenders; and develop and implement procedures for the identification of trafficking victims and their referral to providers of victims' services.

Prosecution

The Government of Angola provided no evidence of an increase in its anti- trafficking law enforcement efforts over the last year. Angola does not have a law that specifically prohibits all forms of trafficking in persons, though the new constitution promulgated on February 5, 2010 prohibits the trafficking in humans and organs. The Penal Code has not yet been amended to reflect these provisions in a way which would allow officials to enforce them against trafficking offenders. Articles 390-395 of the Penal Code prohibit forced prostitution and forced or bonded labor, prescribing penalties of two to eight years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious offenses. The government did not report any investigations or prosecutions of trafficking or trafficking-related crimes under these statutes during the year. Statistics on investigations or criminal convictions were not made publicly available. The government strengthened its partnership with IOM, through which it provided for the training of 251 police officers, 359

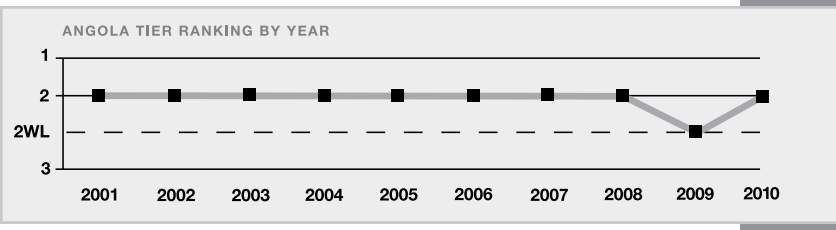
law enforcement officials, 40 prosecutors, 26 NGOs, and 51 stakeholders in trafficking awareness and effective measures to counter trafficking. At the local level, police and military officials have been implicated in facilitating the illegal entry of foreigners into the diamond-mining provinces of Lunda North and Lunda South, some of whom reportedly become victims of forced labor or prostitution in the mining camps. The UN Joint Human Rights Office reported in May 2009 that Congolese officials broke up a sex trafficking ring that had "sold" more than 30 trafficked women and girls to Angolan military personnel in Cabinda province. Despite this, no investigations or prosecutions of officials for complicity in human trafficking were reported.

Protection

During the past year the government sustained modest efforts to ensure that victims of trafficking received access to assistance. The government continued to rely heavily upon religious, civil society, and international organizations to protect and assist victims of trafficking; authorities identified and referred 33 victims of labor trafficking to care providers in the last three months of 2009. NGOs credit this recent increase in the number of identified victims with more public awareness and better reporting, rather than an increase in the occurrence of trafficking in Angola. In partnership with UNICEF, the government's National Children's Council (INAC) continued to operate 18 Child Protection Networks (CPNs), which serve as crisis "SOS Centers" for victims of trafficking and other crimes who are between the ages of 9 and 16. There were no apparent victim services available for child victims under the age of nine. The CPNs offered rescue services, health, legal and social assistance, and family reunification. Government personnel referred an unspecified number of suspected victims over the age of 16 to shelters and services provided by the Organization of Angolan Women (OMA), an NGO that receives government support. Law enforcement, immigration, and social services personnel do not have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact. The government does not offer victims long-term assistance, nor does it offer temporary or permanent residency to foreign victims of trafficking. Draft anti-trafficking legislation currently includes provisions to provide foreign trafficking victims with the same kind of social assistance, residence, and legal protection provided to asylum seekers. 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, or relief from prosecution for crimes committed as a direct result of being trafficked.

Prevention

The Angolan government made modest efforts to prevent trafficking over the reporting period. High-ranking Ministry of Interior (MOI) and other officials made public statements condemning trafficking and raised awareness of the issue throughout the rating period. In October 2009, the government conducted and partially funded, in concert with IOM, a national conference on the prevention of human trafficking in preparation for the Africa Cup of Nations football tournament (CAN 2010), which Angola hosted in January 2010. The MOI, in partnership with IOM, ran a soccer-themed public awareness campaign entitled "Drop the Red Flag on Human Trafficking," featuring flyers and billboards in Portuguese, English, and French. The MOI hired a private sector consultant to help develop its counter-trafficking strategy for CAN 2010, and sought technical assistance from Interpol and the Governments of Germany, Portugal, Brazil, and South Africa. The MOI also coordinated with IOM to provide counter-trafficking training to officials from INAC and the Ministries of Social Assistance and Reintegration, Justice, and Foreign Affairs. In partnership with IOM and the Embassy of Norway in Luanda, the MOI funded and distributed trafficking awareness pamphlets targeted to vulnerable populations. The Association of Women's Police Officers trained other police officers to recognize child traffickers and exploiters in preparation for the CAN 2010 games. As part of its anti-trafficking campaign during the CAN 2010, the government made some efforts to reduce the demand for commercial sex acts, particularly child prostitution. Angola is not a party to the 2000 UN TIP Protocol.

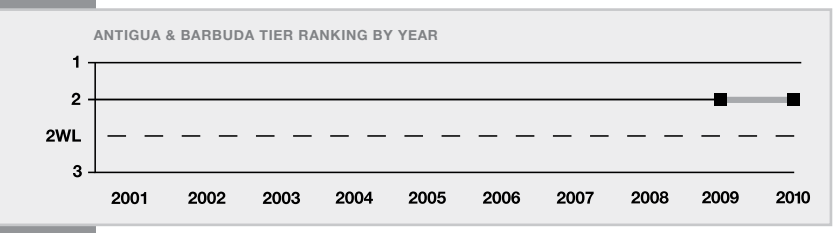


ANTIGUA AND BARBUDA (Tier 2)

Antigua and Barbuda is a destination country for a small number of women from Guyana, Haiti, Jamaica, and the Dominican Republic subjected to trafficking in persons, specifically forced prostitution. To a lesser extent, it is reportedly also a destination country for women subjected to involuntary domestic servitude in private homes. Business people from the Dominican Republic and Antiguan citizens acting as pimps and brothel owners subject foreign women to forced prostitution primarily in four illegal brothels that operate in Antigua as well as in private residences that operate as brothels. Some of these foreign women voluntarily migrate to Antigua to engage in prostitution but are subsequently subjected to force or

coercion and become victims of sex trafficking. After their arrival, brothel managers confiscate their passports and threaten the victims with deportation until they repay the brothel owner for travel and other expenses they were not aware they had incurred. Some other foreign victims of sex trafficking enter the country legally with work permits as "entertainers" then are subsequently forced to engage in prostitution.

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 and a relatively small number of victims, the government identified possible cases of human trafficking, provided training to law enforcement officials, provided victims with shelter and services, and continued to run public awareness and education programs. No trafficking offenders have been arrested or prosecuted, however, and law enforcement officers continue to treat some probable victims as criminals.



Recommendations for Antigua and Barbuda: Draft and enact a comprehensive anti-human trafficking law; investigate and prosecute trafficking offenses under existing laws, and convict and punish trafficking offenders; proactively identify trafficking victims among vulnerable populations such as foreign women in prostitution and in domestic service; allocate additional resources for the anti-trafficking work of the Gender Affairs Directorate and National Coalition Against Trafficking in Persons; include provisions in immigration laws which provide undocumented foreigners who may be trafficking victims relief from automatic deportation; and increase training for law enforcement officers on victim identification.

Prosecution

The Government of Antigua and Barbuda made minimal progress in its anti-human trafficking law enforcement efforts over the last year. Authorities assisted probable victims of trafficking, but no trafficking offenders were arrested or prosecuted during the year. Antiguan law does not specifically prohibit trafficking in persons, although forced and compulsory labor are specifically prohibited in the Constitution. Existing statutes such as Section 18 of the Sexual Offenses Act of 1995 prohibit some sex trafficking offenses as well as trafficking-related offenses, though these were not used to prosecute sex trafficking offenders during the year. Prescribed penalties for forced prostitution of up to 10 years' imprisonment are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. There were no reported efforts to prosecute trafficking offenders under existing laws covering forced adult or child labor. Labor officials reportedly inspected workplaces periodically, and reported no instances of the forced labor of children or adults. Law enforcement and immigration agencies did not yet have sufficient training, funding, and equipment to effectively follow up on requests from the anti-trafficking coalition to investigate suspected cases of sexual and domestic servitude. Immigration officers continued to summarily deport foreign women found engaging in illegal prostitution without first determining whether the women were possible victims of sex trafficking. Under Antiguan law, it is a crime for employers to confiscate their employees' passports or other identity and travel documents. Police helped probable trafficking victims to recover their passports and other personal documents that had been confiscated by their employers. No employers, however, were arrested or prosecuted for illegally depriving their employees of their passports or travel documents. Individual immigration officials were reportedly complicit in the sex trafficking of two women during the year. The Gender Affairs Directorate did not yet receive a satisfactory response to its 2008 request that the immigration department conduct a review of why immigration officials had issued work-permits to foreign women who were almost certain to engage in an illegal activity such as prostitution, and who had indeed been subjected to debt bondage and commercial sexual exploitation after they entered the country.

Protection

The Government of Antigua and Barbuda continued solid efforts to offer victims medical, psychological, legal, and social services. As the government lacked sufficient resources to build a permanent, secure shelter for trafficking victims, the Gender Affairs Directorate established a series of emergency safe havens. This network consists of several locations provided by businesses, churches, clinics, and private individuals where trafficking victims can be securely sheltered out of reach of their victimizers. The Gender Affairs Directorate received funds to coordinate the work of the National Coalition Against Trafficking in Persons and to provide legal, health, advocacy, and crisis services accessible to all victims of trafficking, regardless of nationality. The Gender Affairs Directorate continued to recruit Spanish-speaking volunteers to assist with suspected cases of trafficking involving foreign nationals. Other NGOs provided services such as health screening and assistance in repatriation. Unlike most other government officials, police and immigration officers made no effort to identify victims among vulnerable populations, such as foreign women in prostitution, and they continued to treat potential trafficking victims as criminals. As yet, Antiguan law does not allow time for immigration officials to investigate whether an illegal migrant is or

may be a trafficking victim before he or she must be deported; some foreigners detained for immigration violations likely were trafficking victims. In most cases involving possible trafficking victims, foreign women without proper documentation were deported for immigration violations before officials attempted to identify whether any were trafficking victims and what kind of protection or care any potential victims may have needed. The government offered no legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution. The government did not encourage victims to assist in the investigation and prosecution of trafficking crimes.

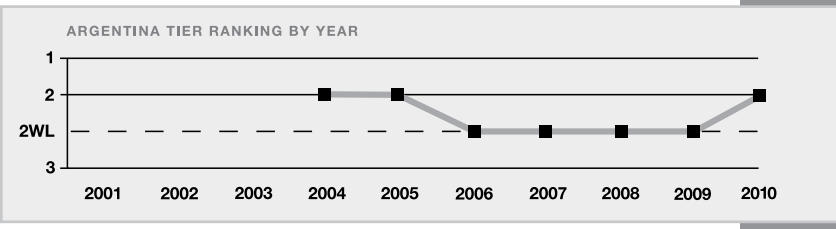
Prevention

The Government of Antigua and Barbuda sustained modest efforts to prevent human trafficking and increase public awareness of this crime. The government continued to run awareness campaigns, many in English and Spanish, in the form of anti-trafficking brochures and radio spots. Country-wide anti-trafficking activities were coordinated by the National Coalition Against Trafficking in Persons, made up of the Ministries of Social Welfare, Social Transformation, Health, Labor and Gender Affairs, the Immigration department, and the Royal Antigua and Barbuda Police Force as well as partners from various civil society groups, NGOs, and community activists and advocates. The coalition, under the leadership of the Gender Affairs Directorate, met 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 focused on educating immigrants, the general public, and front-line workers on human trafficking; established a spokesperson to represent the coalition; combined trafficking outreach and protection efforts with the Gender Affairs Directorate's crisis hotline; and reviewed anti-trafficking legislation and statutory instruments. The government also formed individual partnerships with regional and local NGOs, religious representatives and community advocates to better organize their anti-trafficking efforts and outreach. The government did not carry out or sponsor any programs to reduce demand for commercial sex during the reporting period.

ARGENTINA (Tier 2)

Argentina is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Many victims from rural areas or northern provinces are forced into prostitution in urban centers or wealthy provinces in central and southern Argentina. The tri-border area with Paraguay and Brazil is a significant source area for Argentine sex trafficking victims, as well as a transit region for labor trafficking victims from Paraguay. A significant number of foreign women and children, primarily from Paraguay, Brazil, Peru, and the Dominican Republic, are forced into prostitution in Argentina. Bolivians, Paraguayans, and Peruvians, as well as Colombians and Dominicans, are subjected to forced labor in sweatshops, on farms, and increasingly in grocery stores and as street vendors. 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, and some Argentine women and girls are found in forced prostitution in Western Europe. Argentina's long borders are difficult to monitor, making the country a transit area for traffickers and their victims.

The Government of Argentina does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the past year, the Government of Argentina achieved its first convictions under the 2008 anti-trafficking law and improved government mechanisms for identifying and caring for trafficking victims. However, while numerous trafficking cases are currently in progress, the overall number of convictions was low in comparison with the number of victims identified, shelters remained inadequate, and alleged complicity of government officials with traffickers prevented more comprehensive anti-trafficking efforts.



Recommendations for Argentina: Vigorously implement the new anti-trafficking law; ensure that trafficking prosecutions are not dismissed on the basis of victims' consent; 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 be complicit in trafficking crimes; increase investigations of forced labor and involuntary domestic servitude crimes; dedicate more resources for victim assistance, particularly shelters; enhance victim protections; and increase anti-trafficking training for law enforcement, judges, and other public officials.

Prosecution

The Government of Argentina increased 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 exceed those prescribed for other serious crimes, such as rape. According to Argentine law, all

suspects charged with crimes that have a minimum penalty of three years are eligible to post bail. Authorities indicted 90 individuals in 54 trafficking cases. During the reporting period, the government obtained three convictions of sex trafficking offenders, with one sentence for four years, another for 10 years, and one trafficking offender under house arrest after receiving a four-year sentence. A federal court in Buenos Aires province ruled that trafficking victims cannot provide consent when their social or economic background limits free choice. NGOs report that during legal proceedings, victims are sometimes asked if they initially consented to engage in certain activities, such as prostitution, and affirmative answers were sometimes considered proof that the victim was not trafficked.

According to NGOs and international organizations, some provincial and local law enforcement officers are complicit in human trafficking crimes. Some police officers reportedly turn a blind eye to trafficking activity or tip off brothel owners about impending raids. The government did not convict any government officials involved in human trafficking last year, although there were several ongoing investigations into suspected police complicity in commercial sexual exploitation cases. In addition to the central government's anti-trafficking prosecutor's office, at least 10 provinces have created their own specialized law enforcement units to investigate trafficking. Argentine authorities worked with foreign governments to investigate several trafficking cases. The prosecutor general approved a standardized protocol for investigation of sex trafficking cases and guidelines for identifying, interviewing, and assisting victims. Authorities trained over 4,000 judicial officials and law enforcement officers on victim identification and care; however, there is a need for further training for officials on how to investigate and prosecute trafficking crimes.

Protection

The government assisted trafficking victims during the reporting period, though international organizations and NGOs provided most specialized victim services. In response to a rising number of Dominican trafficking victims, in 2009, Argentine authorities established an airport interview process to identify trafficking victims among Dominican citizens attempting to enter the country. The National Migration Agency increased its inspections of migrants' living and working conditions in Buenos Aires more than tenfold. The federal government did not operate shelters dedicated solely to trafficking victims, but provided modest funding to some domestic violence shelters at the local level. The majority of trafficking victims were referred to government-operated public shelters, such as domestic violence shelters, or shelters run by local NGOs or religious orders: in some cases, authorities placed victims in hotels or safe houses. There is only one shelter dedicated solely to trafficking victims in Argentina, and it is run by an NGO. Many shelters were oversubscribed, and the quality and level of victim care varied widely by province. The government did not provide specialized care for adult male victims. After transferring the Office for Rescue and Caring of Victims of Trafficking from the Ministry of the Interior to the Ministry of Justice in 2009, psychologists, social workers, and policy experts were included in law enforcement efforts involving the identification of victims. During the reporting period, the government conducted 254 raids on suspected commercial sex sites and sweatshops and rescued 421 trafficking victims: over three-quarters of these victims were adults. The Office for Rescue and Caring of Victims of Trafficking provided initial post-rescue care, including access to legal, medical, and psychological services. The governments of Salta and Chaco provinces maintained their own victim care offices. Foreign victims had the same access to care services as Argentine victims. Argentine authorities encouraged victims to assist with the investigation and prosecution of their traffickers; however, some officials reported deficiencies in witness protection provided to victims. There were no specific reports of victims being jailed or penalized for unlawful acts committed as a direct result of being trafficked. Trafficking victims may petition the Argentine government for temporary residency on humanitarian grounds, and citizens of Mercosur member or associate states can obtain temporary residency in Argentina under Argentine immigration law, though it was not clear how many victims, if any, received such temporary residency. The government did not report identifying or assisting any repatriated Argentine victims of trafficking abroad.

Prevention

The government sustained its prevention activities. Several provincial governments organized anti-trafficking campaigns, and used films, leaflets, and workshops in schools to raise public awareness. The City of Buenos Aires passed a law designating a "Week for the Fight Against Trafficking." The government increased its ability to monitor the trafficking situation through enhanced data collection and research efforts. Argentine penal code does not specifically prohibit child sex tourism and the government did not prosecute any child sex tourists. In an effort to reduce the demand for commercial sex acts, the Prosecutor General signed a resolution instructing federal prosecutors to seek the closure of all brothels NGOs reported, however, that brothels are generally tipped off by local police in advance of raids and that the resolution will have little effect unless something is done to address police complicity. The government provided anti-trafficking training to Argentine troops prior to their deployment on international peacekeeping operations.

ARMENIA (Tier 2)

Armenia is a source country for women subjected to trafficking in persons, specifically forced prostitution, a source and destination country for women in forced labor,

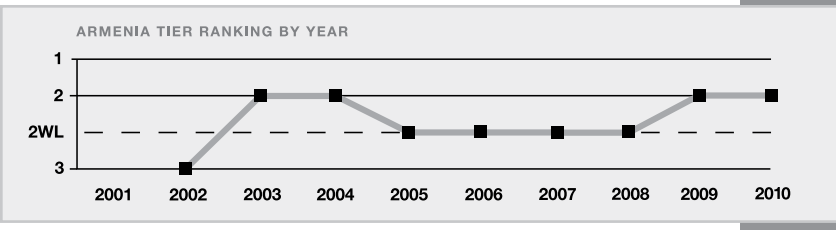
and a source country for men in forced labor. Women from Armenia are subjected to sex trafficking in the UAE and Turkey. Armenian men and women are subjected to forced labor in Russia while Armenian women are subjected to forced labor in Turkey. Armenian boys are subjected to conditions of forced labor and Armenian women and girls are subjected to forced prostitution within the country. Women from Russia are subjected to conditions of forced labor in Armenia.

The Government of Armenia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In January 2010, the government enacted legislation that increased the minimum penalty for convicted trafficking offenders to five years' imprisonment, allowed for the confiscation of assets from convicted trafficking offenders, and exempted trafficking victims from criminal prosecution for crimes committed as a direct result of being trafficked. While the government did not provide funding for victim assistance in 2009, in March 2010 it allocated approximately $15,000 to an NGO-run shelter for facility rent. The government continued to implement its national trafficking victim referral mechanism and nearly doubled the number of victims it identified compared with the previous year. The government demonstrated modest progress in combating government officials' complicity in trafficking; however, more should be done to prosecute suspected officials.

Recommendations for Armenia: Provide funding for NGOs providing victim assistance; vigorously investigate, prosecute, and convict officials complicit in trafficking; increase the number of victims referred to NGO service providers for assistance; consider partnerships with NGOs that would allow them to regularly assist law enforcement with the victim identification process; continue to improve efforts to protect victims who consent to serving as witnesses for the state in prosecutions of traffickers; continue to ensure that victims are provided with legally mandated assistance (medical, legal, primary needs, and shelter) at all appropriate stages of the victim assistance process; continue to ensure a majority of convicted trafficking offenders serve time in prison; ensure that all funding allocated for anti-trafficking programs and victim assistance is spent on designated programs; and continue efforts to raise public awareness about both sex and labor trafficking.

Prosecution

The Armenian government increased its overall law enforcement efforts against human trafficking during the reporting period, however, it did not demonstrate efforts to prosecute cases linked to previous allegations of government officials' complicity. Armenia prohibits trafficking in persons for both forced labor and commercial sexual exploitation through Articles 132 and 132-1 of its penal code which, as amended in January 2010, prescribe penalties of at least five years' imprisonment and up to 15 years' imprisonment – penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government investigated 15 cases of trafficking – including nine sex trafficking and six labor trafficking investigations – compared with 13 investigations in 2008. Armenian courts prosecuted 19 individuals in 12 trafficking cases during the reporting period, compared with eight individuals prosecuted in 2008. Authorities convicted 11 trafficking offenders in 2009 – including eight individuals for sex trafficking and three for labor trafficking – up from four convictions in 2008. All 11 convicted offenders in 2009 were given prison sentences; no traffickers received suspended sentences. Four offenders were given sentences ranging from three to five years' and seven offenders were given sentences ranging from seven to 13 years' imprisonment. As a result of the government's anti-trafficking partnerships with outside parties, approximately 447 government officials received training from anti-trafficking NGOs, international organizations, foreign governments, and the Armenian government on a range of anti-trafficking issues including the application of Armenia's anti-trafficking law and the national victim referral mechanism, investigation techniques, and forced labor.



Although there were no new reports of government officials' complicity in trafficking over the last year, the government demonstrated only modest progress in the reopened investigation of a well-documented 2006 corruption case. The separate trial of a former deputy principal of a state-run special needs school who was accused of forcing two students to beg in 2008 remained in progress at the conclusion of this reporting period.

Protection

The Government of Armenia demonstrated mixed efforts to identify and provide protection to victims of trafficking during the reporting period. The government did not spend the funding that it had allocated for victim assistance in 2009, however in March 2010, it signed an agreement with a local NGO to provide funding for facility rent for one trafficking shelter from February through December 2010. In September 2009, the government issued a decree that ensures victims are provided access to free state-provided medical services; two victims received such medical assistance during the reporting period. The government continued to implement its national victim referral mechanism. In March 2010, the government enacted changes to the

national referral mechanism, increasing government-funded assistance and shelter for trafficking victims from seven to 30 days after their initial identification; additional assistance was contingent upon their cooperation with law enforcement investigations. NGOs expressed concern that the national referral mechanism was disproportionately focused on prosecuting trafficking offenders rather than assisting victims. The government significantly increased the number of identified victims during the reporting period: law enforcement officials identified 60 victims in 2009 and referred 22 of them to NGOs for assistance, compared with 34 victims identified and 20 referred for assistance in 2008. Foreign-funded NGOs assisted 26 victims in 2009, compared with 24 victims in 2008. Victims were encouraged to cooperate with law enforcement bodies; in 2009, all 60 victims assisted police with trafficking investigations. NGOs also reported improved sensitivity for victims' rights by judges and prosecutors. Foreign trafficking victims identified within Armenia were permitted to stay in the country and work in the local economy. In November 2009, the government enacted a legislative amendment that exempts trafficking victims from criminal prosecution for any unlawful acts they may have committed as a direct result of being trafficked; there were no reports of victims being penalized for such acts during the reporting period. The lack of appropriate victim-witness protection continued to be an issue of concern; this may have hampered Armenia's prosecution efforts.

Prevention

The Armenian government demonstrated adequate anti-human trafficking prevention efforts, particularly through awareness raising during the reporting period. In 2009, the government's Migration Agency allocated about $8,000 for the publication and distribution of 100,000 brochures and leaflets describing legal procedures for Armenians seeking to work abroad. These materials were distributed to migrant travelers at the airport in Yerevan and also at employment centers and social resource centers. The government also provided approximately $20,000 for an awareness campaign targeted at adolescents titled "Campaigns Among Youth to Increase Awareness on the Threat of Trafficking." The campaign included a digital video conference discussion of the dangers of trafficking that aired on Armenian public television. The campaign also included additional regional workshops to train youth leaders about the dangers of trafficking – this information was then disseminated to their peers. Border officials did not specifically monitor emigration and immigration patterns for evidence of trafficking, and the government made no discernible efforts to reduce demand for commercial sex acts.

AUSTRALIA (Tier 1)

Australia is a source and destination country for women subjected to trafficking in persons, specifically exploitation in forced prostitution, and, to a lesser extent, women and men in forced labor and children in commercial sexual exploitation. It is also a source country for child victims of sex trafficking. Primarily teenage girls, but also some boys, are forced into prostitution by pimps. Some indigenous teenage girls are exploited in prostitution at rural truck stops. Some women from Thailand, Malaysia, South Korea, Taiwan, Vietnam, China, and, to a lesser extent, Eastern Europe, migrate to Australia voluntarily intending to work legally or illegally in a number of employment sectors, including prostitution. Subsequent to their arrival, however, some of these women are coerced into illegal prostitution. They are sometimes held in captivity, subjected to physical and sexual violence and intimidation, manipulated through illegal drugs, and obliged to pay off unexpected or inflated debts to their traffickers. Some victims of sex trafficking have also been exploited in involuntary domestic servitude. For apparently the first time, a woman from Australia was identified as a trafficking victim in the United States.

Men and women from several Pacific islands, India, China, South Korea, and the Philippines are recruited to work temporarily in Australia. After their arrival, some are subjected by unscrupulous employers and labor agencies to forced labor in agriculture, viticulture, construction, and other sectors. They face confiscation of their travel documents, confinement on the employment site, threats of physical harm, and debt bondage through inflated debts imposed by employers or labor agencies. Most often, traffickers are part of small but highly sophisticated organized crime networks that frequently involve family and business connections between Australians and overseas contacts. Some traffickers attempt to hide their foreign victims from official notice or prevent victims from receiving assistance by abusing the legal system in order to create difficulties for victims who contact authorities for help. Relative to the population of Australia, research indicates that the estimated number of trafficking victims is modest.

The Government of Australia fully complies with the minimum standards for the elimination of trafficking. Australia has adopted a whole-of-government response to people trafficking, which includes a national policing strategy and specialist police investigation teams, a victim support program which includes long-term residence and care for foreign victims, and extensive regional cooperation efforts. During the year, the government prosecuted and convicted trafficking offenders, amended victim protection regulations to better protect victims, continued a long-term trafficking research project, objectively evaluated its own anti-trafficking activities, and provided training and consultation to foreign government officials on trafficking matters. Labor

trafficking and internal sex trafficking of children are less well understood. Recently, they have received greater attention from the media and academics, and the government has begun in-depth research and planning.

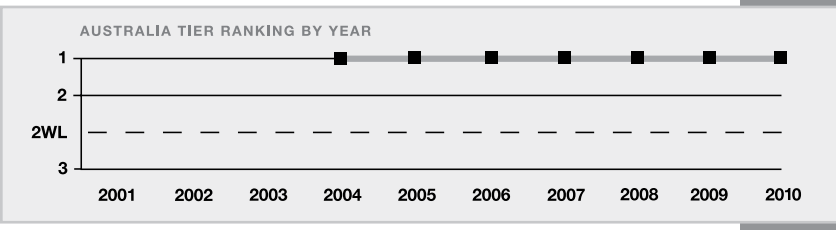
Recommendations for Australia: Continue to proactively identify trafficking victims within the legalized and illegal sex trades; expand efforts to criminally prosecute employers and labor recruiters who subject migrant workers to debt bondage and involuntary servitude; provide criminal penalties for employers who exploit foreign laborers; continue to take a programmatic leadership role in the Southeast Asia region; and expand current anti-trafficking awareness campaigns directed at clients of the sex trade.

Prosecution

The Government of Australia demonstrated increased anti-trafficking law enforcement efforts over the last year. Australia prohibits sex and labor trafficking and trafficking-related offenses through Divisions 270 and 271 of the Commonwealth Criminal Code, which prescribe maximum penalties from 12 to 25 years' imprisonment and fines of up to $152,000. These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses. The Migration (Employer Sanctions Amendment) Act of 2007 prohibits exploiting migrant employees through forced labor, sexual servitude or slavery, and prescribes penalties of up to five years' imprisonment or various fines that are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. In the past year, the government prosecuted and convicted four sex trafficking offenders and two labor traffickers. Three are currently appealing their convictions. Seven additional sex trafficking prosecutions were initiated but not concluded as of the end of the reporting period. In February 2010, two traffickers were convicted in Cairns Supreme Court on charges of possessing and using a slave after luring a Filipina woman to Australia and enslaving her as a domestic servant and concubine. In late March 2010, a Tasmanian court sentenced one trafficker to ten years' imprisonment for prostituting a 12-year-old girl to more than 100 clients in 2009. After the conviction, police launched a manhunt for the 100 men who allegedly paid the pimp for sex with the child. In December 2009, police in Sydney arrested two men for sexually abusing and prostituting a teenage boy over an eight-year period in the 1980s. Australian Federal Police (AFP) investigators with the Transnational Sexual Exploitation and Trafficking Teams (TSETT), specialist units responsible for investigating trafficking offenses as well as child sex tourism and the on-line sexual exploitation of children, were trained to conduct complex, sensitive, protracted trafficking investigations in a multi-jurisdictional and international environment. The AFP sustained partnerships with several other countries' law enforcement authorities, sharing the benefit of their experience with them through an investigation training package covering legislation, investigative methodologies, trafficking trends, intelligence targeting, and victim liaison.

Protection

The Government of Australia increased its efforts to provide protection and care to victims of trafficking over the last year. Changes to the Support for Victims of People Trafficking Program and the People Trafficking Visa Framework, which went into effect on July 1, 2009, ensure that victims of trafficking can access support services regardless of whether they assist police with an investigation or prosecution. These amendments also abolished temporary witness protection visas, added a 20-day transition period for victims voluntarily leaving the support program, and sped up the process for granting permanent witness protection visas to foreign victims and their immediate family members. The Office of Women managed the Support for Victims of People Trafficking Program; between January 2009 and January 2010, it provided 57 victims with support, including accommodation, living expenses, legal aid, health services and counseling. Since 2004, approximately 10 percent of the victims who received services under the Program were victims of labor trafficking outside of the sex trade. Officials followed formal procedures for proactively identifying victims in vulnerable populations, including women involved in the legal sex trade, and referring them for services. The government encouraged victims to participate in trafficking investigations. No victims were incarcerated, fined, or penalized for unlawful acts committed as a direct result of being trafficked.



Prevention

The Government of Australia demonstrated efforts to prevent trafficking in persons during the year. The government committed $9.2 million for anti-trafficking activities in 2009-2010; it coordinated efforts of at least 10 government agencies guided by a 2003 anti-trafficking strategy. The government convened a meeting in June 2009 of the National Roundtable on People Trafficking, a mechanism for coordinating among its agencies and NGOs. In 2009, the government along with the Australian Human Rights Commission and the Anti-Slavery Project published the *National Guidelines for NGOs Working with Trafficked People*. Officials continued to include the "Travel Smart: Hints for Australian Travelers," brochure with all passport issuances, which highlights Australian trafficking and child sex crime laws and details for

reporting a possible violation of the child sex laws to the AFP. During the reporting period, the TSETTs conducted 372 investigations and assessments of allegations of child sex tourism offenses, and the government prosecuted one Australian alleged child sex tourist. The Crimes Legislation Amendment (Sexual Offences Against Children) Bill 2010, passed by the Senate in March 2010 but not yet enacted, will increase prescribed penalties for child sex tourism to 20 years' imprisonment, and introduce new aggravated offenses with penalties of up to 25 years' imprisonment. In October 2009, a local council in Melbourne introduced an "Anti Slavery and Sexual Servitude Local Law" requiring brothels to display signs in English, Thai, Korean, Chinese and Russian providing information on the crime of slavery and sexual servitude, and on how to seek help for those involved in sex slavery. Australian diplomats and consular personnel received training in identifying and providing assistance to victims of trafficking overseas. In addition, the government provided substantial funding for law enforcement training, victim assistance programs, and prevention activities throughout Southeast Asia. The Australian government foreign assistance agency, AUSAID, funded the Asia Regional Traffic in Persons project (ARTIP), which promotes a coordinated approach to trafficking in persons by criminal justice systems throughout the region. Partner ARTIP countries include Thailand, Lao PDR, Cambodia, Burma, Indonesia, Vietnam, and the Philippines. In February 2009, ARTIP presented ASEAN with a draft resource, *Trafficking in Persons: Handbook on International Cooperation*, which will provide a blueprint for mutual legal assistance and extradition in the region. The Australian government educated troops and police officers on trafficking issues, as well as the legal ramifications of engaging in or facilitating trafficking, or exploiting trafficking victims, prior to their deployments on international peacekeeping missions.

AUSTRIA (Tier 1)

Austria is a destination and transit country for women, men, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Victims originate from Eastern Europe, Africa, and Asia. Austrians reportedly spent $4.3 billion on domestic workers in 2009; exploitation is believed to be a significant problem in this sector. Some forced domestic servitude involves diplomats, primarily from the Middle East, who enjoy diplomatic immunity. Forced labor occurs in the agricultural, construction, restaurant, and tourism industries. Forced begging involving Roma children and others from Eastern Europe continued to be a problem. An NGO that works primarily with Nigerian trafficking victims reported traffickers abuse the legal prostitution and asylum processes to control their victims and keep them in Austria legally.

The Government of Austria fully complies with the minimum standards for the elimination of trafficking. The government identified and referred an increased number of trafficking victims for assistance, and police demonstrated an increasingly victim-centered approach to law enforcement efforts. In an attempt to prevent involuntary domestic servitude, the government amended its regulations in 2009 to require all foreign domestic workers to appear in person at the Ministry of Foreign Affairs to receive information on how to get help if they become victims of forced labor. It hosted a UN event to notify foreign embassies in Austria about this new requirement. The Austrian government, however, did not adequately punish convicted trafficking offenders, and it did not employ systematic procedures for the identification and referral of victims. Also, some child victims of trafficking were penalized for unlawful acts committed as a direct result of being trafficked.

Recommendations for Austria: Aggressively prosecute traffickers to ensure a majority of trafficking offenders serve some time in prison; establish a systematic identification and referral process throughout Austria, including in immigrant reception centers; establish specialized care for children who are victims of trafficking; establish services for men who are victims of forced labor; take measures to improve public awareness of trafficking in Austria and reduce demand; consider amending 104(a) to increase penalties for trafficking cases, including cases involving children; and provide specialized training for law enforcement and social workers involved in the rehabilitation of victims.

Prosecution

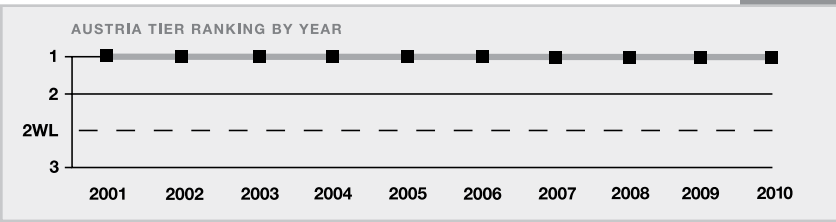
The Austrian government demonstrated moderate efforts to prosecute and convict traffickers during the reporting period. However, over half of convicted traffickers spent 12 months or less in jail; one-third of convicted traffickers received no jail time. Article 104(a) of the Austrian Criminal Code prohibits trafficking for both sexual exploitation and forced labor. Prosecutors typically use Articles 104(a) and 217 of the Criminal Code, which prohibit cross border trafficking for the purpose of prostitution, as well as Article 114 of the Aliens Police Act, which contains provisions on alien smuggling, 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 serious crimes, such as rape. The government reportedly prosecuted and convicted 67 trafficking offenders in 2008; however, it only reported sentences for offenders in which trafficking was the leading charge. In 2008, the government convicted 18 trafficking offenders, a decrease from 30 such convictions in 2007. Sentences for three of these offenders were between one and three years. The government completely suspended the sentences of four offenders and partially suspended nine, resulting in sentences between one and 12 months in jail. Two other convicted traffickers paid fines. Local

observers report a lack of anti-trafficking expertise among prosecutors and judges. According to one NGO, during a case in 2009, a victim testified five separate times, but the suspect was subsequently released. The Austrian government did not disaggregate its data to demonstrate it prosecuted or convicted labor trafficking offenders.

Protection

The Government of Austria sustained its efforts to protect identified victims of trafficking during the reporting period. The government did not yet, however, employ formal and systematic procedures for the identification and referral of victims within labor or legal and illegal prostitution sectors. Police in Vienna proactively referred trafficking victims for care and collaborated with NGOs to improve their ability to spot indicators of sex trafficking, but referral was *ad hoc* and reliant on certain victim-sensitive officers. NGOs reported police effectively partnered with them on cases to ensure trafficking victims adequate recovery time to become more effective witnesses. It continued to fund the country's only specialized anti-trafficking NGO, which provided open shelter and assistance to female victims in Vienna. This shelter was at its full capacity of 18 beds throughout 2009. The Austrian government provided $828,000 to this NGO in 2009, compared with $542,700 in 2008. It provided counseling and other services to 182 trafficking victims in 2009; police referred approximately 90 of these victims, compared with 60 referrals from the previous year. Fifty-nine victims received shelter from the government-funded NGO; all victims received assistance in the form of social and legal counseling in their native language, German-language classes, computer courses, and health prevention. The government provided foreign victims of trafficking with legal alternatives to their removal, and in April 2009 passed the Residence and Settlement Act, which listed victims of trafficking as a special category with a right for temporary resident status. The government encouraged victims to assist with investigations and prosecutions of traffickers and an NGO reported a high rate of victims who willingly cooperated on their cases. Furthermore, police provided information on potential female victims of forced prostitution to NGOs when these victims appeared reluctant to disclose elements of their exploitation to law enforcement. According to one NGO, the only systematic regulation by the government within Austria's sizable, legal commercial sex sector consisted of weekly health checks for sexually transmitted diseases and periodic police checks of registration cards. In 2009, the government began training labor inspectors to increase identification of forced labor trafficking.

The City of Vienna's specialist center for unaccompanied minors accommodated 121 children in 2009, some of whom were reported to be victims of trafficking. This center reportedly facilitated the repatriation of children subjected to forced prostitution and forced begging during the reporting period. However, according to local observers, this center has limited capacity to accommodate trafficked children, does not function as an anti-trafficking NGO, and there was little official follow up or assurances made to ensure a safe return or protection from re-trafficking. Furthermore, the center only accommodated children who have been apprehended by the police, and is an open facility, allowing traffickers continued access to their victims. According to local experts, authorities, especially outside of Vienna, do not identify many child trafficking victims and there are no specialized services or targeted outreach efforts to identify potential children who are trafficked throughout Austria. The government reportedly ensured identified victims were not punished for unlawful acts committed as a direct result of being trafficked; however, during the year at least some child sex trafficking victims were penalized for unlawfully engaging in prostitution.

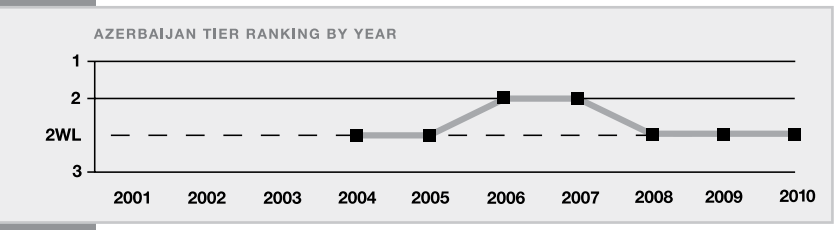


Prevention

Austria continued its proactive efforts to prevent trafficking through public awareness raising activities in 2009. It continued to subsidize several TV programs about trafficking and hosted international conferences aimed at raising awareness of trafficking. It funded campaigns to educate clients about the possible presence of trafficked women in the prostitution sector, and to inform women in prostitution about their rights under national law. It accomplished this by distributing information brochures for use by police and NGOs on trafficking, and by police and NGOs maintaining an active presence in well known "red light districts." The Interior Ministry produced and distributed a folder to increase law enforcement's awareness about human trafficking and to improve victim identification. The folder lists contact numbers for anti-trafficking NGOs and government offices responsible for victim protection. The government also subsidized a leaflet produced and distributed by an NGO offering support to victims. According to ECPAT Austria, approximately 4,500 Austrians contribute to the global demand for child sex tourism. Austrian law provided extraterritorial jurisdiction over Austrian nationals who travel abroad to engage in child commercial sexual exploitation. Austria continued a campaign to encourage tourists and travel agencies to report cases of child sex tourism during the reporting period. It did not report any investigations or prosecutions of such activity.

AZERBAIJAN (Tier 2 Watch List)

Azerbaijan is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and women and children in forced prostitution. Men and boys from Azerbaijan are subjected to conditions of forced labor in Russia. Women and children from Azerbaijan are subjected to forced prostitution in the UAE, Turkey, Russia, and Iran. Men from Azerbaijan 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 women from Moldova, Uzbekistan, and Kazakhstan subjected to forced prostitution in Turkey and the UAE. The Azerbaijani exclave of Nakhchivan serves as a transit point for women trafficked to Turkey for forced prostitution. Azerbaijan is a destination country for women from Ukraine, Moldova, Uzbekistan, Kazakhstan, and Russia subjected to forced prostitution. Azerbaijan is also a destination country for men and women from Bosnia and Herzegovina, Serbia, Macedonia, and China subjected to conditions of forced labor, primarily in the construction industry.



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 demonstrated exceptionally inadequate efforts to identify and assist a significant number of victims of forced labor and did not show evidence of progress in investigating, prosecuting, convicting, and punishing complicit officials; therefore, Azerbaijan is placed on Tier 2 Watch List for the third consecutive year. Although the government adopted a national referral mechanism for victims of trafficking in August 2009 and approved a list of trafficking indicators in September 2009 to aid in victim identification, the government did not use these tools to identify and assist the approximately 496 victims associated with a case discovered in October 2009 in which men from Eastern Europe were held in forced labor in the construction industry. The government failed to identify any victims in this case, despite evidence that led others in the international community to determine this was a labor trafficking case, warranting the allocation of emergency funding for victim assistance. Although the government reported allocating $625,000 for victim assistance in 2009, none of this money was used to assist these victims of forced labor; as a result, the international community allocated its own funding to provide emergency assistance, including food and potable water, to several hundred victims.

Recommendations for Azerbaijan: Improve efforts to identify victims of forced labor; ensure identified victims of forced labor are provided access to government-funded victim assistance by vigorously implementing the national victim referral mechanism; demonstrate and report efforts to vigorously investigate, prosecute, convict, and criminally punish government officials, including regional police officers, complicit in both sex and labor trafficking; provide initial assistance to domestic victims without requiring them to file a formal complaint with police; provide more victim identification and victim sensitivity training to low-level law enforcement officials; continue efforts to raise public awareness about both sex and labor trafficking; and demonstrate efforts to inspect construction sites for potential victims of forced labor.

Prosecution

The Government of Azerbaijan's modest law enforcement improvements were overshadowed by its lack of political will to prosecute high-level organized crime and address allegations of government complicity in trafficking, including a case that identified more than 700 victims of forced labor in the fall of 2009. Azerbaijan's 2005 Law on the Fight Against Trafficking in Persons prohibits both forced prostitution and forced labor, and prescribes penalties of 5 to 15 years' imprisonment, punishments which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2009, the government reported conducting 80 trafficking investigations – including 3 forced labor investigations, compared with 66 investigations in 2008. Authorities prosecuted 76 trafficking cases, up from 61 trafficking prosecutions in 2008. The government convicted 62 trafficking offenders though February 2010, compared with 61 individuals convicted in 2008. Twenty-eight convicted offenders were issued sentences ranging from one to five years' imprisonment, 15 offenders were issued sentences ranging from 5 to 10 years' imprisonment, one trafficker was sentenced to forced labor, and 18 persons were issued a suspended sentence and served no time in prison.

There were some reports that government officials were complicit in trafficking cases. The Ministry of Internal Affairs stated that it investigated all allegations of complicity in human trafficking but was unable to provide any data on these investigations. During the reporting period, the government did not prosecute, convict, or criminally punish any government officials for complicity in human trafficking, including forced labor. In the case involving Bosnian and Serbian citizens subjected to conditions of forced labor, investigators did not prevent the traffickers from unilaterally sending approximately 496 victim-witnesses home during the preliminary stages of the investigation, and to date no charges have been

filed by the government in this case. There were continued reports that police officers controlled many saunas, motels, and massage parlors where forced prostitution occurred, however the government again failed to vigorously investigate, prosecute, convict, and criminally punish these officials.

Protection

The Government of Azerbaijan made limited progress to assist some victims during the reporting period; however, these efforts were overshadowed by the government's lack of assistance to hundreds of victims of forced labor. In August 2009, the government adopted a national referral mechanism for victims of trafficking and approved a list of trafficking indicators in September 2009 to aid in law enforcement officials' identification of victims; however, the government did not use these tools to identify and assist approximately 496 victims associated with one labor trafficking case discovered in October 2009. Coordination among government agencies assigned to combat trafficking and assist victims reportedly improved and all agencies assigned a dedicated point of contact responsible for coordinating with other agencies to combat trafficking. In 2009, NGOs and law enforcement identified at least 920 victims – including 220 victims identified by law enforcement – compared with 121 victims identified by NGOs and law enforcement in 2008. The government funded one trafficking shelter that assisted 48 of these victims, down from 55 victims assisted in 2008. None of the victims provided with government-funded shelter or assistance were victims of forced labor. The government demonstrated important progress in October 2009 when it dedicated space in its trafficking shelter to assist child victims of trafficking; four children were assisted at the facility during the reporting period. In March 2009, the government also opened an assistance center that provided vocational training and job placement services for victims of trafficking to help break the cycle of exploitation. This Center provided assistance to 31 victims during the reporting period.

Law enforcement referred 48 victims to the government-funded shelter in 2009, compared with 52 victims referred in 2008. The government reported that it encouraged victims to participate in investigations and prosecutions of trafficking offenders. Law enforcement reported that 91 victims identified by authorities assisted law enforcement during the reporting period. During the previous reporting period, victims claimed that some corrupt police officers discouraged them from filing criminal complaints through threats of physical violence. The law allows identified foreign victims of trafficking who cooperate with law enforcement to remain in Azerbaijan until the completion of their court case; however, none of the 496 victims of forced labor identified by the international community in October 2009 were encouraged to assist law enforcement or permitted to remain in the country pending a criminal investigation and prosecution of the case. Furthermore, the government failed to ensure the traffickers in this case returned the passports to the victims and also failed to prevent the traffickers from forcibly, systematically removing the victim witnesses from the country, thereby hiding evidence of the crime. There were no reports that victims were penalized for unlawful acts committed as a direct result of being trafficked; however, there were some reported concerns that some of the women arrested during prostitution raids conducted by law enforcement may not have been screened as potential victims of trafficking and may have been punished for unlawful acts committed as a result of being trafficked, namely prostitution violations.

Prevention

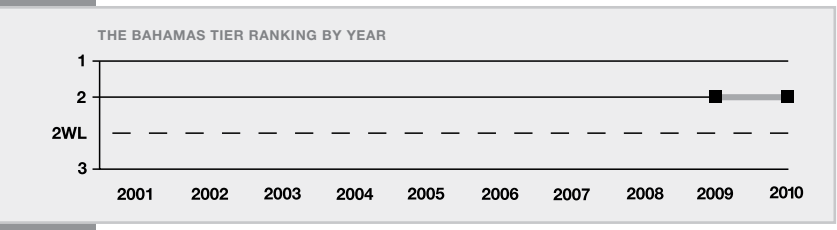
The government demonstrated some trafficking prevention efforts during the reporting period, largely through public awareness measures. The government conducted anti-trafficking seminars in 58 cities and regions throughout the country, targeted primarily at students and government employees. The government continued its general trafficking-awareness campaign, advertising on television and on the radio. It continued to fund an NGO-operated trafficking hotline that served to provide information to the public and identify potential victims of trafficking. The government did not, however, conduct a public awareness campaign to reduce the demand for commercial sex acts. The government formed partnerships with some anti-trafficking NGOs, however it avoided cooperation with NGOs critical of the government's efforts to combat human trafficking.

THE BAHAMAS (Tier 2)

The Bahamas is a destination country for men and some women from Haiti and other Caribbean countries who are subjected to trafficking in persons, specifically forced labor, and, to a lesser extent, women from Jamaica and other countries who are in forced prostitution. Haitian trafficking victims are most likely to migrate to The Bahamas voluntarily, but subsequently be subjected to forced labor in agriculture, domestic service, or forced prostitution. Some employers coerce migrant 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 employment contracts, withholding travel documents, refusing transportation back home, threatening to withdraw the employer-specific and employer-held permits, or threatening to have the employee deported through other means. Traffickers reportedly lure Jamaican and other foreign women to the Bahamas with offers of employment in the tourism and entertainment fields and subject the women to forced prostitution after their arrival. The Ministry of Education is investigating allegations that some high school girls in Eleuthera may be involved in a prostitution ring. This report is the only indication that Bahamian citizens may be victims of human trafficking.

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 year, the government began some investigations into suspected cases of trafficking but did not proactively identify victims among vulnerable populations, such as women and girls engaged in prostitution, and it continued to deport undocumented migrants without first determining whether they may be victims of trafficking.

Recommendations for The Bahamas: Develop and implement standard procedures for the identification of victims in The Bahamas; take steps to identify possible trafficking victims among migrants attempting to enter The Bahamas and foreigners in deportation proceedings; investigate, prosecute, and punish suspected human trafficking offenders; expand training for law enforcement and the public on the difference between human trafficking and alien smuggling; 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

The Government of The Bahamas demonstrated minimal anti-human trafficking law enforcement efforts during the reporting period. It continued to face relevant resource and capacity constraints, and confronted multiple competing law enforcement priorities. All forms of trafficking are prohibited through the Trafficking in Persons Prevention and Suppression Act of 2008. Penalties prescribed by the Act for trafficking in persons offenses range from three years to life imprisonment, and are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government did not arrest or prosecute any trafficking offenders, despite reports of the presence of trafficking victims in The Bahamas since at least 2005. During the reporting period, the government began investigating one suspected trafficking case in cooperation with another government. The Ministry of Education formed a task force to investigate allegations of a student prostitution ring at a high school in Eleuthera. NGOs, in partnership with the Bahamian government, provided immigration, labor, social services, and law enforcement personnel with anti-trafficking training. Historically, government personnel have conflated human trafficking and human smuggling, leading to the routine deportation of foreigners in vulnerable populations without determining whether they may be trafficking victims. Although the practice continued to some extent, automatic deportations have decreased as official awareness of trafficking as a form of transnational crime has increased. Anecdotal reports indicate that during 2009 some military personnel may have been involved in assisting with the illegal entry of trafficking victims into the country. There is no evidence of government involvement in or tolerance of trafficking.

Protection

The Bahamian government showed minimal efforts to protect victims of trafficking over the last year. Although the Ministry of Labor and Social Development's Bureau of Women's Affairs became the lead agency for anti-trafficking training and assistance to victims, the government continued to rely on NGOs and international organizations to identify and provide most services to victims. No specialized shelters for trafficking victims were available in The Bahamas. Shelter services, counseling, and law enforcement referrals were accessible to women and child trafficking victims through the Crisis Centre, which focuses on assisting victims of sexual and domestic abuse. The Red Cross, the Salvation Army, and local church groups which provide assistance to illegal migrants could assist foreign men who may be victims of labor trafficking. Assistance providers did not knowingly assist any trafficking victims during the reporting period. Officials followed no formal procedures for screening or referring victims to service providers. The government developed but has not yet implemented a plan to refer victims to the Bureau of Women's Affairs, the Crisis Centre, and the Eugene Dupuch Law School. During the year, the government arranged for IOM to conduct victim assistance training for immigration, labor, social services, law enforcement and NGO participants. The ministers responsible for national security and social services, however, did not develop or implement a plan to provide appropriate services to victims in cooperation with NGOs, as required by the anti-trafficking law of 2008. Although the government ensured that victims brought to its attention were not inappropriately penalized for immigration violations and any unlawful acts committed as a direct result of being trafficked, some victims were not properly identified. No formal procedures exist that allow law enforcement officers time to investigate whether foreign women found engaging in prostitution may be victims of sex trafficking before the law requires that they be deported. As more immigration and police officers received training in trafficking issues throughout the year, however, the number of officers who first attempted to determine whether foreign women found engaging in prostitution could be victims of trafficking before considering them eligible for deportation increased. The Bahamas' law encourages victims to participate in investigations and prosecutions of trafficking offenders, and 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. Under this law, traffickers are required to financially compensate their victims.

Prevention

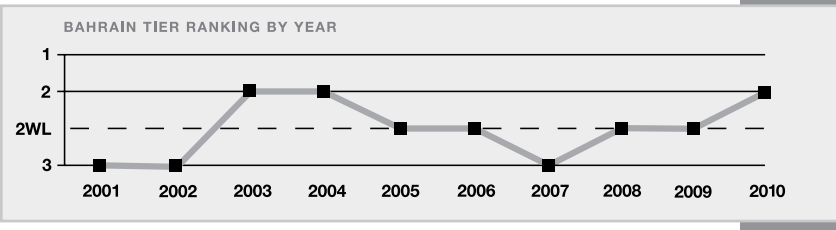
The government demonstrated some efforts to prevent trafficking over the reporting period. The government participated in information and education campaigns conducted in partnership with organizations such as IOM. An *ad hoc* governmental working group of the Ministry of Foreign Affairs, Department of Immigration, the Ministry of Labor and Social Development's Bureau of Women's Affairs, and NGO representatives, met periodically to address and coordinate trafficking issues among the various government ministries. This group shifted its focus from immigration enforcement to an emphasis on victim outreach and punishment of perpetrators over the last year. To address the vulnerability of some migrant workers to labor exploitation, the government expedited the processing of immigration claims and granted citizenship to certain long-time residents. The government made no visible effort to reduce the demand for commercial sex acts.

BAHRAIN (Tier 2)

Bahrain is a destination country for men and women subjected to trafficking in persons, specifically forced labor and forced prostitution. Men and women from India, Pakistan, Nepal, Sri Lanka, Bangladesh, Indonesia, Thailand, the Philippines, Ethiopia, and Eritrea migrate voluntarily to Bahrain to work as domestic workers or as unskilled laborers in the construction and service industries. Some, however, face conditions of forced labor after arriving in Bahrain, through use of such practices as unlawful withholding of passports, restrictions on movement, contract substitution, non-payment of wages, threats, and physical or sexual abuse. A study by the Bahrain Government's Labor Market Regulatory Authority (LMRA) found that 65 percent of migrant workers had not seen their employment contract, and that 89 percent were unaware of their terms of employment upon arrival in Bahrain. Many labor recruitment agencies in Bahrain and source countries require workers to pay high recruitment fees – a practice that makes workers highly vulnerable to forced labor once in Bahrain. The LMRA study found that 70 percent of foreign workers borrowed money or sold property in their home countries in order to secure a job in Bahrain. Some Bahraini employers illegally charge workers exorbitant fees to remain in Bahrain working for third-party employers (under the "free visa" arrangement). The LMRA estimates that approximately 10 percent of migrant workers were in Bahrain under illegal "free visa" arrangements – a practice that can contribute to debt bondage – while the Bahrain Chamber of Commerce and Industry puts the figure at 25 percent. Women from Thailand, the Philippines, Morocco, Jordan, Syria, Lebanon, Russia, China, Vietnam and Eastern European States are subjected to forced prostitution in Bahrain.

The Government of Bahrain does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government reported its second and third prosecutions under its anti-trafficking statute, and continued to educate potential trafficking victims on their rights. However, the government did not show evidence of progress in providing protective services to victims or prosecuting offenses related to labor trafficking, the most prevalent form of trafficking in Bahrain.

Recommendations for Bahrain: Continue to enforce the 2008 anti-trafficking law; significantly increase the investigation and prosecution of trafficking offenses – particularly those involving forced labor – and convictions and punishment of trafficking offenders; vigorously investigate all credible trafficking tips secured through the anti-trafficking hotline; consider utilizing the Ministry of Interior training on victim identification as a base on which to establish 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; refer identified victims to protective services; expand the government-run shelter, ensure that it does not restrict victims' movement and that shelter staff are qualified and speak the languages of expatriate workers; ensure that victims of trafficking are not punished for unlawful acts committed as a direct result of being trafficked, such as illegal migration or prostitution; include the Ministry of Labor in the inter-ministerial committee against human trafficking; consider the appointment of an empowered national anti-trafficking rapporteur or coordinator; ensure that domestic workers are adequately offered the same protections under the law as other expatriate workers; and proactively support the promulgation of a binding ILO convention to protect domestic workers' rights.



Prosecution

The Government of Bahrain made some progress in conducting anti-trafficking law enforcement efforts during the year. The 2008 Law to Combat Trafficking in Persons prohibits all forms of trafficking in persons and prescribes penalties ranging from three to 15 years' imprisonment, which are sufficiently stringent and

commensurate with those prescribed for other serious crimes, such as rape. The Bahrain government reported two new prosecutions and one new investigation under the anti-trafficking law in the reporting period; all three of these cases involved sex trafficking. One of the prosecutions involved a Bahraini employee of the Ministry of Interior and a Thai national accused of trafficking Asian women into prostitution. The other involved a Bahraini and a Russian national accused of trafficking Russian women. Furthermore, two Bahraini nationals were sentenced to life imprisonment in April and October 2009 for murdering their Indonesian and Ethiopian housemaids, respectively; the government reported that these cases contained elements of human trafficking. The government did not criminally prosecute any employers or labor agents for forced labor of migrant laborers, including domestic workers.

There is some indication that government officials may be involved in human trafficking. NGOs and laborers assert that Bahraini officials provide Bahrainis with authorization to sponsor more expatriate workers than they could reasonably employ, and that in their private capacities, some officials illegally engage in "free visa" arrangements and withhold employees' passports and salaries. The Royal Police Academy provided new police recruits with specific instruction on identifying trafficking victims during the reporting period. In addition, 29 law enforcement officers participated in a three-day trafficking-related investigations course run by IOM, one of several anti-trafficking programs run by IOM in partnership with the Government of Bahrain. In early 2010, the Government of Bahrain centralized all trafficking-related prosecutions within the office of the Chief Prosecutor for the Manama district.

Protection

The Government of Bahrain made no discernible progress in improving protective services available to trafficking victims over the last year. The government continued to lack a formal procedure to identify victims among vulnerable groups, such as migrant domestic workers who have left their employers or women arrested for prostitution. As a result, potential trafficking victims may have been charged with employment or immigration violations, detained, and deported without adequate protection. Most migrant workers who were able to flee their abusive employers were frequently charged as "runaways," sentenced to two weeks' detention, and deported. The government does not ensure that victims receive access to essential protective services, except for the very small number referred to the government's primary shelter.

The 120-bed government-funded, NGO-run Dar Al Aman shelter provided shelter to a small number of trafficking victims. The majority of victims continued to seek shelter at their embassies or at the Migrant Workers Protection Society's shelter. The Dar Al Aman shelter does not advertise that it accepts trafficking victims, and many police officers were unfamiliar with procedures for referring victims of labor abuse and human trafficking. An international NGO reported that the shelter restricted residents' freedom of movement, was not staffed with qualified personnel, and did not provide long-term shelter or housing benefits to victims. There is a restrictive intake process for non-Bahraini victims; however, in January 2010, the government's inter-ministerial anti-trafficking committee indicated that it instructed police and prosecutors to refer any abused female worker to the shelter, regardless of signs of abuse. There are no shelters for male trafficking victims or abused or runaway workers. The three trafficking victims who the government identified during the reporting period were referred to the Dar Al Aman shelter and received legal, medical, and psychological services. The government of Bahrain encouraged victims to participate in the investigation and prosecution of traffickers. However, discouraged workers typically did not file court cases against employers due to fear or ignorance of the law, distrust of the legal system, inability to afford legal representation, lack of interpretation/translation, fear of losing residency permits during legal proceedings, and to avoid additional maltreatment at the hands of the employer. The government does not provide legal alternatives for the removal of foreign victims to countries where they face retribution or hardship. The Ministry of Interior established a toll-free hotline in January 2010 for trafficking victims, although NGOs report that news of the hotline has not been widely disseminated.

Prevention

The government made limited progress in preventing human trafficking over the reporting period. While Bahrain's Ministry of Labor has pledged to end the sponsorship (kafala) system, foreign workers remain tied to a Bahraini sponsor. The government implemented reforms in August 2009 which designated the LMRA as the lead agency for granting work permits to foreign workers, and expanding labor mobility for expatriate workers, under certain conditions. These reforms do not cover Bahrain's approximately 70,000 domestic workers – the group that is most vulnerable to trafficking. Another labor market reform limited the number of foreign workers small businesses many sponsor, which the LMRA states will cut back on illegal "free visa" arrangements and other labor abuses. The parliament's upper house recently approved a new labor law; however, it does not afford basic protections to domestic workers – the group most vulnerable to human trafficking. Moreover, the law against withholding workers' passports – a common practice that restricts the mobility of migrant workers and contributes to forced labor – was not enforced effectively, and the practice remained widespread. The LMRA continued to distribute pamphlets – prepared in coordination with the IOM – that explained how to legally obtain, maintain and switch a work visa, and provided contact details to report suspected labor violations. The LMRA also sponsored a Hindi radio

show designed to raise awareness of workers' rights. The government closed down a number of low-end hotels associated with organized prostitution. The government continued to provide financial support towards an IOM anti-trafficking capacity building program. The government does not have a National Plan of Action to address trafficking in persons. The Ministry of Foreign Affairs' Undersecretary chaired an inter-ministerial committee that coordinates policies designed to combat trafficking. This committee convenes every other month on average, and includes government ministries, NGOs, and the Bahrain Women's Union. The Ministry of Labor, which deals with most workers' complaints, is currently not represented on this committee.

BANGLADESH (Tier 2 Watch List)

Bangladesh is a source and transit country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. 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 for commercial sexual exploitation.

Bangladeshi men and women migrate willingly to Saudi Arabia, Bahrain, Kuwait, the United Arab Emirates (UAE), Qatar, Iraq, Lebanon, Malaysia, Liberia, and other countries for work, often under legal and contractual terms. Most Bangladeshis who seek overseas employment through legal channels rely on the 724 recruiting agencies belonging to the Bangladesh Association of International Recruiting Agencies (BAIRA). These agencies are legally permitted to charge workers up to $1,235 and place workers in low-skilled jobs typically paying between $100 and $150 per month. According to NGOs, however, many workers are charged upwards of $6,000 for these services. A recent Amnesty International report on Malaysia indicated Bangladeshis spend more than three times the amount of recruitment fees paid by other migrant workers recruited for work in Malaysia. NGOs report many Bangladeshi migrant laborers are victims of recruitment fraud, including exorbitant recruitment fees often accompanied by fraudulent representation of terms of employment. The ILO has concluded high recruitment fees increase vulnerability to forced labor among transnational migrant workers. Women typically work as domestic servants; some find themselves in situations of forced labor or debt bondage where they face restrictions on their movements, non-payment of wages, threats, and physical or sexual abuse. Some Bangladeshi women working abroad are subsequently trafficked into commercial sexual exploitation. Bangladeshi children and adults are also trafficked internally for commercial sexual exploitation, domestic servitude, and bonded labor. Recent reports indicate many brothel owners and pimps addict Bangladeshi girls to steroids, with devastating side effects, to make them more attractive to clients; the drug is reported to be used by 90 percent of females between 15 and 35 in Bangladeshi brothels.

Bangladesh does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government has continued to address the sex trafficking of women and children. Despite these significant efforts, the government did not demonstrate evidence of increased efforts to prosecute and convict labor trafficking offenders, particularly those responsible for the fraudulent recruitment of Bangladeshi workers for the purpose of forced labor overseas. Similarly it did not demonstrate increased efforts to prevent the forced labor of Bangladeshi workers overseas through effective controls on high recruitment fees and other forms of fraudulent recruitment; therefore, Bangladesh is placed on Tier 2 Watch List for the second consecutive year. Some government officials and members of civil society continue to believe the forced labor and debt bondage of Bangladeshi workers abroad was not considered labor trafficking, but rather employment fraud perpetrated on irregular migrants

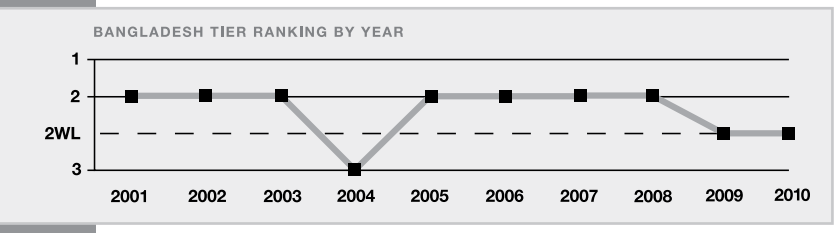
Recommendations for Bangladesh: Draft and enact legislation criminalizing the forced labor of men; integrate anti-labor trafficking objectives into national anti-trafficking policies and programs; significantly increase criminal prosecutions and punishments for all forms of labor trafficking, including those involving fraudulent labor recruitment and forced child labor; consider establishing special courts to prosecute labor trafficking offenses; greatly improve oversight of Bangladesh's international recruiting agencies to ensure they are not promoting practices that contribute to labor trafficking; provide protection services for adult male trafficking victims and victims of forced labor, including improving consular assistance in embassies abroad; and increase awareness campaigns targeted at potential domestic and international migrants.

Prosecution

The Government of Bangladesh did not provide evidence of increasing efforts to combat sex trafficking or forced labor during the reporting period. 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 serious crimes, such as rape. Article 374 of Bangladesh's penal code prohibits forced labor, but the prescribed penalties of imprisonment for up to one year or a fine are not sufficiently stringent.

During the reporting period, the government obtained the convictions of 32 sex trafficking offenders and sentenced 24 of them to life imprisonment; eight were sentenced to lesser prison terms. This is a slight decrease from the 37 convictions obtained in 2008. The government did not report the conviction of any labor trafficking offenders. The government prosecuted 68 cases involving suspected sex trafficking offenders and conducted 26 investigations, compared with 90 prosecutions and 134 investigations during the previous year. Forty-nine prosecutions resulted in acquittals; however, under Bangladeshi law the term "acquittal" can also refer to cases in which the parties settled out of court or witnesses did not appear in court. Despite 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. 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 42 special courts for the prosecution of crimes of violence against women and children spread throughout 32 districts of the country; those courts are generally more efficient than regular trial courts.



The Ministry of Home Affairs' Anti-Trafficking Monitoring Cell reportedly collected data on trafficking arrests, prosecutions, and rescues, and coordinated and analyzed local-level information from regional anti-trafficking units. During the year, there was some evidence of official complicity in human trafficking. Several NGOs reported a nexus among members of parliament and corrupt recruiting agencies and village level brokers and indicated that politicians and regional gangs were involved in human trafficking. Some NGOs also report that official recruitment agencies in Dhaka have linkages with employers in destination countries who sometimes put their migrant workers in situations of servitude.

Low-level government employees were also complicit in trafficking. According to the Ministry of Home Affairs, the government prosecuted a civil servant who was complicit in trafficking; the trial remained ongoing at the end of the reporting period. The government confirmed the existence of allegations against some Bangladeshi soldiers in Sierra Leone who may have engaged in or facilitated trafficking, but the government did not provide any information on investigations or prosecutions of these cases. The country's National Police Academy provided anti-trafficking training to 2,876 police officers in 2009. The 12 police officers of the Ministry of Home Affairs' "Trafficking in Human Beings Investigation Unit" continued to receive training on investigation techniques. Other government officials received training from NGOs, international organizations, and foreign governments. A 2009 report from a prominent NGO suggested that law enforcement trainings have not translated into increased prosecutions or a change in outlook.

Protection

The Government of Bangladesh made limited efforts to protect victims of trafficking over the last year. The government's lack of efforts to protect victims of forced labor – who constitute a large share of victims in the country – and adult male victims of trafficking is a continuing concern. While the government did not have a systematic procedure to identify and refer female and child victims of trafficking, the courts, police, or Home Ministry officials referred victims of internal trafficking to shelters. Law enforcement officials identified and rescued 68 victims (38 females and 30 children) in the reporting period, but it is uncertain whether they were referred to shelters. In the previous year, law enforcement officials identified and rescued 251 victims. While the government did not provide shelter or other services dedicated to trafficking victims, it continued to run nine homes for women and children victims of violence, including trafficking, as well as a "one-stop crisis center" for women and children in the Dhaka general hospital. These centers, in cooperation with NGOs, provided legal, medical, and psychiatric services. During the last year, 384 victims were served by government and NGO care facilities in Bangladesh; some of these may have been victims of trafficking. The Ministry of Expatriate Welfare and Overseas Employment continued to operate shelters for female Bangladeshi victims of trafficking and exploitation in Riyadh and Jeddah. Law enforcement personnel encouraged victims of trafficking, when identified, to participate in investigations and prosecutions of their traffickers, but there was no evidence of the number of victims who assisted in investigations and prosecutions of traffickers in the reporting period. Authorities did not penalize victims for unlawful acts committed as a direct result of their being trafficked. When no space was available in shelter homes, however, female victims of trafficking – as wards of the police or court – stayed in jails. From February to October 2009, local police in India

rescued seven adult female Bangladeshi sex trafficking victims. In March 2010 – after some of the women had remained in shelters for over a year in India – the Government of Bangladesh began working with NGOs and the Indian government to repatriate these women. As of the writing of this report, the process has not been finalized.

While workers ostensibly had several options to address complaints of labor and recruitment violations and to get compensation, the process most often used – arbitration by Bangladesh Association of International Recruiting Agencies (BAIRA) – did not provide sufficient financial compensation and rarely addressed the illegal activities of some recruitment agencies, all of which are BAIRA members. The Bureau of Manpower Employment and Training (BMET), which is charged with overseeing recruitment agencies and monitoring the condition of Bangladeshi workers overseas, regularly steers workers with complaints to BAIRA for resolution. Workers are drawn to the BAIRA complaint mechanism because it offers quick cash payouts (though usually much less than the wages they were denied and the recruitment fees paid) and requires significantly less proof of paid fees – most fees charged were illegal and thus had no corresponding receipts. If there are "major" disputes, recruitment agencies may lose their licenses; however, NGOs report that friends and family members of agency heads successfully file for new licenses. Recruitment agencies may also incur criminal charges.

According to Ministry of Expatriate Welfare and Overseas Employment (MEWOE), the government disposed 893 of 1,030 labor complaints in the reporting period (as opposed to disposing 745 complaints of 1,010 the year before); some of these complaints were likely due to trafficking offenses. NGOs allege officials working at Bangladeshi embassies abroad were mostly unresponsive to complaints and attempts to seek restitution abroad were rare. The Government of Bangladesh continued to donate land for an IOM project which established a coffee stand run by rehabilitated trafficking victims.

Prevention

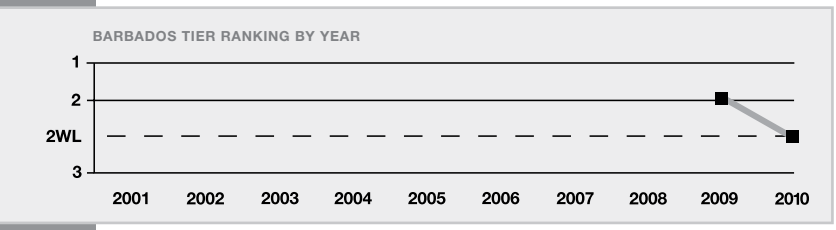
The Bangladeshi government failed to take adequate efforts to prevent the forced labor of Bangladeshis abroad and at home, and made modest efforts to prevent sex trafficking over the reporting period. During the reporting period, the BMET reportedly shut down one recruiting agency, cancelled the licenses and confiscated the security deposit money of six agencies for their involvement in fraudulent recruitment practices that potentially facilitated human trafficking. This is a decrease from the nine agencies shut down and 25 agencies whose licenses were cancelled in the previous reporting period. BMET collected approximately $830,000 in fines from recruitment agencies for fraudulent recruitment practices and other infractions. The government continued to allow BAIRA to set fees, license individual agencies, certify workers for overseas labor, and handle most complaints of expatriate laborers, while not exercising adequate oversight over this consortium of labor recruiters to ensure their practices do not facilitate debt bondage of Bangladeshi workers abroad. Various ministries disseminated numerous anti-sex trafficking messages in a number of different forums, including public service announcements, discussions, songs, rallies, and posters. The Monitoring Cell reported anti-sex trafficking messaging was included in monthly public outreach sessions conducted by government heads in each of Bangladesh's 65 units. The Home Secretary continued to chair the monthly inter-ministerial National Anti-Trafficking Committee Meetings, which oversees district-level committees in 64 districts. The Home Secretary also regularly holds coordination committee meetings with NGOs, although some NGOs note that the meetings often have broad agendas and do not focus adequately on trafficking. The Ministry of Home Affairs published the *Bangladesh Country Report on Combating Trafficking in Women and Children*. While the government made the registration compulsory in 2006, the national rate of birth registration is only between seven and10 percent, and most children born in the rural areas are still not properly documented. During the year, the government did not demonstrate measures to reduce the demand for forced labor or for commercial sex acts. Bangladesh is not a party to the 2000 UN TIP Protocol.

BARBADOS (Tier 2 Watch List)

Barbados is a source and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Some children in Barbados are subjected to commercial sexual exploitation in "transactional sex" wherein a third party such as a parent receives a benefit from the child's participation in sexual activity. Researchers identified patterns of transactional sex within families, most often by adult male caretakers such as step-fathers, as well as child prostitution outside the home. Women from the Dominican Republic, Guyana, and Jamaica voluntarily enter Barbados as illegal migrants, and some expect to engage in prostitution. Some of these women are exploited in forced prostitution subsequent to their arrival. Some other foreign women who entered the country illegally are exploited in involuntary domestic servitude in private homes. Foreign men have been transported to Barbados for the purpose of labor exploitation in construction and other sectors. Sex traffickers, primarily organized criminals from Guyana, form partnerships with pimps and brothel owners from Trinidad and Tobago and Barbados, and lure women to Barbados with offers of legitimate work. Trafficking victims tend to enter the country through legal means, usually by air; traffickers later use force and coercion to obtain and maintain the victims' work in strip clubs, massage parlors, some private residences, and "entertainment clubs" which operate as brothels.

Traffickers use methods such as threats of physical harm or deportation, debt bondage, false contracts, psychological abuse, and confinement to force victims to 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. Despite these efforts, particularly an aggressive public campaign begun by government ministries and the continued drafting of a comprehensive anti-trafficking law, the government's overall efforts did not improve over the reporting period. Law enforcement and immigration officials continued to summarily deport undocumented foreigners without determining whether they are trafficking victims, the government opened no investigations into possible cases of sex or labor trafficking, and it did not prosecute any trafficking cases during the year. Therefore, Barbados is placed on Tier 2 Watch List.



Recommendations for Barbados: Finish drafting, then pass and enact a comprehensive anti-trafficking law; proactively investigate suspected human trafficking cases; prosecute and punish trafficking offenders, especially those who subject workers to 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 awareness and prevention program.

Prosecution

The Barbados government made no discernible progress in its anti-human trafficking law enforcement efforts during the year. Law enforcement agencies faced resource constraints and competing priorities. No trafficking offenders were prosecuted during the year. No cases were brought against employers for confiscating passports or travel documents. Barbados has no specific law prohibiting human trafficking, but slavery and forced labor are constitutionally prohibited. Existing statutes such as the Sexual Offences Act of 1992, Cap. 154 and the Offences Against the Person Act of 1994, Cap. 141 prohibit some trafficking offenses, as well as trafficking-related offenses, though these were not used to prosecute and convict trafficking offenders during the year. Sections 33 and 34 of the Offences Against the Person Act prohibit the crime of slavery; penalties for this offense range from five to 15 years' imprisonment and are sufficiently stringent. There were no reports of government officials' complicity in human trafficking.

Protection

The Government of Barbados maintained its moderate efforts to ensure victims' access to necessary protective services over the last year. As the crime of trafficking does not officially exist in Barbadian law, there are no legal protections provided for trafficking victims. Existing facilities which provide assistance to victims of other crimes, such as rape and child abuse, that are partially funded by the government and run by NGOs, may have provided services to child victims of sex trafficking without having identified them as human trafficking victims. Neither government nor NGO personnel could provide information about whether any trafficking victims were identified at these facilities. The Gender Affairs Bureau arranged for assistance to be provided to victims of any crime regardless of whether they participated in investigations or prosecutions. Officials from this Bureau 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) were not usually 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. Most law enforcement and immigration officials still do not have the appropriate training, funding, and other necessary mechanisms to identify victims or suspected cases of trafficking. The government provided no legal alternatives for the removal of foreign trafficking victims to countries where they may face hardship or retribution. Police claimed to have no option under current laws but to treat foreign trafficking victims without valid immigration documents as violators of the law subject to summary deportation. 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 weak efforts to prevent human trafficking and raise the public's awareness of the risks and dangers of human trafficking in Barbados. In 2004, the government began work on a protocol for anti-trafficking action, which the Gender Affairs Bureau passed to other government agencies for comment in early 2009. The protocol was expected to be introduced in parliament in April 2010. The Minister of Youth, Family, and Sports spoke openly against child prostitution on several occasions, a subject which had not often been raised in public before. During the year, the government continued to host educational workshops for an unspecified number

of officials and social service providers. There was no formal mechanism for coordinating government and NGO action on trafficking issues, but 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. Although public commentary on the problem of sex tourism, including child sex tourism, has been increasing, the government has made no noticeable efforts to reduce the demand for commercial sex acts. Barbados is not a party to the 2000 UN TIP Protocol.

BELARUS (Tier 2)

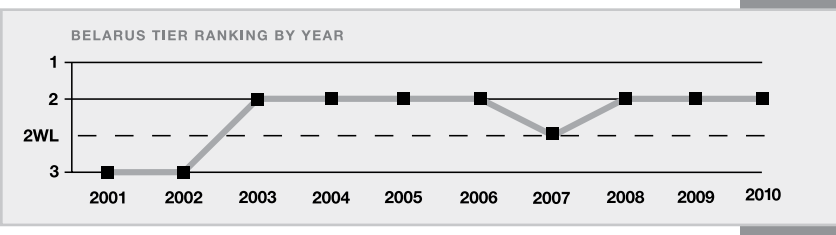
Belarus is a source, destination, and transit country for women, men, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. The majority of identified Belarusian victims were females forced into prostitution abroad, including in: Russia, Germany, Poland, other European countries, Turkey, Israel, Lebanon, and the UAE. There were reports that women from low-income families in Belarus' regions were subjected to forced prostitution in Minsk. Belarusian men, women, and children continued to be subjected to forced begging, as well as forced labor in the construction industry and other sectors in Russia. According to the Ministry of Interior, Belarusian single, unemployed females between the ages of 16 and 30 were most at risk of being trafficked. Traffickers often used informal social networks to approach potential victims.

The Government of Belarus does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government's response to trafficking is difficult to gauge due to the closed nature of the government, sparse independent reporting, and general fear of government retaliation for criticism of the ruling regime. However, based on available information, the government appeared to have sustained its efforts to prosecute and punish trafficking offenders in 2009. While the government appeared to continue positive steps toward improved treatment of victims and support of the anti-trafficking NGO community, the overall political climate of intimidation was a natural obstacle to authentic government partnerships with victims and anti-trafficking organizations. Funding for victim assistance programs codified into law in 2005 remained unrealized.

Recommendations for Belarus: Continue to take concrete steps to improve relations with and cultivate a climate of encouragement for NGO partners providing critical victim protection services; continue to promote a victim-centered approach to prosecuting trafficking cases and increase resources devoted to victim assistance and protection within Belarus; ensure all victims, including children, are provided with access to appropriate assistance and protection; examine why many identified trafficking victims are not referred to service providers for assistance; disaggregate sex and labor trafficking crimes within law enforcement statistics; and distinguish prevention activities focused on curbing forced labor and forced prostitution from those focused on illegal migration, and increase the former.

Prosecution

The government sustained law enforcement efforts during the reporting period. Belarusian law prohibits trafficking in persons for both sexual exploitation and labor exploitation through Article 181 of its criminal code which prescribes penalties ranging from two to 15 years' imprisonment in addition to asset forfeiture. These penalties are sufficiently stringent and are commensurate with penalties prescribed for other serious crimes. The government reported 219 human trafficking investigations in 2009, including at least 10 labor trafficking investigations. Authorities reportedly prosecuted 61 cases under Article 181 and convicted 15 trafficking offenders under the same statute in 2009, down from 17 convictions in 2008. The government did not report how many of the convictions were for forced labor versus forced prostitution. Officials reported that the majority of convicted trafficking offenders were given imposed sentences of over eight years' imprisonment, in addition to the forfeiture of assets. While reports indicated that officials engaged in corrupt practices, there were no reports of government complicity in human trafficking during the reporting period – such information may have been limited because of lack of press freedom and imprisonment of citizens for criticizing government officials in Belarus. In general, the judiciary lacked independence, trial outcomes usually were predetermined, and many trials were conducted behind closed doors. The Ministry of Interior continued to provide at least partial funding for its anti-trafficking training center, which has trained 47 Belarusian law enforcement officers and officials from other governments to be trafficking specialists since 2007. Courses at the center reportedly focused on anti-trafficking law enforcement techniques and victim assistance and were developed in partnership with IOM, other internationals organizations, and NGOs. The government reported partnerships with the following governments on trafficking cases: Poland, Germany, the Czech Republic, Israel, and Turkey.



Protection

The government demonstrated minimal progress in protecting victims of trafficking during the reporting

period, including a significant decrease in the number of victims identified. In 2009, authorities identified 369 victims of sex trafficking, including 35 children, and 29 labor trafficking victims in 2009, a significant decrease from a total of 591 victims identified in 2008. The government reported referring only 131 victims to service providers for assistance, raising concerns that the formal, national trafficking victim referral mechanism was not successfully implemented. Law enforcement officials generally referred trafficking victims to IOM or NGO shelters – which relied on donor funding – to provide short and longer term protection and rehabilitation; the government referred child trafficking victims to NGOs for assistance. The government again failed to provide funding for specialized victim assistance programs pledged in a 2005 presidential decree but provided some in kind donations to NGOs. Victims could seek state medical assistance and some other services, such as vocational training, free of charge, but most victims declined assistance from government facilities. Government sources acknowledged that victims were more likely to trust NGOs than government sources of assistance. Anti-trafficking NGOs reported little government interference in their operations; they also reported improved communication with government officials during past year. In some instances during the reporting period, the government permitted NGO specialists to attend police interviews and closed court hearings upon victims' requests. The government claimed to have encouraged victims to participate in the investigation and prosecution of traffickers. The anti-trafficking training center reportedly emphasized the need to avoid coercing victims, which had been reported as a problem in the past. There were no reports of identified victims being penalized for unlawful acts committed as a direct result of being trafficked. Belarusian law allows for authorities to grant temporary residency status to foreign victims, though no victims chose this immigration relief during the reporting period.

Prevention

The government demonstrated modest progress in trafficking prevention activities during the reporting period. Citizens, the media, and NGOs in Belarus are often subjected to government intimidation and strict control, which limited open discussion about the trafficking situation in the country. Officials continued to conduct press conferences and briefings on the anti-trafficking situation in Belarus, focusing primarily on forced prostitution, during the reporting period. The government aired IOM-sponsored anti-trafficking public service announcements on state television and on television screens in subway stops which resulted in an increased number of calls to IOM's hotline. The Ministry of Interior continued to run a hotline to offer information regarding the licensing status and legitimacy of marriage and modeling agencies and agencies involved in work and study abroad. NGOs reported cooperation between the government hotline and their own hotlines, as well as partnerships with authorities in distributing NGO-funded public awareness materials. There were reports that some policies described by the Belarusian government as anti-trafficking measures were responsible for restricting Belarusian citizens' ability to travel abroad for legitimate purposes. The government's national action plan on trafficking, which expires in 2010, focused on illegal migration which may lead to confusion between trafficking and smuggling.

BELGIUM (Tier 1)

Belgium is a source, destination, and transit country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. Victims originate in Eastern Europe, Africa, East Asia, as well as Brazil and India. Some victims are smuggled through Belgium to other European countries, where they are subjected to forced labor and forced prostitution. Male victims are subjected to forced labor and exploitation in restaurants, bars, sweatshops, horticulture sites, fruit farms, construction sites, and retail shops. There were reportedly seven Belgian women subjected to forced prostitution in Luxembourg in 2009. According to a 2009 ECPAT Report, the majority of girls and children subjected to forced prostitution in Belgium originate from Eastern Europe and Nigeria; some young foreign boys are exploited in prostitution in major cities in the country. Local observers also report that a large portion of children trafficked in Belgium are unaccompanied, vulnerable asylum seekers and refugees. According to the Belgian immigration office, the government identified eight children between January and June 2009 as trafficked. Foreign workers continued to be subjected to involuntary domestic servitude in Belgium, some involving members of the international diplomatic community posted in Belgium.

The Government of Belgium fully complies with the minimum standards for the elimination of trafficking. The government demonstrated it vigorously investigated, prosecuted, and convicted trafficking offenders. It continued to fund NGOs to provide comprehensive protection and assistance to victims subjected to forced prostitution and forced labor in 2009.

Recommendations for Belgium: Improve the collection and reporting of comprehensive anti-trafficking law enforcement data, including the disaggregating of data relating to smuggling, economic and sexual exploitation from human trafficking crimes to demonstrate vigorous prosecution and punishment of forced labor and forced prostitution offenders; and improve collection of victim assistance statistics to demonstrate proactive identification of victims and that victims are provided access to services;

Prosecution

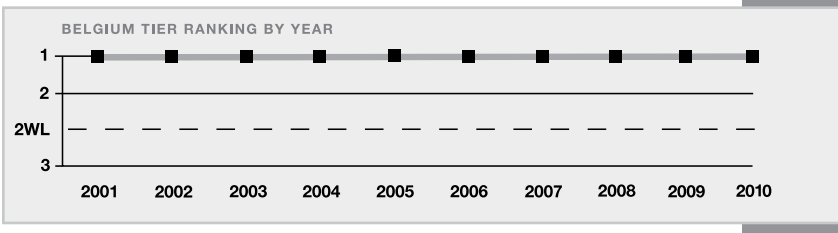
Belgium prohibits all forms of trafficking through a 2005 amendment to its 1995 Act Containing Measures

to Repress Trafficking in Persons. As amended, the law's maximum prescribed penalties for all forms of trafficking – 30 years' imprisonment – is sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government reported prosecuting 387 trafficking suspects in 2009 and convicting 151 trafficking offenders in 2008; sentences for 146 convicted traffickers ranged from less than one year to 10 years in prison. According to a 2009 UNODC Report, the Belgian government aggregated law enforcement data on trafficking into a single data base which conflates smuggling with trafficking offenses; the government, however, reported that all 151 convicted persons in 2008 were convicted for trafficking-specific offenses. The government did not disaggregate this data to demonstrate how many persons were convicted for sex trafficking versus forced labor. Furthermore, the failure of an employer to meet wage, hours, and working conditions in accordance with prevailing labor legislation and collective bargaining agreements constitutes "exploitation" under Belgium's anti-trafficking law. An EU Schengen evaluation report issued in December 2009, stated that anti-trafficking prosecutors in Belgium report difficultly distinguishing between sexual exploitation as such, and sexual exploitation related to trafficking; this report also noted prosecutor's difficulty in separating a victim of trafficking from economic exploitation from one of illegal employment. Furthermore, this evaluation reported that despite adequate legislation, the government convicted a relatively low number of offenders for nonconsensual sexual and economic exploitation. The report, however, praised the government for its multidisciplinary approach on trafficking cases and highlighted it as a best practice in Europe.

The government previously reported that it charged eight family members of the royal family of Abu Dhabi (UAE) with human trafficking in 2008 for subjecting 17 girls to forced servitude while staying at a Brussels hotel. The government reportedly has not yet scheduled trial proceedings for this case, though they were to have occurred in early 2010. The implicated sheikha and seven other family members have not returned to Belgium. The government reported its prosecution in 2009 of two Belgian consular officers posted in Bulgaria in 1990 for issuing fraudulent visas to traffickers operating under the cover of travel agencies. The government incarcerated a Ministry of Justice and a state security official arrested in January 2009 for being suspected of assisting a ring subjecting 17 Thai women to forced prostitution in massage parlors.

Protection

The government continued its efforts to protect victims of trafficking; however it reported a decrease in the number of trafficking victims identified and referred for protection in 2009. The government continued to fund three NGOs to shelter and provide comprehensive assistance to trafficking victims. These three NGOs assisted 465 potential trafficking victims during the reporting period; 158 of these were new referrals, a significant decline from the 495 total identified and referred in 2008. The government reported 103 victims of sexual and economic exploitation filed applications for temporary residency in Belgium in 2009, but did not provide the number of residency permits that were officially granted. The government reportedly used proactive procedures to identify victims of trafficking based on a 2008 interagency directive on coordination and assistance to trafficking victims; a December 2009 EU Schengen evaluation cited the guidelines for victim identification as a best practice. 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. According to a 2009 End Child Prositution in Asian Tourism (ECPAT) report, Belgian officials will only officially recognize a person as a victim of trafficking if that person has broken off all contact with their traffickers, agrees to counseling at a specialized reception center, and officially files a complaint against the traffickers. The report noted that these conditions for victim assistance are too high for child victims to meet. According to the government, if a child did not qualify for victim status, they may still have qualified for protection under the government's rules for unaccompanied minors. Victims who served as prosecutors' witnesses in court were entitled to seek legal employment during the relevant legal proceedings. A report released by the government in December 2009 noted that undocumented victims of economic exploitation often hesitate to collaborate with law enforcement, fearing deportation. The report also noted that victims of economic exploitation occasionally end up in centers for rejected asylum seekers before being directed to shelters. Identified victims were not inappropriately incarcerated, fined, or penalized for unlawful acts committed as a direct result of being trafficked. IOM reported it repatriated five victims of trafficking, three adults and two unaccompanied minors, in 2009.

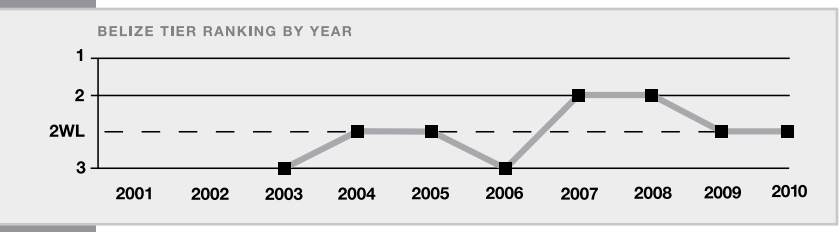


Prevention

The Government of Belgium sustained its progress to prevent trafficking in 2009. The government continued to fund its ongoing "Stop Child Prostitution" prevention program in 2009. It reported that Belgian authorities launched an information campaign to increase identification and protection for Brazilian victims of forced labor. In 2009, the government issued a flyer in 27 languages for potential trafficking victims distributed by the police, the shelters, and available in airports and railway stations. In April 2009, in partnership with an NGO, the government held a colloquium in the Belgian Senate to generate greater parliamentary interest in trafficking issues. Reportedly, Brussels, Antwerp, and Liege took measures to reduce the demand for commercial sex acts during the reporting period. Following the example of Brussels and Antwerp, the Liege city government closed 51 brothels in September 2008, limiting prostitution to a few registered bars. Belgian law allows for the prosecution of Belgian nationals for child abuse crimes committed abroad. The Belgian authorities identified child sex tourism as a serious problem among Belgian nationals, but reported no prosecutions of such activity. The government provided specific anti-trafficking training to Belgian troops before they were deployed on international peacekeeping missions.

BELIZE (Tier 2 Watch List)

Belize is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. The most common form of trafficking in Belize is the forced prostitution of children, 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 is not recognized as a form of human trafficking by local communities or law enforcement personnel. Men, women, and children, particularly from Guatemala, Honduras, El Salvador, and Mexico, migrate voluntarily to Belize in search of work; some may fall victim to forced prostitution in bars or to forced labor. In recent years, migrants from India and Nepal have been subjected to conditions of forced labor in Belize. Child sex tourism has been identified as an emerging trend in Belize.



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 efforts, notably the continued provision of assistance to foreign trafficking victims first identified in 2005 and 2008, the government did not convict or sentence any trafficking offenders last year, and did not make adequate efforts to systematically identify trafficking victims among vulnerable populations. In spite of existing anti-trafficking legislation and victim facilities, the government did not demonstrate appreciable progress in combating trafficking; therefore Belize is placed on Tier 2 Watch List for the second consecutive year.

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 both labor and sex trafficking; develop a formal mechanism to identify trafficking victims among vulnerable populations, including migrant laborers and foreign women forced to work in bars; continue to improve victim services and assistance; and increase penalties for human trafficking so they are commensurate with penalties for other serious crimes, such as rape.

Prosecution

The Government of Belize demonstrated considerable, but incomplete, efforts to apply law enforcement measures against trafficking offenders during the past year. Belize's government prohibits all forms of trafficking through its Trafficking in Persons Prohibition Act of 2003, which prescribes punishment between one and five years' imprisonment and a $5,000 fine. These penalties are sufficiently stringent, but are not commensurate with penalties prescribed for other serious crimes such as rape, which carries a penalty of eight years' to life imprisonment. Authorities conducted five anti-trafficking law enforcement operations during the reporting period; no cases of human trafficking were identified during these operations, but individuals were arrested for immigration offenses. Two prosecutions of labor trafficking offenses are pending before the courts; in both cases, the victims were adult males. There were no trafficking convictions during the reporting period, and there have been no trafficking convictions since 2005. 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, formed of various government agencies and several NGOs, led the government's efforts to combat trafficking, including coordination of investigations and prosecutions of trafficking offenders. There were no confirmed cases of trafficking-related complicity by Belizean officials, although an NGO reports that some officials may have accepted bribes to ignore potential trafficking activity.

Protection

The Government of Belize maintained adequate protection services for trafficking victims last year. During the reporting period, the government revised standard operating procedures for officials dealing with human trafficking cases to improve victim identification and conducted training on these procedures. Immigration officials who had received government-sponsored training on human trafficking identified four sex trafficking victims in March 2010: while initially incarcerated for immigration violations, once identified the victims were removed from jail and placed in protective care. Ten foreign labor trafficking victims, all adult males who were first identified in 2008, received shelter assistance, victim services and work permits last year, and two were offered permanent residency. Three sex trafficking victims first identified in 2005 continued to receive legal, health, and rehabilitation services from the government during the reporting period. Child victims of trafficking could be placed in government institutions for children or referred to local NGOs, which receive limited funding and in-kind support from the government; the Government of Belize provided services to one child victim, including foster care and funding for legal, health, and rehabilitation services. The government operated two shelters for adult trafficking victims and provided access to medical care, counseling, and integration assistance. One of the shelters cannot accommodate both male and female victims at the same time. Authorities in Belize encouraged victims to assist with the investigation and prosecution of their traffickers. There were no reports of victims being jailed or penalized for crimes committed as a direct result of being trafficked. Authorities provided temporary residency for foreign trafficking victims participating in court cases. In collaboration with the Mexican government, the government assisted in the repatriation of several Indian labor trafficking victims. The anti-trafficking committee conducted training in trafficking victim identification for police officers, immigration officials, labor officials, social workers, and health care workers during the reporting period.

Prevention

The Government of Belize maintained efforts to raise public awareness of human trafficking during the reporting period. The government continued to air public service announcements in multiple languages and distributed posters and anti-trafficking materials. The government maintained partnerships with international organizations and NGOs, particularly regarding commercial sexual exploitation of children, and hosted a workshop in 2009 to raise awareness of this issue. Authorities registered 13 new cases of children at risk of becoming victims of commercial sexual exploitation and provided them with education assistance, counseling, and other services. Although there were no reported investigations, prosecutions, or convictions of child sex tourists during the reporting period, government officials continued to work with Belize's tourism industry to promote a code of conduct to prevent child sex tourism. In an effort to reduce the demand for commercial sex, courts convicted three individuals for commercial sexual exploitation of children using carnal knowledge and indecent assault statutes. No specific efforts to reduce demand for forced labor were reported.

BENIN (Tier 2)

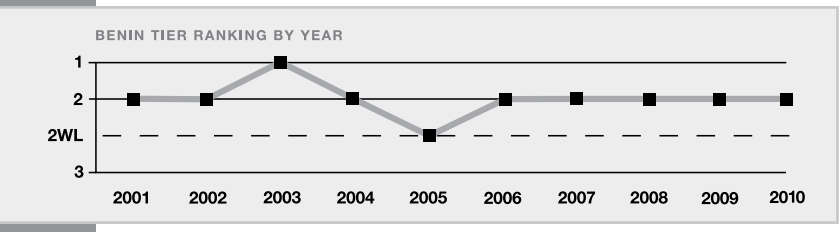
Benin is a country of origin and transit for children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. Until recently, analysts also considered Benin a destination country for foreign children brought to the country and subjected to forced labor, but new information from government and non-government sources indicates the total number of such children is not significant. The majority of victims are girls trafficked into domestic servitude or the commercial sex trade in Cotonou, the administrative capital. Some boys are forced to labor on farms, work in construction, produce handicrafts, or hawk items on the street. Many traffickers are relatives or acquaintances of their victims, exploiting the traditional system of *vidomegon*, in which parents allow their children to live with and work for richer relatives, usually in urban areas. There are reports that some tourists visiting Pendjari National Park in northern Benin exploit underage girls in prostitution, some of whom may be trafficking victims. Beninese children recruited for forced labor exploitation abroad are destined largely for Nigeria and Gabon, with some also going to Cote d'Ivoire and other African countries, where they may be forced to work in mines, quarries, or the cocoa sector.

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. Over the last year, the government took steps to accelerate prosecution of trafficking offenders and increase the number of protective and preventive activities. In efforts to prevent human trafficking, it promulgated three decrees regulating the movement of children into and out of Benin and continued its countrywide effort to register births and issue birth certificates to all citizens. The government did not, however, collect and make available to its citizens and partners accurate law enforcement data on human trafficking issues. Further, it did not give its officials specialized training on how to recognize, investigate, and prosecute instances of trafficking.

Recommendations for Benin: Increase efforts to prosecute and convict trafficking offenders; improve efforts to collect data on sentences imposed on convicted trafficking offenders; develop formal procedures for identifying trafficking victims among women and children in prostitution and children laboring in the informal sector and private residences; and develop and enact legislation prohibiting trafficking of adults.

Prosecution

The government sustained its efforts to bring trafficking offenders to justice during the reporting period. 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 and prescribes penalties of up to 20 years' imprisonment. These penalties are sufficiently stringent and exceed those prescribed for rape. The child trafficking law does not cover adults, though existing laws against kidnapping and labor exploitation give some protection to people more than 18 years old. The Ministry of Justice, Legislation and Human Rights reported that Benin's eight courts handled a total of 200 cases of child trafficking and related offenses, including child abduction and corruption of children. At the close of the reporting period, 155 cases remained pending, five cases were dismissed, and 40 cases resulted in convictions; the government neither specified which of these cases involved child trafficking nor provided information on sentences given to convicted trafficking offenders. The Police Brigade for the Protection of Minors (BPM) handled 58 cases involving child trafficking or illegal movement of children out of the country without parental authorization, bringing 17 perpetrators to the Cotonou court for further investigation and prosecution. Gendarmes in the village of Porga arrested suspected traffickers trying to cross the Benin-Burkina Faso border *en route* to Cote d'Ivoire with five children in April 2009, and delivered them to the court at Natitingou. The government did not provide information on the outcome of the Porga case, or data on cases handled by other branches of the police. There was no evidence of Beninese government officials' complicity in trafficking offenses. Although the senior police members were provided training on child trafficking issues as part of their training at the police academy, other officials were not trained to recognize, investigate, and prosecute trafficking offenses.



Protection

Four government ministries and several international donors and NGOs effectively used their partnerships to widen Benin's ability to assist, repatriate, and reintegrate victims of trafficking in 2009. The BPM reported rescuing 266 trafficking victims as they were being transported to and from Nigeria, Gabon, Cote d'Ivoire, Mali, and Togo; these rescues were the product of partnerships with authorities of those countries. This figure represents an increase of 22 more rescues than in the previous year. Furthermore, working with UNICEF and Gabonese officials, the government repatriated 28 Beninese children, some of whom may have been trafficking victims, rescued from a boat carrying clandestine migrants off the coast of Gabon. In most cases, the BPM took initial custody of victims once inside Benin, and after an interview to confirm their status as trafficking victims, typically referred them to a network of long-term NGO shelters. The BPM holds recovered victims at a large government-built transit shelter it maintained in Cotonou, staffed by seven NGO personnel, until transferring victims to an NGO shelter for reintegration. During 2009, the BPM shelter took in 941 children, many of whom were trafficking victims, and offered them legal, medical, and psychological assistance. The Ministry of Family and National Solidarity worked with NGOs to reunite children with their families. No child goes back to its community of origin until there is a suitable point of reinsertion such as a school, vocational center, or apprenticeship. The government extended access for these children to the national network of social promotion centers, which provide basic social services in each of the country's 77 communes. Foreign victims of trafficking offenses received assistance from the government through the BPM and social promotion centers before repatriation. According to an NGO leading the repatriation and shelter of Beninese victims from the Abeokuta quarries in Nigeria, the Beninese Ministry of Family, the BPM, and the Beninese Consulate in Nigeria repatriated 20 trafficking victims between August and December 2009. Both BPM and the office of Family and Child Monitoring at the Ministry of Family established operational databases on child trafficking during the year, but neither yielded data on trafficking victims during the reporting period. Officials encouraged victims to assist in the investigation of trafficking offenders, but shielded children from taking part in the trial unless a judge required it. Victims were not inappropriately incarcerated or fined for unlawful acts committed as a direct result of being trafficked, but the government did not have a mechanism for screening victims of trafficking among populations of women and children in prostitution.

Prevention

Through partnerships with local and international agencies, the government provided partial support for several new programs to prevent child trafficking. In 2009, the Ministry of Family, with foreign donor support, established 142 new local committees to enable community surveillance in Benin and along the Benin-Nigeria border. The BPM, immigration agents, and gendarmes took up stations at international border crossings to screen travelers and monitor the transport of children. These observers relied on community whistleblowers to alert them to suspicious cases. Furthermore, the government completed ahead of schedule its 2008-2012 National Plan to Combat Child Trafficking and Labor. Also in 2009, the government joined with foreign partners to implement a second

anti-child trafficking project to improve living conditions and advance respect for children's rights, thus addressing key structural causes of Benin's trafficking problem. The government, in partnership with UNICEF and a major regional bank, launched a seven-day awareness campaign against child sex tourism. The government provided training to Beninese troops on issues of child trafficking and exploitation prior to their deployment abroad for international peacekeeping missions.

BOLIVIA (Tier 2)

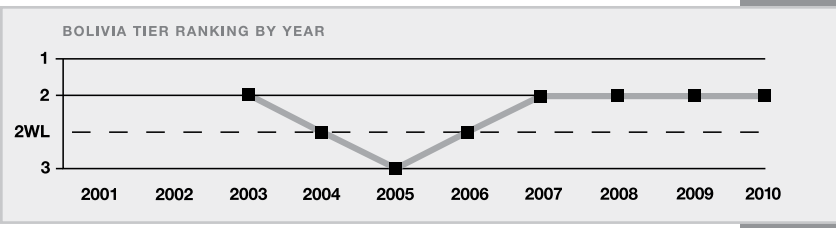
Bolivia is principally a source country for men, women, and children who are subjected to trafficking in persons, specifically conditions of forced prostitution and forced labor within the country or abroad. A large number of Bolivians are found in conditions of forced labor in Argentina, Brazil, Chile, Peru, Spain, and the United States in sweatshops, factories, and agriculture. Within the country, young Bolivian women and girls from rural areas are subjected to forced prostitution in urban areas. Members of indigenous communities, particularly in the Chaco region, are at risk of forced labor within the country. A significant number of Bolivian children are subjected to conditions of forced labor in mining, agriculture, and as domestic servants, and reports indicate some parents sell or rent out their children for forced labor in mining and agriculture near border areas with Peru. The country's porous borders facilitate the movement of undocumented migrants, some of whom may be trafficked. In one case, Bolivian authorities identified 26 Haitian children who were *en route* to Brazil for possible forced labor and forced prostitution.

The Government of Bolivia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government maintained significant law enforcement efforts against sex trafficking crimes, although it did not increase convictions of trafficking offenders, which remained disproportionately low compared with high the numbers of trafficking victims identified by Bolivian authorities. The government did not show evidence of adequately addressing forced labor, and services available to individuals subjected to forced labor and repatriated Bolivians who were trafficked abroad were generally lacking. While many of Bolivia's anti-trafficking initiatives remained dependent on international donor funding, the government has initiated a project to significantly dedicate more law enforcement officers and prosecutors toward the investigation and prosecution of trafficking offenses over the next year.

Recommendations for Bolivia: Intensify anti-trafficking law enforcement efforts, particularly investigations of allegations of forced labor of adults and children; increase efforts to prosecute trafficking offenses, and convict and punish trafficking offenders, especially in cases involving forced prostitution of adult women or forced labor; enhance victim services across the country, particularly for victims of forced labor; dedicate resources to serve repatriated victims of trafficking; develop formal procedures for identifying trafficking victims among vulnerable populations; and increase public awareness about the dangers of human trafficking, particularly among Bolivians seeking work abroad.

Prosecution

The Government of Bolivia sustained anti-trafficking law enforcement efforts over the last year, though it did not demonstrate increased efforts to prosecute and punish trafficking offenders. The government prohibits all forms of human trafficking through Law 3325, an anti-trafficking law enacted in 2006, which prescribes penalties of 8 to 12 years' imprisonment, penalties which are sufficiently stringent and commensurate with penalties prescribed under Bolivian law for other serious crimes such as rape. A draft law submitted to Bolivia's Congress over the past year would enhance the government's ability to conduct thorough investigations and would improve victims' access to specialized services. The Bolivian national police investigated 288 cases suspected of involving human trafficking in 2009, a 26 percent increase over investigations initiated during the preceding year. The Bolivian government reported 21 prosecutions initiated and seven trafficking offenders convicted in 2009; three of the seven convicted offenders were given suspended sentences and released, while the other sentences ranged from three to 12 years. These actions compare with 64 prosecutions initiated and seven convictions obtained in 2008. The majority of the government's anti-trafficking law enforcement efforts focused on the commercial sexual exploitation of children, and no charges were filed for labor trafficking offenses. The government continued to operate four specialized anti-trafficking police units in La Paz, El Alto, Santa Cruz, and Cochabamba, and made preparations to open an additional six units along the frontiers with Brazil, Argentina, and Peru in 2010 with the support of a foreign government. Bolivian police increased targeted law enforcement operations against brothels, which resulted in the rescue of 287 children in conditions of forced prostitution, a 33 percent increase from the previous year. Some of these victims sought care in shelters, while others were reintegrated with their families. No criminal investigations or prosecutions of public officials allegedly involved with trafficking-related activity were initiated during the reporting period.



Protection

The Bolivian government sustained modest efforts to protect trafficking victims over the last year. Although law enforcement officials identified child victims during police operations in brothels, the government lacks effective procedures for identifying trafficking victims among other vulnerable populations, such as child laborers. During the past year, law enforcement officials stationed along Bolivia's borders did not systematically attempt to identify victims of trafficking among emigrating Bolivians, though reports indicate hundreds of children leave the country under suspicious circumstances each month. In larger cities, such as La Paz and Santa Cruz, the government maintains small municipal shelters capable of caring for sex trafficking victims on a short-term basis, although some shelters limit services to girls. In addition to investigating and prosecuting cases, the anti-trafficking police unit in Santa Cruz provides trafficked individuals, along with victims of domestic violence, with medical assistance and shelter, and is seen as a successful model of integrated care. Municipal shelters generally cannot, however, accommodate the demand for all forms of victim services, and in practice, services are limited to women and children trafficked into commercial sexual exploitation, with minimal resources available to male victims of trafficking or victims subjected to forced labor. Child victims may receive general care at a government-operated children's shelter, and NGOs and religious groups provide additional shelter care and reintegration training programs to trafficking victims. Temporary and long-term services for victims remain unavailable in parts of the country. The government has no dedicated programs to assist the significant numbers of Bolivians trafficked abroad and later repatriated to the country. The government encourages victims to participate in investigations and prosecutions of trafficking offenders, though victims often do not because of their fear of reprisals from traffickers. The government does not provide foreign trafficking victims with legal alternatives to deportation to countries where they may face hardship or retribution. While the government provided no specialized training in the identification of trafficking victims, other partners, including NGOs and foreign governments, provided training to police, prosecutors, and the general population.

Prevention

The government sustained previous levels of prevention and public awareness efforts, largely in collaboration with international donors. Bolivian authorities continued to forge partnerships with NGOs, international organizations, and other governments on prevention activities, and hosted the country's first International Trafficking in Persons conference in March 2009. No efforts to reduce demand for commercial sex acts or forced labor were reported during the year. The government provided anti-trafficking training for its troops before they deployed on international peacekeeping missions.

BOSNIA AND HERZEGOVINA (Tier 1)

Bosnia and Herzegovina is primarily a source for Bosnian women and girls who are subjected to trafficking in persons, specifically forced prostitution within the country, though it is also a destination and transit country for foreign women and girls in forced prostitution in Bosnia and in Western Europe. There were four identified victims from Serbia in 2009. Most trafficked women entered the country through Serbia or Montenegro. There were reports that some girls, particularly Roma, were trafficked, using forced marriage, for the purpose of involuntary domestic servitude and that Roma boys and girls were subjected to forced begging by organized groups. There was one case involving Bosnian males recruited for labor and subjected to coercive conditions in Azerbaijan in 2009. NGOs report that traffickers frequently use intermediaries to bring clients to private apartments, motels, and gas stations where victims are held.

The Government of Bosnia fully complies with the minimum standards for the elimination of trafficking. The government made clear progress in its anti-trafficking law enforcement efforts during the reporting period by significantly reducing its use of suspended sentences and imposing stronger penalties for convicted traffickers. The government employed proactive systematic procedures to identify potential victims throughout the reporting period, registering a greater number of trafficking victims, and referred them to NGO service providers which it funded.

Recommendations for Bosnia and Herzegovina: Consider providing specialized reintegration services to all domestic trafficking victims, particularly for those who choose not to stay at an NGO shelter; sustain and expand partnerships with NGOs to institutionalize a victim-centered response to trafficking; continue to improve law enforcement coordination at all levels of government; continue to improve penalties for convicted traffickers; ensure vigorous investigation and prosecution of alleged trafficking-related complicity; continue to conduct outreach with local centers for social work to improve recognition and response to all trafficking victims, including children; develop specialized services for men who are subjected to conditions of forced labor; and develop more comprehensive campaigns aimed at reducing the demand for commercial sex and forced labor.

Prosecution

The Government of Bosnia made significant progress in its anti-trafficking law enforcement efforts over the last year, delivering one of the highest sentences for trafficking ever prosecuted in Bosnia. The government also reduced its use of suspended sentences and increased penalties for convicted traffickers. The Government of Bosnia prohibits trafficking for sexual and labor exploitation

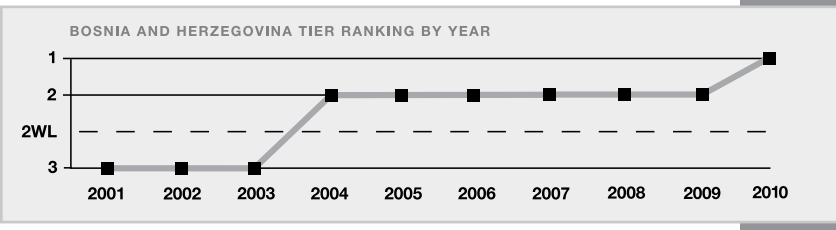
through Article 186 of its criminal code, which prescribes penalties of up to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government amended its criminal code in 2009, setting a three-year minimum sentence for trafficking and increasing the minimum penalty for officials involved in trafficking. The national government successfully prosecuted a landmark trafficking case involving a high-level trafficker in 2009, sentencing the ringleader to 12 years in prison, fining him $14,286, and ordering the forfeiture of over $204,600 in assets. In 2009, the national government investigated 14 suspected trafficking cases, and local authorities investigated 21 such cases. The national government prosecuted three cases involving 12 suspected trafficking offenders in 2009 and convicted 11 trafficking offenders; sentences for 11 convicted traffickers in two cases ranged from five months to 12 years' imprisonment. Six of these sentences were over three years in length, and one suspect was acquitted. Courts in the Federation prosecuted seven cases, convicted 11 traffickers and sentenced nine of them to one to three years. Finally, in the Republika Srpska, authorities reportedly prosecuted nine trafficking cases and convicted five trafficking offenders, resulting in sentences ranging from one to two years. State and local-level courts suspended sentences for two convicted traffickers in 2009, a notable decrease from 14 suspended sentences in 2008.

Under Bosnian law, many convicted offenders are eligible for weekend furloughs from prison; thus some convicted traffickers in 2009 may have been released on weekends, posing a potential risk to their victims. There were continued anecdotal reports of police and other officials' facilitation of trafficking, including by willfully ignoring or actively protecting traffickers or exploiters of trafficking victims in return for payoffs. In March 2010, the government arrested 16 suspects, including the Srebrenica Deputy Mayor, local religious officials, school officials, and police officers for their alleged involvement in the trafficking and forced prostitution of a Roma girl. The government reported all suspects were subsequently released two days after the arrests, citing lack of sufficient evidence to detain them. The State Minister of Security was also interrogated as a suspect. The investigation remains ongoing. Two local officials under investigation by the State Prosecutor for their December 2007 involvement in forced prostitution of three children were released from custody on February 12, 2009. Trial proceedings are still ongoing. The government has yet to convict any government officials for trafficking-related complicity.

Protection

The Government of Bosnia made progress in identifying and protecting victims of trafficking in 2009. The government continued to provide sufficient funding to six local NGOs that provided shelter and medical and psychological assistance to foreign and domestic victims during the reporting period. In 2009, the government provided $32,000 for the care of domestic victims and $71,400 for care to foreign victims of trafficking, including repatriation assistance. The government employed systematic proactive procedures for identifying and referring both foreign and domestic victims to NGO service providers and registered 46 trafficking victims in 2009, an increase from 29 identified in 2008. Government-funded NGOs provided shelter to 18 victims during the reporting period; the remaining 28 victims received services from NGOs on an outpatient basis. The government encouraged victims to assist in the investigation and prosecution of traffickers and relied on the voluntary cooperation of victims as witnesses in all of its prosecutions in 2009. However, a 2009 report issued by the European Commission reported witness protection in Bosnia remained inadequate.

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 residence permits. In 2009, the government provided six victims with residence permits, an increase from the two permits provided the previous year. Police and border officers continued to employ systematic procedures for identifying trafficking victims among vulnerable populations and the government continued to train its consular officials abroad on ways to identify potential trafficking victims among persons applying for Bosnian visas. The government ensured that identified victims were not penalized for unlawful acts committed as a direct result of their being trafficked; however, unidentified victims were likely inadvertently deported or occasionally prosecuted for immigration or other violations. The government failed to protect the confidentiality of an alleged underage sex trafficking victim during the reporting period by allowing some media to disclose her full name and photo. While the government reported authorities referred the victim to one of its shelters for care, the disclosure of her identify likely hampered the government's ability to adequately protect her.



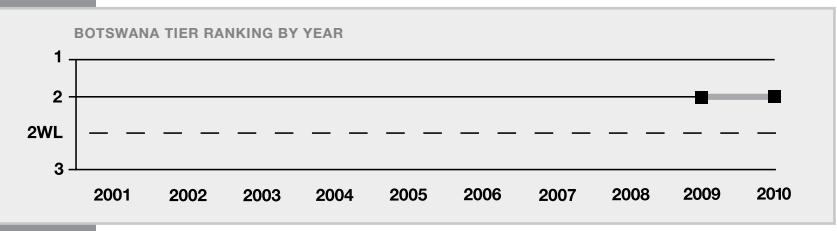
Prevention

The Bosnian government sustained its anti-trafficking prevention efforts over the year. 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 continued to fund an NGO's operation of

an anti-trafficking hotline in 2009. The government also continued to give specialized trafficking awareness training to Bosnian troops before their deployment on international peacekeeping missions. In partnership with the Norwegian government, it developed a manual for police, prosecutors, social centers and health care officials on preventing child trafficking. The government did not conduct any awareness campaigns specifically aimed at reducing demand for commercial sex acts or forced labor.

BOTSWANA (Tier 2)

Botswana is a source and destination country for women and children subjected to trafficking in persons, specifically forced labor and commercial sexual exploitation. 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 are vulnerable to forced labor. Batswana girls are exploited in prostitution within the country, including in bars and by truck drivers along major highways; it does not appear, however, that organized pimping of children occurs. In the past, women reported being forced into commercial sexual exploitation at some safari lodges, but there were no similar reports during this reporting period. Residents in Botswana most susceptible to trafficking are illegal immigrants from Zimbabwe, unemployed men and women, those living in rural poverty, agricultural workers, and children orphaned by HIV/AIDS. Some women from Zimbabwe who voluntarily, but illegally, migrate to Botswana to seek employment are subsequently subjected by their employers to involuntary domestic servitude. 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 the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government began drafting a comprehensive anti-trafficking law, investigated potential cases of human trafficking, and provided protective services to several individuals who may have been targets of traffickers. It failed, however, to prosecute and convict trafficking offenders or make attempts to proactively identify trafficking victims among vulnerable populations, such as irregular migrants subject to deportation.

Recommendations for Botswana: Complete the drafting and enact comprehensive legislation that specifically criminalizes the full range of trafficking offenses; increase efforts to prosecute, where appropriate, suspected trafficking offenders under laws prohibiting forced labor, slavery, or forced prostitution; train law enforcement, immigration, and social welfare officials to identify trafficking victims, especially among vulnerable populations such as women and children in prostitution and irregular migrants; institute and carry out formal procedures for proactively identifying victims; expand public awareness campaigns to educate the general public on the nature of human trafficking, including the appropriate treatment of domestic workers under Botswana law; and increase efforts to keep detailed records of trafficking-related efforts undertaken by law enforcement entities.

Prosecution

The Government of Botswana did not increase its efforts to prosecute or punish trafficking offenses over the last year, though it investigated several suspected cases of human trafficking. The government did not prosecute any trafficking offenses or convict or punish any trafficking offenders in 2009. Although it does not have a comprehensive law prohibiting trafficking in persons, provisions in the Penal Code of 1998, such as those in sections 155-158 on procurement for forced prostitution and sections 260-262 on slavery, prohibit some forms of human trafficking. The sufficiently stringent penalties prescribed for offenses under these sections range from seven to 10 years' imprisonment, and are commensurate with those prescribed for other serious crimes, such as rape. These sections have never been used to prosecute or convict a suspected trafficking offender. In June 2009, the Parliament passed a revised Children's Act, which defined a child as anyone under the age of 18 and increased protections for children from various forms of exploitation, including child labor and child prostitution. Section 57 of the Act prohibits the facilitation or coercion of children into prostitution and prescribes sufficiently stringent penalties of two to five years' imprisonment or a fine of $2858 to $7143. In October 2009, the Ministry of Defense, Justice and Security began drafting a comprehensive anti-trafficking law. Officers involved in law enforcement investigations of several non-trafficking crimes during 2009 observed that some of these crimes seemed to contain elements of human trafficking. Very few immigration and law enforcement officials are trained to effectively investigate cases of human trafficking or to differentiate between smuggling clients and trafficking victims, which continued to obscure the nature and extent of the trafficking situation in Botswana. In 2009, the Botswana Police Service conducted 10 in-service training courses for its officers, during which students received lectures on combating human trafficking. A police

officer in the National Central Bureau of Interpol was assigned to work exclusively on human trafficking issues and to educate police officers about the phenomenon; information on his specific anti-trafficking duties and the results of his work were unavailable.

Protection

The government showed evidence of minimal efforts to protect victims of trafficking. During the year, the government did not identify or provide assistance to any confirmed victims of trafficking, but provided shelter and social services to three Zimbabwean children and six illegal Indian migrants who officials believed to be targets of transnational traffickers. The government provided logistical and financial assistance to repatriate all nine individuals to their countries of origin. NGO-operated shelters which received government funding to provide services to children, including children in prostitution, may have provided assistance to trafficked children without identifying them as such. Law enforcement and social services personnel have not established formal procedures to proactively identify victims of trafficking among vulnerable populations or to refer identified victims for protective services, and foreign trafficking victims have been deported from Botswana. During the reporting period, IOM identified 594 unaccompanied minors at the reception center in Plumtree for Zimbabweans deported from Botswana and expressed concern that some of them may have been victims of trafficking Botswana has an extensive public medical system, which includes psychological care facilities, and a university-run legal clinic which provides legal assistance to victims of any crime. It is unclear whether any trafficking victims received assistance at these facilities in 2009. Botswana's laws do not specifically protect victims of trafficking from penalization for unlawful acts 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. During the reporting period, the government did not complete or implement a national anti-trafficking plan of action it began developing in 2008. The government continued its participation with NGOs in an anti-trafficking working group. During the reporting period, the working group raised the issue of trafficking in the local press and within the government; fostered communication on trafficking issues between the government, NGOs, and other stakeholders; and laid the groundwork for drafting and implementing anti-TIP legislation. It produced and disseminated anti-trafficking education posters at all of its border posts and included trafficking awareness segments in some of its law enforcement training sessions. In early 2009, a partnership of NGOs and representatives from the government's police, labor, and social services responsible for issues of child labor, including the trafficking of children for forced labor, formed a child labor task force that met regularly throughout the reporting period. In mid-2009, the government funded the salaries of two ILO consultants to advise the government on how to strengthen both its laws on worst forms of child labor and enforcement of those laws. The task force began developing definitions for what constitutes "hazardous work" under child labor statutes and recommended changes within existing laws to standardize the definition of a "child" under different statutes. During the year, the Ministry of Labor conducted child labor inspections and removed at least one child from a situation of exploitative child labor. The government made efforts to reduce the demand for commercial sex acts, largely through a broad, well-publicized HIV/AIDS awareness campaign that discouraged commercial sex acts.

BRAZIL (Tier 2)

Brazil is a source country for men, women, girls, and boys subjected to trafficking in persons, specifically forced prostitution within the country and abroad, as well as a source country for men and boys in forced labor within the country. 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 found in forced prostitution abroad, often in Spain, Italy, Portugal, the United Kingdom, The Netherlands, Switzerland, France, Germany, and the United States, but also as far away as Japan. Brazilian authorities have uncovered evidence that foreign organized criminal networks, particularly from Russia and Spain, are involved in sex trafficking of Brazilian women. There is evidence that some Brazilian transsexuals have been subjected to forced prostitution abroad. Brazilian women and children are also subjected to forced prostitution in neighboring countries such as Suriname, French Guiana, Venezuela, and Paraguay. To a lesser extent, women from neighboring countries have been identified in sexual servitude in Brazil. Under Brazilian law the term *trabalho escravo,* or slave labor, can signify forced labor or labor performed during exhausting work days or in degrading working conditions. More than 25,000 Brazilian men are subjected to slave labor within the country, typically on cattle ranches, logging and mining camps, sugar-cane plantations, and large farms producing corn, cotton, soy, and charcoal. Some boys have been identified as slave laborers in cattle ranching, mining, and the production of charcoal. Forced labor victims are commonly lured with promises of good pay by local recruiters – known as *gatos* – in rural northeastern states to interior locations where many victims are subjected to debt bondage. Most internally trafficked forced laborers originated from the states of Maranhao and Piaui, while Para and Mato Grosso states received the higher number of internally trafficked slave laborers. Labor trafficking victims are also found in the Cerrado, the Atlantic Forest, and the

Pantanal. Children in involuntary domestic servitude, particularly involving teenage girls, also constitute a problem in the country. To a lesser extent, Brazil is a destination for the trafficking of men, women, and children from Bolivia, Paraguay, and China 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.

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 several thousand victims of slave labor through mobile labor inspection operations and enhanced efforts to provide sex trafficking victims with services through an expanding series of anti-trafficking centers. However, convictions of sex trafficking offenders decreased from the previous year and government-provided shelter services and protections for trafficking victims remained inadequate.

Recommendations for Brazil: Increase efforts to investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders, including public officials allegedly complicit in trafficking crimes; amend legislation to apply more stringent sentences for labor trafficking offenders and to bring sex trafficking statutes in line with the UN TIP Protocol; consider increasing penalties for fraudulent recruiting crimes to more effectively target and punish unscrupulous recruiters of forced labor; enhance collaboration between government entities involved in combating different forms of trafficking; continue to improve and increase funding for victim assistance and protection, especially for victims of slave labor who are vulnerable to being re-trafficked; and expand partnerships between the government and the business sector to encourage voluntary efforts made by companies to eliminate forced labor.

Prosecution

The Brazilian government maintained law enforcement efforts to confront human trafficking crimes during the past year. Brazilian laws prohibit most forms of trafficking in persons. Law 12.015, which entered into effect in August 2009, amended Sections 231 and 231-A of the Brazilian penal code to strengthen penalties against potential sex trafficking offenders. Sections 231 and 231-A prohibit promoting or facilitating movement to, from, or within the country for the purposes of prostitution or other forms of sexual exploitation, prescribing penalties of three to eight years' imprisonment. Sentences may be increased up to 12 years when violence, threats, or fraud are used, or if the victim is a child. The above penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. These statutes encompass activity that does not constitute trafficking, however, such as consensual smuggling or movement for the purpose of prostitution.

Labor trafficking is criminalized pursuant to Section 149 of the penal code, which prohibits *trabalho escravo*, or reducing a person to a condition analogous to slavery, including by forcing a person to work or by subjecting a person to exhausting work days or degrading working conditions. This statute, therefore, prohibits treatment that is considered human trafficking, such as forced labor, as well as other treatment, such as poor labor conditions, which is beyond the definition of human trafficking. The penalty of two to eight years' imprisonment is sufficiently stringent. 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. A 2006 presidential decree included a stated goal to amend Brazilian anti-trafficking laws to achieve parity between penalties applied to sex trafficking and slave labor crimes; such amendments remain unrealized. A bill first proposed in 2001 which would allow the government to confiscate and redistribute property on which forced labor has been employed is still pending.

During the reporting period, five sex trafficking offenders were convicted in one case involving Brazilian women trafficked to Switzerland, with sentences ranging from one to six years' imprisonment. Such results represent a decrease in convictions when compared with 22 sex trafficking convictions achieved during the previous reporting period. There were no reports of convictions for internal sex trafficking, although several individuals were arrested for this crime. Authorities collaborated with foreign governments in a number of transnational trafficking cases involving victims trafficked to Italy, Spain, Portugal, Canada, Switzerland, Mexico, Argentina, and the United States. An integrated sex trafficking database which will collect information from law enforcement, the judiciary branch, and anti-trafficking centers around the country remained in the testing stage.

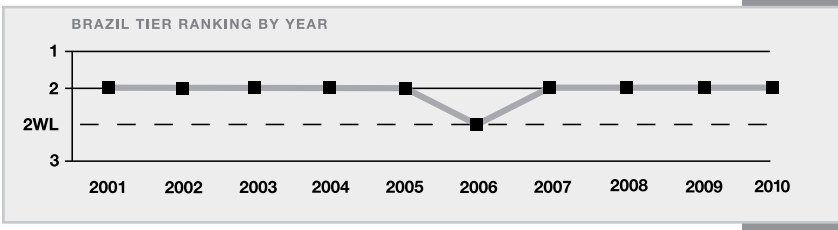
The government maintained efforts to investigate forced labor crimes. During the reporting period, the government prosecuted and convicted 15 persons under the *trabalho escravo* law. The 15 convicted offenders were given sentences ranging from 30 months to 10 years and six months plus fines, compared with 23 convictions for *trabalho escravo* during the previous year. Convicted trafficking offenders had subjected workers to slave labor on a rice and soy plantation, a palm-oil plantation, and cattle ranches. The Ministry of Labor's anti-slave labor mobile unit, created in 1995, increased the number of rescue operations conducted last year; the unit's labor inspectors continued to free victims, and require those responsible to pay approximately $3.3 million in fines. 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 can only apply civil penalities, and their anti-trafficking efforts were not always coordinated with public ministry prosecutors, who initiate criminal cases in federal court. In addition to weak coordination among the police, judiciary, and prosecutors, local political pressure and the remoteness of areas in which slave labor was practiced were cited as impediments in criminal prosecution of slave labor offenders.

Credible NGO reporting indicated serious official complicity in trafficking crimes at the local level, alleging that police turned a blind eye to child prostitution and potential human trafficking activity in commercial sex sites. In the past, 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 slave labor hearings, and a few Brazilian legislators have sought to interfere with the operation of the labor inspection teams. Five federal police officers and two federal police administrators were arrested for alleged involvement in trafficking Chinese workers to Sao Paulo to work in the garment industry, and one federal judge was charged with trafficking Brazilian women to Portugal for sexual exploitation. Authorities provided specialized anti-trafficking training to law enforcement officers.

Protection

The Brazilian government sustained efforts to provide trafficking victims with services during the year. Authorities continued to use mobile inspection teams to identify forced laborers, but did not report formal procedures for identifying trafficking victims among other vulnerable populations, such as women in prostitution. The Ministry of Social Development provided generalized shelter, counseling, and medical aid to women and girls who were victims of sex trafficking through its network of 400 centers for victims of domestic violence and sexual abuse. During the reporting period the government established a women's center for victims of violence, including human trafficking, via an agreement of partnership with the Paraguayan and Argentine governments in a general migrant's assistance center in the tri-border area. Brazilian police continued to refer child sex trafficking victims to government-run Service to Combat Violence, Abuse, and Sexual Exploitation of Children and Adolescents for care. While the government reported training workers at more than 600 centers and health care facilities around the country to assist trafficking victims, NGOs noted that many centers were not prepared to handle trafficking cases and were underfunded. NGOs provided additional victim services, sometimes with limited government funding, and long-term shelter options were generally unavailable. The Brazilian government, with assistance from UNODC, continued to fund regional anti-trafficking offices in conjunction with state governments in Sao Paulo, Rio de Janeiro, Goias, Pernambuco, Ceara, and Pará and opened two new offices in Acre and Bahia, although the latter is not yet operational. These offices are responsible for providing victim assistance, in addition to preventing and combating human trafficking, although NGOs report that quality of service varies and that some centers focus on public awareness as opposed to victim care. Authorities also operated an assistance post to aid repatriated citizens who might be trafficking victims in the airport in Belem. In early 2010, the government took over responsibility for an assistance post in the Sao Paulo airport previously run by an NGO. During 2009, the post assisted 444 individuals, nine of which were identified as trafficking victims. Authorities plan to create additional airport posts in Fortaleza, Salvador, and Rio de Janeiro in 2010.



During the year, the Ministry of Labor's mobile units identified and freed 3,769 victims of *trabalho escravo* through 156 operations targeting 350 properties. Such results compare with 5,016 victims freed through 154 operations targeting 290 properties in 2008. The Ministry of Labor awarded forced labor victims a portion of funds which were derived from fines levied against the landowners or employers identified during the operations. However, forced labor victims, typically adult Brazilian men, were not eligible for government-provided shelter assistance, though they were provided with three months' salary at minimum wage, as well as job training and travel assistance when available. Some NGOs provided such victim services to male victims. According to NGOs, some rescued slave laborers have been re-trafficked, due to lack of effective prosecutions of recruiters of *trabalho escravo*, few alternate forms of employment for the rescued workers, and lack of legal aid to help them pursue their own complaints against exploitative employers.

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. NGOs allege that police often dismissed cases involving sex trafficking victims, and some victims reported discrimination or prejudicial treatment due to the fact that they worked in prostitution prior to being trafficked and were therefore not considered victims. The government did not generally encourage victims of slave labor to participate in criminal investigations or prosecutions. Some victims of sex trafficking were offered short-term protection under a witness protection program active in 10 states, 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, and law enforcement personnel noted that undocumented foreign victims were often deported before they could assist with prosecutions against their traffickers. Brazilian consular officers received guidance on how to report trafficking cases and assist trafficking victims.

Prevention

The Brazilian government increased efforts to prevent human trafficking last year. Federal authorities generally maintained good cooperation with international organizations and NGOs on anti-trafficking activities. Various government agencies implemented parts of the 2008-2010 National Plan for Combating Trafficking in Persons: the 2010-2012 plan was not released at the time of publication. Civil society organizations, religious officials, and various government agencies collaborated on anti-trafficking initiatives. A national hotline for reporting incidents of child sexual abuse and exploitation received approximately 12,000 calls on sexual exploitation of children, including a total of 200 reported calls on child trafficking.

Articles 206 and 207 of Brazil's penal code prohibit the trafficking-related offense of fraudulent recruitment or enticement of workers, internally or internationally, prescribing penalties of one to three years' imprisonment. The Ministry of Labor's "dirty list," which publicly identifies individuals and corporate entities the government has determined to have been responsible for crimes under the *trabalho escravo* law, continued to provide civil penalties to those engaged in this serious crime. The most recent version, released in January 2010, cited 164 employers, some of whom, because of this designation, were denied access to credit by public and private financial institutions because of this designation. 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.

The government took measures to reduce demand for commercial sexual exploitation of children by conducting a multi-media campaign during the 2010 Carnival holiday period, reaching an estimated audience of 600,000. Action brigades distributed a wide variety of awareness materials, radio announcements were broadcast daily, and airlines made information available on their flights. The government also sought to reduce demand for commercial sex acts along Brazil's highways. In partnership with a Brazilian energy company and an international organization, authorities trained highway police and engaged truck drivers in the fight against the commercial sexual exploitation of children. Finally, Brazilian authorities relied on operational partnerships with foreign governments to extradite and prosecute foreign sex tourists, though there were no reports of prosecutions or convictions for child sex tourism within Brazil. The Brazilian military used the UN Peacekeeping Office's anti-trafficking and forced labor training modules to train its troops prior to their deployment abroad as part of international peacekeeping missions.

BRUNEI (Tier 2 Watch List)

Brunei is a destination, and to a lesser extent, a source and transit country for men and women who are subjected to trafficking in persons, specifically forced labor and forced prostitution. Men and women from Indonesia, Malaysia, the Philippines, Pakistan, India, Bangladesh, China, and Thailand migrate to Brunei for domestic or other low-skilled labor but sometimes face conditions of involuntary servitude upon arrival. There are over 88,000 migrant workers in Brunei, some of whom face debt bondage, non-payment of wages, passport confiscation, confinement to the home, and contract switching – factors that may contribute to trafficking. There were credible reports of nationals from South Asian countries subjected to nonpayment of wages and debt bondage in Brunei for up to two years to pay back foreign recruitment agents. Some of the 25,000 female domestic workers in Brunei were required to work exceptionally long hours without being granted a day for rest, creating an environment consistent with involuntary servitude. There are reports of women forced into prostitution in Brunei, and reports that women arrested for prostitution attest to having been victims of trafficking. Brunei is a transit country for trafficking victims in Malaysia, including Filipinas, who are brought to Brunei for work permit re-authorization before being returned to Malaysia.

The Government of Brunei does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. While the government has laws to prosecute trafficking, it has never prosecuted a trafficking case. The government did not proactively identify any trafficking victims during the year, nor did it develop or implement formal procedures to identify victims of trafficking. For these reasons, Brunei is placed on Tier 2 Watch List. Given Brunei's ample resources, there is still room for considerable improvement in its law enforcement approach to trafficking and Brunei is encouraged to consider implementing the recommendations outlined below or similar measures.

Recommendations for Brunei: Use the 2004 anti-trafficking in persons law to increase significantly the number of investigations and prosecutions of both sex trafficking and labor trafficking offenses and convict and punish trafficking offenders; adopt proactive procedures to identify victims of trafficking among vulnerable groups, such as migrant workers and females arrested for prostitution; apply stringent criminal penalties to those involved in fraudulent labor recruitment or exploitation of forced labor; prosecute employers and employment

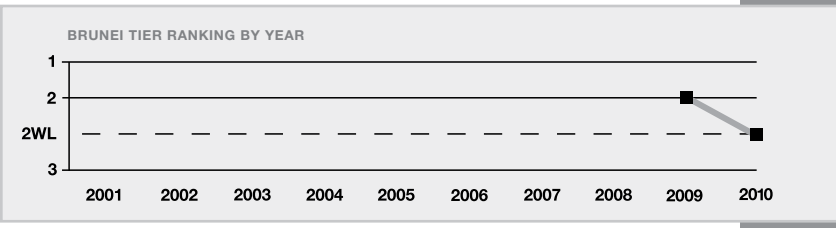
agencies who unlawfully confiscate workers' passports as a means of intimidating workers or holding them in a state of involuntary servitude, or use other means to extract forced labor; expand cooperative exchanges of information about trafficking cases with foreign governments in order to arrest and prosecute traffickers who enter Brunei; ensure that victims of trafficking are not threatened or otherwise punished for crimes committed as a result of being trafficked; train law enforcement, immigration, and prosecutors on the use of the anti-trafficking law; and implement and support a comprehensive and visible anti-trafficking awareness campaign directed at employers of foreign workers and clients of the sex trade.

Prosecution

The government made no discernible anti-trafficking law enforcement efforts during the past year. The Government of Brunei prohibits sex and labor trafficking through its Trafficking and Smuggling Persons Order of 2004; however, there has never been a prosecution or conviction under this order. The 2004 Order prescribes punishments of up to 30 years' imprisonment, which is sufficiently stringent and commensurate with penalties prescribed for other serious offenses. Brunei authorities did not investigate or prosecute any trafficking cases during the reporting period. The Department of Labor investigated labor disputes from foreign workers, including job switching, salary deductions for recruitment fees, salary based on false promises, and high recruitment fees paid by the prospective employee, although it did not identify any instances of trafficking among these cases. Labor disputes by foreign workers are usually tried under the Labor Act, which carries administrative penalties. Although government regulations prohibit wage deductions by agencies or sponsors and mandate that employees receive their full salaries, some foreign workers continued to pay high fees to overseas recruitment agents to obtain work in Brunei, leaving them vulnerable to debt bondage. Authorities continue to rely on victims coming forward or being identified by foreign embassies, and do not proactively identify trafficking cases among vulnerable groups. During the reporting period, there were 127 complaints by foreign workers against employers who failed to pay salaries involving 34 companies and 26 employers. Eleven companies and 13 employers settled through reconciliation and arbitration while the remaining cases remain under investigation.

Protection

Brunei did not demonstrate significant efforts to identify and protect trafficking victims during the reporting period. Brunei does not have a proactive system to formally identify victims of trafficking among vulnerable groups, such as foreign workers and foreign women and children in prostitution. The government did not report identifying any trafficking victims in the past year. The government did not provide centrally coordinated training for its officials on identifying trafficking victims. While the Brunei police reported running a workshop on identifying victims for members of its anti-vice unit, the victim identification measures employed by the unit do not appear to be effective. The government does not provide shelter or rehabilitative services to trafficking victims. One foreign mission reported 20 suspected trafficking cases of women forced into prostitution in Malaysia and traveling to Brunei to obtain work visa re-entry permits. Brunei authorities were informed when the Filipino victims were entering the country, and allowed the victims to enter Brunei without proper documentation to assist in their escape from their traffickers. The victims' foreign embassy provided shelter and repatriation assistance to the victims. The Brunei government did not, however, apprehend the suspected traffickers involved or conduct a criminal investigation. While immigration authorities actively identified and charged violators of immigration law, there were no cases reported of authorities identifying and assisting trafficking victims among immigration violators during the reporting period. As there may have been trafficking victims among these immigration violators, some may have been penalized for unlawful acts committed as a direct result of their being trafficked. Although it is illegal for employers in Brunei to withhold wages of their domestic workers for more than 10 days, some families are known to withhold wages to compensate for recruitment fees they are charged and as a tool with which to control workers. There are no NGOs or international organizations in Brunei that provide support to trafficking victims, though the embassies of several source countries provide shelter, mediation, and immigration assistance to their nationals. The government does not provide legal alternatives to the removal of victims to countries where they may face hardship or retribution.



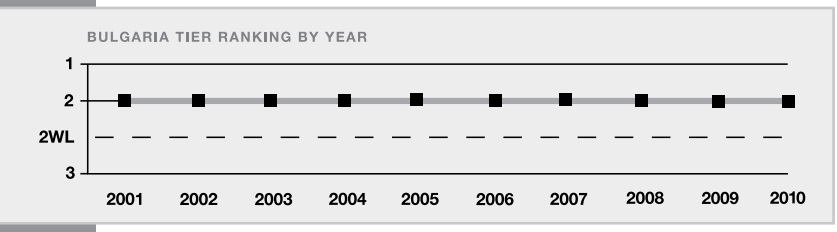
Prevention

The Brunei government demonstrated limited prevention efforts during the reporting period. The government did not conduct any public awareness campaigns on trafficking. Officials participated in several regional training programs on trafficking. The government provides arrival briefings for foreign workers and runs a telephone hotline for worker complaints. There were no measures taken to reduce the demand for commercial sex acts. Brunei is not a party to the 2000 UN TIP Protocol.

BULGARIA (Tier 2)

Bulgaria is a source and, to a lesser extent, a transit and destination country for women and children who are subjected to trafficking in persons, specifically forced prostitution and men, women, and children subjected to conditions of forced labor. Bulgarian women and children are subjected to forced prostitution within the country, particularly in resort areas and border towns, as well as in the Netherlands, Belgium, France, Austria, Italy, Germany, the Czech Republic, Finland, Greece, Italy, Spain, Poland, Switzerland, Turkey, Cyprus, and Macedonia. Ethnic Roma women and children account for approximately 15 percent of Bulgarian trafficking victims. Bulgarian men, women, and children are subjected to conditions of forced labor in Greece, Italy, Spain, and the United Kingdom. Some Bulgarian children are forced into street begging and petty theft within Bulgaria and also in Greece and the United Kingdom.

The Government of Bulgaria does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In 2009, Bulgaria amended Section 159 of its criminal code and increased the minimum penalty for trafficking offenses from one year's imprisonment to two years' imprisonment. The government investigated trafficking-related complicity among officials at various levels of government, although efforts to prosecute complicit officials remained limited. While Bulgaria continued its overall efforts to assist and protect most victims of trafficking, two victims identified during the year were punished for crimes committed as a direct result of trafficking.



Recommendations for Bulgaria: Ensure that no victims of trafficking are punished for unlawful acts committed as a direct result of being trafficked; continue efforts to 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 offenders serve some time in prison; and continue to increase the number of victims referred by government officials to service providers for assistance.

Prosecution

The Bulgarian government sustained its strong anti-trafficking law enforcement response to human trafficking over the reporting period. Bulgaria prohibits trafficking for both commercial sexual exploitation and forced labor through Section 159 of its criminal code, which prescribes penalties of between two and 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2009, police conducted 131 new trafficking investigations including nine labor trafficking investigations, compared with 187 sex trafficking and 25 labor trafficking investigations conducted in 2008. In 2009, authorities prosecuted 77 individuals for sex trafficking and four for forced labor compared with 79 persons prosecuted for sex trafficking and eight for labor trafficking in 2008. A total of 83 trafficking offenders were convicted – 80 for sex trafficking and three for labor trafficking offenses – compared with 66 sex trafficking offenders and three labor trafficking offenders convicted in 2008. In 2009, 51 of the 83 convicted trafficking offenders were sentenced to imprisonment, a significant increase from 25 convicted offenders sentenced to serve time in prison in 2008. The government did not report the sentence ranges for those convicted trafficking offenders sentenced to time in prison. During the reporting period, the government partnered with NGOs and IOM to provide trafficking-specific training to 34 judges, 19 prosecutors, 60 labor inspectors, and 60 police officers. Bulgarian law enforcement officials also partnered with law enforcement counterparts from seven other European countries during 17 joint human trafficking investigations.

There were continued reports of trafficking-related complicity of government officials during the reporting period. In 2009, two municipal councilors in Varna pleaded guilty to organized human trafficking, including forced prostitution following their arrest in the fall of 2008; one official was sentenced to one year imprisonment and one official was sentenced to three years' imprisonment. A third municipal councilor arrested in the same 2008 case did not plead guilty and his trial was ongoing at the time of this report. In a separate case, nine police officers of a local anti-organized crime unit in Vratsa were dismissed from office for assisting a trafficking group, although none of these officials were prosecuted for complicity in human trafficking. As reported in the 2009 Report, the government also investigated one police officer for complicity in trafficking in 2008; however, the government did not demonstrate efforts to prosecute this official at the conclusion of this reporting period.

Protection

The Government of Bulgaria sustained its overall victim assistance and protection efforts during the year, though it penalized two identified victims of trafficking for crimes committed as a direct result of being trafficked. In 2009, the government identified 289 victims of trafficking – including 44 children – and referred nearly all of them for assistance, compared with 250 victims identified in 2008. The majority of adult victims were assisted by privately funded NGOs, although both the national and

local governments did provide limited in-kind assistance to six anti-trafficking NGOs. The local government in Varna operated an adult trafficking shelter in that city; six victims were assisted by this shelter in 2009. Approximately 100 victims were assisted by government-funded NGOs during the reporting period. The government continued to operate six child-crisis centers that provided rehabilitative, psychological, and medical assistance to identified child victims of trafficking, as well as other children in distress. In 2009, 44 children were provided with government-funded assistance, a significant increase from 25 child trafficking victims assisted in government shelters in 2008. All victims in Bulgaria were eligible for free medical and psychological care provided through public hospitals and NGOs. The government encouraged victims to assist in trafficking investigations and prosecutions; victims who chose to cooperate with law enforcement were provided with full residency and employment rights for the duration of the criminal proceedings; the government reported that no foreign victims requested temporary residency permits during the reporting period. The government permitted foreign victims who chose not to cooperate with trafficking investigations to stay in Bulgaria for one month and 10 days before they faced mandatory repatriation; in 2009, the government granted one such permit to stay for 10 days plus one month. The Ministry of Foreign Affairs provided training to its officials posted at its embassies regarding the identification and treatment of trafficking victims, including how to refer Bulgarian victims of trafficking found overseas to local NGOs for assistance. During the reporting period, the Bulgarian embassy in Spain identified and referred for assistance six Bulgarian victims of forced labor, including three children. In 2009, five victims participated in the police witness protection program, compared with seven in 2008. In 2009, the government convicted two trafficking victims and sentenced each to a six-month suspended sentence for illegal border crossing, an unlawful act committed as a direct result of their being trafficked.

Prevention

The Bulgarian government demonstrated significant progress in its efforts to prevent trafficking during the reporting period. The local government in Varna, in partnership with an employment agency and the local university, organized a prevention campaign that educated students about forced labor titled "Where Are You Traveling?" The National Commission for Combating Trafficking in Human Beings provided information to more than 350 students about human trafficking and organized an essay and art contest for students to share and discuss their impressions of human trafficking; the Commission presented 50 awards for anti-trafficking illustrations and 30 awards for essays during this contest. The government also demonstrated efforts to reduce demand for commercial sex acts and to combat child sex tourism. For example, in 2009, the government convicted one foreigner for traveling to Varna to have sex with children and sentenced him to 66 months' imprisonment; one Bulgarian national was also convicted and sentenced to nine months' imprisonment for procuring the children. During the reporting period, 14 clients of children in prostitution were prosecuted and convicted and sentenced to up to three years' imprisonment.

BURKINA FASO (Tier 2)

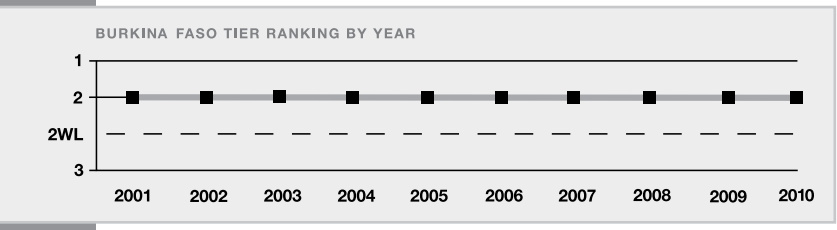
Burkina Faso is a country of origin, transit, and destination for persons, mostly children, subjected to trafficking in persons, specifically forced labor and forced prostitution. The Government of Burkina Faso provided data from the Ministry of Social Action showing that, in 2009, security forces and regional human trafficking surveillance committees intercepted 788 children Burkinabe and foreign children, 619 of whom were boys, destined for exploitation in other countries, principally Cote d'Ivoire, Mali, and Niger. Child trafficking victims who remain inside Burkina Faso are usually found in large cities such as Ouagadougou, Bobo-Dioulasso, Nouna, and Hounde. Child victims face conditions of forced labor or services as plantation hands, laborers on cocoa farms, domestic servants, beggars recruited as pupils by unaccredited Koranic schools, or captives in the prostitution trade. To a lesser extent, traffickers recruit Burkinabe women for nonconsensual commercial sexual exploitation in Europe. Women from neighboring countries like Nigeria, Togo, Benin, and Niger migrate to Burkina Faso on the promise of respectable work, but are subjected to forced labor in bars or forced prostitution.

The Government of Burkina Faso does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. The number of child victims intercepted in 2009 exceeds by 100 the already high rate recorded in the previous reporting period. Yet massive flooding in September 2009 destroyed many files and computer systems holding data on trafficking investigations and prosecutions during the year. In prior years, the government conscientiously reported such information. Protection and assistance efforts for victims continued to the extent the country's strained resources allowed.

Recommendations for Burkina Faso: Increase penalties imposed on convicted trafficking offenders to reflect the longer terms permitted under the May 2008 anti-trafficking law; expand programs to train all officials who encounter and rescue victims of child trafficking on how to identify and assist these victims; include the personnel of Burkinabe embassies and consulates in training programs on how to identify and respond to victims of trafficking; and encourage trafficking victims' participation in prosecutions of alleged trafficking offenders.

Prosecution

The effectiveness of the government's anti-trafficking law enforcement efforts in 2009 was difficult to assess due to a natural disaster's destruction of relevant records. Burkina Faso's May 2008 anti-trafficking law prohibits all forms of trafficking and prescribes maximum punishments for convicted offenders as high as 20 years or life imprisonment; these penalties are sufficiently stringent and commensurate with prescribed penalties for other serious offenses, such as rape. The government has not reported whether successful prosecutions in 2009 led to significantly longer sentences than sentences given to convicted offenders in previous reporting periods. The government claimed to have investigated and prosecuted a number of suspected trafficking offenders in 2009; computerized and paper-based police and court records of these cases were subsequently lost in September 2009 flooding. There was no evidence of government officials' complicity in trafficking, though some corrupt law enforcement agents may have facilitated trafficking-related activity.



Protection

The government was not in a position to provide many services directly to trafficking victims. In 2009, however, the Ministry of Social Action, together with security forces and regional anti-trafficking committees, identified and referred 788 child victims to some of the 23 transit centers jointly funded by the government and UNICEF. The government also provided approximately $85,000 for support and school fees to 50 orphanages and nurseries where the risk of child trafficking was significant – an unusual commitment of support from a government with limited resources. To help foreign victims return to their homes countries quickly, the government processed their travel documents and collaborated with NGOs to ensure a safe return. Burkinabe law permits a victim to seek legal action against trafficking offenders, but official agencies did not report any such cases in 2009, or any instances of victims assisting in the prosecution of suspected offenders. 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. The government made efforts to sensitize law enforcement agents to child trafficking issues during the reporting period, but did not develop official programs to train officials in identifying victims. The prevalence of child trafficking in the country is well known, but officials and private citizens alike have difficulty distinguishing between children who migrate voluntarily for work, and those who are victims of trafficking.

Prevention

Strong partnerships with NGOs and international organizations allowed the Burkinabe government to sustain nationwide anti-trafficking information and education campaigns during the last year. Local and international partners supported workshops and seminars focused on child trafficking, and government and private media aired radio and television programs that impacted approximately 600,000 people. The government distributed thousands of booklets describing the Anti-TIP National Action Plan, but was not able to implement the plan. The mayor of Ouagadougou took some steps to reduce the demand for commercial sex acts by closing 37 brothels in the capital in 2009. The government provided Burkinabe military troops with human rights and trafficking training prior to their deployment abroad as international peacekeepers.

BURMA (Tier 3)

Burma is a source country for men, women, and children who are subjected to trafficking in persons, specifically forced labor and for women and children in forced prostitution in other countries. Burmese children are subjected to forced labor as hawkers and beggars in Thailand. Many men, women, and children who migrate abroad for work in Thailand, Malaysia, China, Bangladesh, India, and South Korea are trafficked into conditions of forced or bonded labor or commercial sexual exploitation. Economic conditions within the country led to increased legal and illegal migration of Burmese regionally and to destinations as far as the Middle East. Men are subjected to forced labor in the fishing and construction industries abroad. Burmese women who migrate to Thailand, China, and Malaysia for economic opportunities are found in situations of forced labor and forced prostitution. Some trafficking victims transit Burma from Bangladesh to Malaysia and from China to Thailand and beyond. The government has yet to address the systemic political and economic problems that cause many Burmese to seek employment through both legal and illegal means in neighboring countries, where some become victims of trafficking.

Burma's internal trafficking remains the most serious concern. The military engages in the unlawful conscription of child soldiers, and continues to be the main perpetrator of forced labor inside Burma. The direct government and military use of forced or compulsory labor remains a widespread and serious problem, particularly targeting members of ethnic minority groups. Military and civilian officials systematically used men, women, and children for forced labor for the development of infrastructure and state-run agricultural and

commercial ventures, as well as forced portering for the military. Those living in areas with the highest military presence, including remote border areas populated by ethnic groups, are most at risk for forced labor.

Military and civilian officials subject men, women, and children to forced labor, and men and boys as young as 11 years old are forcibly recruited to serve in the Burmese army and ethnic armed groups through intimidation, coercion, threats, and violence. Thousands of children are forced to serve in Burma's national army as desertions of men in the army continue. Children of the urban poor are at particular risk of involuntary conscription; UN reports indicate that the army has targeted orphans and children on the streets and in railway stations, and young novice monks from monasteries for recruitment. Children are threatened with jail if they do not agree to join the army, and sometimes physically abused. Children are subjected to forced labor in tea shops, home industries, and agricultural plantations. Exploiters traffic girls for the purpose of prostitution, particularly in urban areas.

In some areas, in particular international sex trafficking of women and girls, the Government of Burma is making significant efforts. Nonetheless, serious problems remain in Burma, 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. The regime's widespread use of and lack of accountability in forced labor and recruitment of child soldiers is particularly worrying and represent the top causal factor for Burma's significant trafficking problem.

Recommendations for Burma: Cease the practice of forced labor of Burmese citizens by civilian and military entities; cease the unlawful conscription of children into the military and ethnic armed groups; increase efforts to investigate and sanction, including through criminal prosecution, perpetrators of internal trafficking offenses, including child soldier recruitment and other such crimes by government and military officials; actively identify and demobilize all children serving in the armed forces; grant full and unhindered access by UN personnel to inspect recruitment centers, training centers, and military camps in order to identify and support the reintegration and rehabilitation of child soldiers; cease the arrest and imprisonment of children for desertion or attempting to leave the army and release imprisoned former child soldiers; end the involuntary detention of adult victims of trafficking in government shelters; release the six citizens imprisoned for their role in reporting cases of forced labor to international organizations; increase partnerships with NGOs to improve victim identification and protection efforts, including victim shelters; develop and implement formal victim identification and referral procedures; and focus more attention on the internal trafficking of women and children for commercial sexual exploitation.

Prosecution

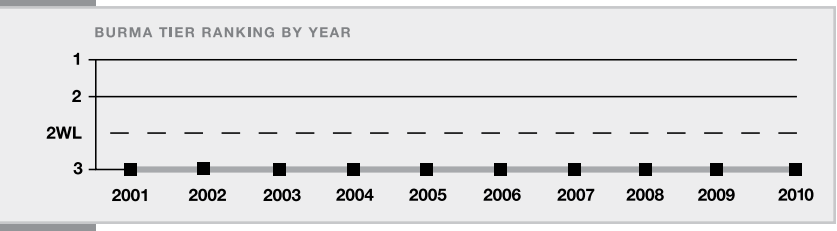
The Government of Burma reported some progress in law enforcement efforts against cross-border sex trafficking during the reporting period. It also reported investigating, prosecuting, and convicting some internal trafficking offenders, though there was only one reported criminal prosecution of a member of the Burma Army for his role in child soldier cases. The government continued to incarcerate six individuals who reported forced labor cases involving the regime to the ILO or were otherwise active in working with the ILO on forced labor issues. Burma prohibits sex and labor trafficking through its 2005 Anti-Trafficking in Persons Law, which prescribes criminal penalties that are sufficiently stringent and commensurate with those prescribed for rape. The recruitment of children into the army is a criminal offense under Penal Code Section 374, which could result in imprisonment for up to one year, or a fine, or both. In December 2009, the Burmese military reported that it dismissed a captain from the military via court martial and sentenced him to one year imprisonment in a civilian jail for child soldier recruitment – the first ever criminal conviction of a military official involved in child soldier recruitment. In the same case, an additional two privates were sentenced to three months' and one month military imprisonment, respectively. Burmese law enforcement officials generally were not able to investigate or prosecute cases of military perpetrated forced labor or child soldier recruitment absent assent from high-ranking military officers.

While forced labor is widely considered to be the most serious trafficking problem in Burma, authorities reported that most trafficking cases investigated and prosecuted involved women and girls subjected to forced marriage or intended to be subjected to forced marriage. The Burmese regime rules arbitrarily through its unilaterally imposed laws, but rule of law is absent, as is an independent judiciary that would respect trafficking victims' rights. The Burmese regime reported investigating 155 cases of trafficking, prosecuting 410 individuals, and convicting 88 offenders in 2009, an increase from 342 reported prosecutions in 2008; however, these statistics included 12 cases of abduction for adoption, which are not considered "trafficking" by international standards. Additionally, court proceedings are not open and lack due process for defendants. While the Burmese regime has in the past been known to conflate irregular migration with trafficking, leading to the punishment of consensual emigrants and those who assist them to emigrate, the police reported some efforts to exclude smuggling cases from human trafficking figures during the reporting period, and improved their transparency in handling cases.

Nevertheless, limited capacity and training of the police coupled with a lack of transparency in the justice system make it uncertain whether all trafficking statistics provided by authorities were indeed for trafficking cases. Corruption and lack of accountability remains pervasive in Burma, affecting all aspects of society.

Police can be expected to self-limit investigations when well-connected individuals are involved in forced labor cases. Although the government reported four officials prosecuted for involvement in human trafficking in 2009, the government did not release any details of the cases. Burmese law enforcement reported continued cooperation with Chinese counterparts on cross-border trafficking cases, including joint operations, as well as general cooperation with Thai authorities.

In 2009, the ILO continued to receive and investigate forced labor complaints; 93 cases were submitted to the Burmese government for action, an increase from 64 cases in 2008; 54 cases remain open and are awaiting a response from the government. Despite a report of a child labor case involving as many as 100 children on an agricultural plantation near Rangoon, the regime did not report any efforts to investigate the allegation. Victims of forced labor cases are not protected from countersuit by regime officials. During the reporting period, 17 complainants and their associates in a series of forced labor cases involving 328 farmers in Magwe Division were prosecuted and jailed by local authorities for their role in reporting forced labor perpetrated by local government officials. Burmese courts later released 13 of the individuals, but four complainants remain in prison. The central government did not intervene with local authorities to stop the politically motivated harassment, including lengthy interrogations, of the forced labor complainants. Such unaccountable harassment and punishment discouraged additional forced labor complaints.



Protection

The regime made efforts to protect repatriated victims of cross-border sex trafficking to China and Thailand, though it exhibited no discernible efforts to protect victims of internal trafficking and transnational labor trafficking. In forced labor cases, some victims, notably 17 individuals in Magwe Division, were harassed, detained, or otherwise penalized for making accusations against officials who pressed them into forced labor. The government reported identifying 302 victims, most of whom were victims of forced marriage rather than explicitly trafficking victims, and reported assisting an additional 425 victims identified and repatriated by foreign governments in 2009, including 293 from China and 132 from Thailand. The regime did not identify any male trafficking victims. Victims were sheltered and detained in non-specialized Department of Social Welfare facilities for a mandatory minimum of two weeks, which stretched into months if authorities could not find an adult family member to accept the victim. While in government facilities, victims had access to counseling, which was often substandard, and had very limited access to social workers. There were no shelter facilities available to male victims of trafficking. NGOs were sometimes allowed access to victims in government shelters, but the regime continued to bar NGOs from operating shelters for trafficking victims. The regime did not have in place formal victim identification procedures. While the government reported that it encouraged victims to assist in investigations and prosecutions, it did not appear to provide financial support or other assistance to victims to serve as incentives to participate in the prosecution of their traffickers. The regime cooperated with the ILO on the issue of the military's conscription of children, resulting in the return of 31 children to their families. However, numerous children undoubtedly continue to serve in the Burma Army and in ethnic militias. The government has done little to help international organizations assess the scope of the problem. The regime did not permit UNICEF access to children who were released through the government's mechanisms for follow-up purposes. Additionally, some child recruits have been prosecuted and sentenced for deserting the military and remain in prison.

Prevention

Burma made limited efforts to prevent international trafficking in persons over the last year, and made few discernible efforts to prevent the more prevalent internal trafficking, particularly forced labor and child conscription by regime officials and ethnic armed groups. The government continued awareness campaigns using billboards, flyers, and videos during the reporting period and state-run television aired a documentary on human trafficking produced by the MTV Exit Campaign. The Burmese government reported forming three new anti-trafficking units in 2009, and reported a 40 percent overall increase in spending on prevention efforts. During the reporting period, the government signed Memoranda of Understanding with China and Thailand on trafficking in persons. The regime sustained partnerships with Mekong region governments and the UN in the Coordinated Mekong Ministerial Initiative Against Trafficking, and hosted the (COMMIT) Senior Officials Meeting in January 2010. The government did not make any discernible efforts to reduce the demand for forced labor inside Burma during the reporting period.

BURUNDI (Tier 2)

Burundi is a source country for children and possibly women subjected to trafficking in persons, specifically conditions of involuntary domestic servitude and forced prostitution. Children and young adults may also be coerced into forced labor on plantations or small farms in southern Burundi or to conduct informal commerce in the streets. Some traffickers are the victims' family

members or friends who, under the pretext of assisting underprivileged children with education or with false promises of lucrative jobs, subject them to forced labor, most commonly as domestic servants. While there is little evidence of large-scale child prostitution, "benevolent" older females offer vulnerable younger girls room and board within their homes, and in some cases eventually push them into prostitution to pay for living expenses; extended family members 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. Business people recruit Burundian girls for commercial sexual exploitation in Rwanda, Kenya, and Uganda, and recruit boys and girls for exploitation in various types of forced labor in Tanzania. Unlike in past years, there were no reports of forced or voluntary recruitment of children into government armed forces or rebel groups during the reporting period.

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. The government made clear progress in combating trafficking during the reporting period, particularly with regard to identifying trafficking victims, investigating potential trafficking offenses, and raising public awareness. In 2009, a Bujumbura court heard a case involving child domestic servitude, the first known prosecution of a case involving elements of a human trafficking offense. Significant work remains, however, in educating the government officials and local populations about the nature of human trafficking, bringing cases to trial, and providing protective services to victims.

Recommendations for Burundi: Enforce the trafficking provisions in the 2009 criminal code amendments through increased prosecutions of trafficking offenders; consider an amendment to provide a legal definition of human trafficking in the criminal code; launch a nationwide anti-trafficking public awareness campaign; establish policies and procedures for government officials to proactively identify and interview potential trafficking victims and transfer them to the care, when appropriate, of local organizations; establish mechanisms for providing increased protective services to victims, possibly through the forging of partnerships with NGOs or international organizations; provide training on human trafficking to police and border guards; and consider the feasibility of enacting a comprehensive law against human trafficking that includes specific definitions of what constitutes the crime.

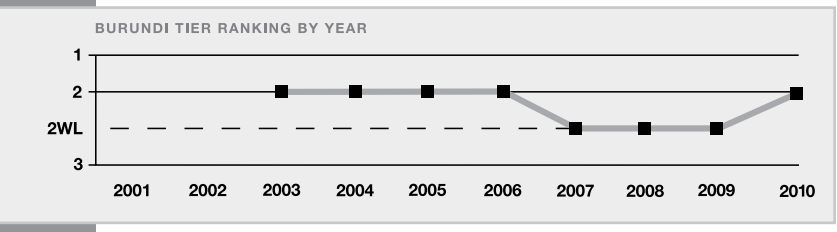
Prosecution

The government's anti-trafficking law enforcement efforts increased during the reporting period, particularly its efforts to detect and investigate suspected human trafficking offenses. This progress continued, however, to be hampered by lack of investigative equipment and training, poor evidence gathering by police, the unwillingness of victims to lodge complaints, and the failure of prosecutors to vigorously pursue cases after receiving evidence from police and suspected victims. Articles 242 and 243 of Burundi's criminal code prohibit human trafficking and smuggling and prescribe sentences of five to 20 years' imprisonment; the code does not, however, provide a definition of human trafficking, limiting its utility. Sex trafficking offenses can also be punished using penal code statutes on brothel-keeping and pimping (penalties of one to five years' imprisonment), as well as child prostitution (penalties of five to 10 years' imprisonment). These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. The criminal code prescribes no explicit penalties for forced labor, though it is prohibited by Article 2 of the labor law. A Bujumbura court fined a woman $42 for abusing her 12-year old domestic servant by burning her with melted plastic bags. Upon her arrest, police located the child's aunt, who returned the child to her parents in Bururi province. In August 2009, police arrested a Burundian man for kidnapping six boys between the ages of 12 and 13 and transporting them to Tanzania for forced labor in tobacco fields; the suspect's provisional release was revoked after an appeal from the prosecutor's office and he remains in pre-trial detention in Rutana Province prison. Throughout 2009, the Women and Children's Brigade, a specialized police unit, successfully identified and rescued 10 of 17 child victims exploited by an international prostitution ring and returned them to their families; the alleged traffickers have not been arrested due to a lack of concrete evidence. In January 2010, police charged three men and their landlord with corruption of minors and incitement to debauchery after the former were found pimping underage girls from a rental house; the prosecution remained in the pre-trial stage at the end of the reporting period. During a December 2009 meeting with high-ranking police officials, President Nkurunziza instructed the police force to increase efforts to fight human trafficking. As a result of this mandate, police initiated a crackdown on clandestine brothels that housed potential trafficking victims in January 2010, shutting down three small hotels in the Industrial Quarter of Bujumbura. The government did not provide trafficking-specific training for law enforcement officials.

Protection

Despite its notable efforts to return trafficked children to their families, the government did not adequately ensure that trafficking victims received access to necessary protective services during the reporting period. The few care centers that exist in Burundi are operated by NGOs, religious organizations, and women's or children's associations. Police provided limited shelter and food assistance to victims in temporary custody while authorities attempted to locate their families; these children were housed in a holding area separate from adult detainees. In some instances, the police, especially members of the Women and Children's Brigade, provided

counseling to children in prostitution and mediated between these victims and their parents. In January 2010, police rescued three child sex trafficking victims from a brothel in Bujumbura, documented their testimonies, and returned them to their families. In 2009, government officials identified 18 trafficking victims, 10 of whom were victims of forced prostitution and eight of whom were victims of forced labor. In January 2010, Burundi's Interpol office assisted the government in repatriating a 15-year old Burundian boy from Rwanda where he was forced to work as a domestic servant. In cooperation with Tanzanian police, the government repatriated six Burundian child trafficking victims from Tanzania in July 2009. Between April and June, the National Commission for Disarmament, Demobilization, and Reintegration oversaw the demobilization and short-term care of the final 380 child soldiers from the Forces Nationale de Libération (FNL) rebel group and from among alleged FNL dissidents in the Randa and Buramata sites. With outside funding, the Commission's staff provided medical screening, psychosocial counseling, and sensitization on peaceful cohabitation, while conducting family tracing; the children were reunited with their families in July 2009.



In October 2009, the government established a Municipal Council for Children and Youth (CMEJ) to assist at-risk youth and develop a transit center for victims of human trafficking, demobilized child soldiers, and street children. The CMEJ began drafting an action plan in March 2010 and sought the necessary international funding to become fully operational. The government has not developed a system for proactively identifying trafficking victims among vulnerable populations or a referral process to transfer such trafficking victims to organizations providing services. While police interviewed child victims during the investigations of their abusers, the prosecutor's office did not pursue the possibility of child victims participation in prosecutions of trafficking offenders. The government did not inappropriately incarcerate or otherwise penalize victims for unlawful acts committed as a direct result of being trafficked. Burundian law did not provide foreign trafficking victims with legal alternatives to their removal to a country where they may face hardship or retribution.

Prevention

The government made clear progress in its efforts to prevent trafficking during the year. In February 2010, the Commander of the Women and Children's Brigade began a tour of the country to sensitize local government officials and inform local populations on the danger of human trafficking. In 2009, the Ministry of Labor sponsored eight workshops for teachers, magistrates, communal administrators, and agricultural workers to raise awareness of the dangers of child labor and trafficking. In partnerships with the ILO and UNICEF, it also conducted a sensitization campaign in several provinces to warn against child trafficking for forced labor and abusing former child soldiers, centered around the World Day against Child Labor in June. The Ministry of Labor's 12 inspectors conducted no child labor inspections in 2009. The government did not undertake efforts to reduce demand for commercial sex acts during the reporting period. The pre-deployment anti-trafficking training for Burundian peacekeepers, provided by a foreign government, included a curriculum that created awareness and discouraged acts of trafficking and sexual exploitation. Burundi is not a party to the 2000 UN TIP Protocol.

CAMBODIA (Tier 2)

Cambodia is a source, transit, and destination country for men, women, and children who are subjected to trafficking in persons, specifically forced labor and forced prostitution. Cambodian men, women, and children migrate to Thailand, Malaysia, and other countries for work and many are subsequently forced into commercial sexual exploitation or forced to labor in the Thai fishing and seafood processing industry, on agricultural plantations, in factories, in domestic work, or for begging and street selling. Debt bondage is sometimes a factor that contributes to the vulnerability of Cambodians to trafficking. Some Cambodian men report being deceived by Thai fishing boat owners about the expected length of service and the amount and circumstances of their payment; some remain at sea for up to several years, and report witnessing severe abuses by Thai captains, including deaths at sea. The number of workers who went to Malaysia for employment through Cambodian recruiting companies tripled in 2009, and many of these were believed to be under the age of 18. Recruiting agencies often charge $500-$700 in fees, which includes fees for several months of required pre-departure training provided by the recruiting agencies. Recruits are sometimes detained in training centers during the pre-departure training period, and the fees make workers more vulnerable to debt bondage. Some workers are reportedly subjected to confinement and conditions of involuntary servitude in Malaysia, Saudi Arabia, and other destination countries, and some returning workers reported being paid only at the end of their contract, at which time they were also informed that a substantial part of their pay was deducted. Cambodian children are also trafficked to Thailand and Vietnam to beg, sell candy and flowers, and shine shoes. Parents sometimes sell

their children into conditions of forced labor, including involuntary domestic servitude.

Within the country, Cambodian and ethnic Vietnamese women and children are trafficked from rural areas to Phnom Penh, Siem Reap, and Sihanoukville for commercial sexual exploitation. The Svay Pak brothel area of Phnom Penh remains a hub for child prostitution, despite attempts by authorities to close it down. Children are also subjected to forced labor, including being forced to beg, scavenge refuse, work in quarries, and work in the production and processing of bricks, rubber, salt, and shrimp. Cambodia is a destination for Vietnamese women and girls trafficked for forced prostitution. The sale of virgin girls continues to be a serious problem in Cambodia, with foreign (mostly Asian) and Cambodian men paying up to $4,000 to have sex with virgins. A significant number of Asian and other foreign men travel to Cambodia to engage in child sex tourism. Some Cambodians who migrate to Taiwan and South Korea through brokered international marriages may subsequently be subjected to 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. Law enforcement efforts stepped up significantly, resulting in a significant increase in convictions over the prior year. However, impunity, corruption, and related rent-seeking behavior continue to impede progress in combating trafficking in persons. Authorities reported one conviction of a public official for trafficking-related corruption during the year. Labor trafficking among Cambodians migrating abroad for work is a growing problem that will require greater attention from authorities in the coming year.

Recommendations for Cambodia: Conduct robust investigations and prosecutions of government officials involved in trafficking activities; hold labor recruitment companies criminally responsible for illegal acts committed during the recruitment process, such as debt bondage through exorbitant fees, detention of workers during pre-departure training, and recruitment of workers under age 18; expand efforts to proactively identify victims of trafficking among vulnerable groups, including the institution of nationwide victim identification procedures and referrals to adequate victim services; institute a law to regulate the recruitment, placement, and protection of migrant workers going abroad; engage governments of destination countries on the protection of migrant workers, as well as the safe repatriation of Cambodian trafficking victims and the prosecution of their traffickers; continue to prosecute criminal cases involving trafficking for both forced prostitution and forced labor; continue to train and sensitize law enforcement and court officials about trafficking, proactive identification of victims, victim referral procedures, and victim-sensitive handling of cases; improve interagency cooperation and coordination between police and court officials on trafficking cases; institute procedures to ensure victims are not arrested, incarcerated, or otherwise punished for unlawful 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.

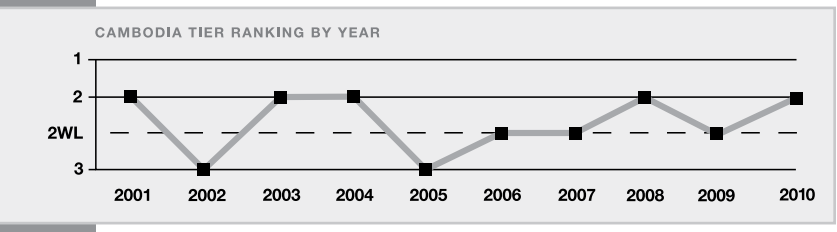
Prosecution

The Government of Cambodia demonstrated significant progress in law enforcement efforts against sex 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 of its 30 articles explicitly addressing trafficking offenses. The law prohibits all forms of trafficking and prescribes penalties that are sufficiently stringent and commensurate with penalties for other serious crimes, such as rape. During the reporting period, authorities convicted 36 trafficking offenders, compared with 11 convictions in 2008; all but one of these convictions were for sex trafficking. While there were increasing reports of Cambodian migrant workers falling victim to trafficking due to exploitative conditions in destination countries, including Malaysia, the government has never criminally prosecuted or convicted any labor recruiters whose companies were involved in labor trafficking. In February 2010, the Phnom Penh municipal court convicted a woman for the forced labor of an 11-year-old girl enslaved as a domestic worker; the woman was sentenced to 20 years' imprisonment, and two related offenders were also sentenced to imprisonment.

The government partnered with NGOs to train over 4,000 police, social workers, court officials, and other employees on the 2008 law and its enforcement. There remain a large number of officials, particularly provincial-level police, who still need training. Consequently, confusion of trafficking offenses with other trafficking-related crimes such as prostitution, pornography, and child sex abuse is a sporadic occurrence, and some officials believe that enforcing laws against non-trafficking sex crimes contributed to efforts to combat trafficking. Judges and prosecutors sometimes continued to classify trafficking cases under non-trafficking articles and laws, or prosecuted non-trafficking cases using trafficking statutes. In March 2010, Cambodian police conducted raids in several cities on establishments suspected of engaging in "immoral" activities, but did not make sufficient efforts to arrest perpetrators for human trafficking offenses or identify trafficking victims, including children in prostitution. In one case, an NGO reported that military police in Sihanoukville kept the women and girls who were rounded up from multiple sites and offered them back to establishment owners for $50 a person. The government licensed 26 companies to send laborers to Thailand, Malaysia, and Japan that frequently work with independent brokers to locate potential workers. Authorities are negotiating additional

labor agreements with other countries in Asia and the Middle East. However, Cambodia does not have a law to regulate the recruitment, placement, and protection of migrant workers, or to provide specific criminal penalties for negligent or exploitative recruitment agencies. During the year, police arrested one labor broker for the unlawful removal of nine children with the intent of selling them to work as servants in Malaysia; the broker is in pre-trial detention. A June 2009 inspection of a recruitment agency revealed that 20 of the 57 females questioned were under the age of 18, but the government did not arrest any labor export company officials during the year for such practices.

Impunity, corruption, and related rent-seeking behavior continue to impede anti-trafficking efforts. Police and judicial officials are both directly and indirectly involved in trafficking. Some local police and government officials extort money or accept bribes from brothel owners, sometimes on a daily basis, in order to allow the brothels to continue operating. Authorities prosecuted and convicted one public official who accepted $250,000 in exchange for forging documents intended to secure the release of a convicted child sex offender. Authorities did not prosecute the former president of Cambodia's appeals court, who reportedly accepted $30,000 in 2008 for the release of brothel owners convicted of trafficking; the official remains employed with the Cambodian government.



Protection

The Government of Cambodia demonstrated limited efforts to protect victims of trafficking during the year. In August 2009, the Ministry of Social Affairs (MOSAVY) issued a new "Policy and National Minimum Standards for the Protection of the Rights of Victims of Human Trafficking," which includes guidelines to improve victim treatment and protection, and began to train officials on the use of these standards. However, the effects of this policy have yet to be seen. The government lacks national procedures and sufficient resources for training to proactively identify victims of trafficking among vulnerable groups, such as foreign women and children arrested for prostitution. Raids in March 2010 against "immoral" activities were not conducted in a manner sensitive to trafficking victims and did not involve trained anti-trafficking police or anti-trafficking organizations to assist in identifying or assisting potential trafficking victims. The government continued to refer victims to NGO shelters, but did not itself offer further assistance. There were not enough places in NGO shelters to accommodate all trafficking victims; this was particularly true for children, and specifically boys, which negatively affected authorities' ability to carry out additional victim rescues.

MOSAVY reported that local police referred 535 victims of sex trafficking to provincial offices during the year (compared with 505 in 2008) who, in turn, referred victims to NGO shelters. Authorities worked with NGO partners to repatriate 11 female victims to Vietnam during the year. Building on technical assistance from an international organization, MOSAVY began to interview persons repatriated from Vietnam to help identify trafficking victims, and reported identifying 143 labor trafficking victims in this way. MOSAVY provided transportation assistance to return the victims to their home communities, but lacked the resources to provide further assistance. In partnership with UNICEF, MOSAVY also identified 83 Cambodian victims who had been repatriated from Thailand as trafficking victims; those victims remained briefly at a transit center jointly operated by the government and UNICEF in Poipet and were provided some reintegration assistance while officials conducted family tracing. Authorities encouraged victims to participate in investigations and prosecutions of traffickers. Cambodia's weak judicial system, the lengthy legal process, and credible fears of retaliation are factors influencing victims' decisions to seek out-of-court compensation in lieu of criminal prosecution. Victims who participate in the prosecution of their traffickers are not provided witness protection – a significant impediment to successful law enforcement efforts. Although victims legally had the option of filing civil suits to seek legal actions against their traffickers, most did not have the resources to do so, and the government did not provide assistance to victims for this purpose. In December 2009, the government signed a Memorandum of Understanding with Vietnam on victim identification and repatriation.

Prevention

The Government of Cambodia continued some efforts to prevent trafficking in persons in partnership with international organizations and NGOs. The Ministry of Women's Affairs maintained programs to prevent the trafficking of children to Vietnam for begging. The Ministry also held "Anti-Human Trafficking Day" ceremonies in December 2009 in Phnom Penh, Siem Reap, and Poipet, which brought together several thousand Cambodian officials, civil society, and the public to increase awareness of trafficking, and was widely publicized on local television stations. Authorities cooperated with several international organization partners to produce radio programs on human trafficking. The Ministry of Tourism produced billboards, magazine advertisements, and handouts targeted to reduce the demand for commercial sex acts, though these efforts should be expanded. Authorities convicted nine child sex

tourists during the year and initiated prosecutions against at least 17 other foreigners, including a Korean karaoke bar owner and two more Japanese citizens involved in the commercial sexual exploitation of children. State-run media ran anti-child sex tourism messages, as well as several television programs in Khmer targeted at the local population to discourage demand for child sex. Cambodian military forces participating in peacekeeping initiatives abroad received training on trafficking in persons prior to deployment.

CAMEROON (Tier 2 Watch List)

Cameroon is a country of origin, transit, and destination for children subjected to trafficking in persons, specifically forced labor, and a country of origin for women in forced labor. Individual trafficking operations usually involve the trafficking of two or three children at most, as when rural parents hand over their children to a seemingly benevolent middleman who may promise education and a better life in the city. A 2007 study conducted by the Cameroon government reported that 2.4 million children from the country's ten regions involuntarily work in forced domestic servitude, street vending, and child prostitution, or in hazardous settings, including mines and tea or cocoa plantations, where they are treated as adult laborers; an unknown number of these children are trafficking victims. Nigerian and Beninese children attempting to transit Cameroon *en route* to Gabon, Equatorial Guinea, or adjacent countries also fall into the hands of traffickers who force them to stay in the country and work. An unknown number of Cameroonian women are lured abroad by fraudulent proposals of marriage on the Internet or offers of work in domestic service and subsequently become victims of forced labor or forced prostitution – principally in Switzerland and France, and according to recent reports, as far away as Russia. This trafficking reportedly is facilitated by corrupt officials who accept bribes for the issuance of travel documents.

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 efforts, the government did not show evidence of increasing efforts to convict and punish trafficking offenders, including complicit officials, and to identify and protect victims of trafficking; therefore, Cameroon remains on Tier 2 Watch List for a third consecutive year. While state prosecutors coordinated efforts with Interpol to investigate suspected trafficking offenses, particularly in the Northwest Region, there have been no reports of new trafficking prosecutions or convictions. Experts consider the 2005 law against child trafficking to be well written but underused because there is no system to provide relevant judicial officials with copies of new laws. Judges, law enforcement officials, and social workers do not enforce the legislation because they are not familiar with it. The government did not take measures to complete and enact a 2006 draft law prohibiting trafficking of adults. It failed to investigate reports of maintaining hereditary servants in involuntary servitude in the Northern Region. In August 2009, the Ministry of Social Affairs, in partnership with UNICEF and NGOs, began to develop a guide for protecting vulnerable children from exploitation, including trafficking, but did not complete a draft by the expected deadline at the end of 2009.

Recommendations for Cameroon: Increase efforts to prosecute and convict trafficking offenders; educate police, judges, lawyers, and social workers about the law against child trafficking; complete and enact a draft law criminalizing the trafficking of adults; train anti-trafficking officials in all regions to use the new human trafficking data banks developed by NGOs; and investigate reports of hereditary servitude in the Northern Region.

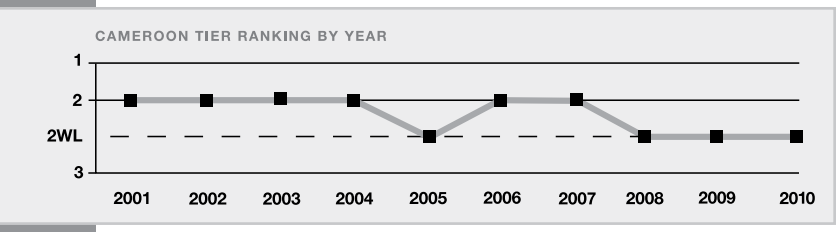
Prosecution

The Government of Cameroon demonstrated weak anti-trafficking law enforcement efforts over the last year. The government enacted no relevant legislation during the reporting period, and the country does not have a law prohibiting all forms of trafficking in persons, as its 2006 draft law against adult trafficking has yet to be passed and enacted. The country's existing 2005 law against child trafficking and slavery prescribes a penalty of 20 years' imprisonment for these offenses – a punishment that is sufficiently stringent and commensurate with penalties prescribed for other serious offenses. During the reporting period, authorities investigated 26 new cases of human trafficking, as well as 18 other cases of possible trafficking offenses, none of which has resulted in a prosecution. All of the 26 cases involved children, and 10 of the cases were arrests and detentions pending trials. Several factors delay these cases, including the limited number of gendarmes and police officers available in rural areas, poor understanding of trafficking issues among victims who may be illiterate, and the lack of any security units specifically assigned to anti-trafficking details. The remaining 16 cases were alleged trafficking offenders who were caught in the act and arrested, but finally released after the matter was resolved either at the level of security forces, social affairs agencies, or a human rights lawyer's chambers. To address these cases, officials used the 2005 anti-child trafficking law and the pertinent provisions of the Penal Code. The government reported no trafficking convictions during the reporting period. The government did not investigate traditional leaders in the Northern Region suspected of keeping hereditary servants in conditions of involuntary servitude. Official sources give no indication that the government facilitates or condones trafficking, though there were signs of some officials' involvement in trafficking. In November 2009, a Bamenda-based lawyer filed a complaint against a commissioner of one of the police districts for complicity in child trafficking. The lawyer claimed that

the commissioner opposed the arrest and detention of a woman caught while committing transnational trafficking. The Bamenda High Court took no action on the complaint against the police commissioner during the reporting period.

Protection

The Cameroonian government showed sustained, but weak efforts, which were limited due to financial constraints, to ensure that victims of trafficking received access to necessary assistance during the year. The government acknowledged that trafficking is a problem in Cameroon, and provided some direct assistance to victims, including temporary residency status, shelter, and medical care. Government personnel did not demonstrate systematic and proactive efforts to identify trafficking victims among vulnerable groups, such as street children, women in prostitution, and illegal migrants, or refer these victims to necessary care, though government officials did informally refer victims to service providers. The government did not discriminate on the basis of country of origin of trafficking victims; however, it did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.



The informal system employed by government personnel for referring victims in need of short- and long-term shelter to government-run or NGO facilities is cumbersome. Once security officials identified individuals as trafficking victims, they addressed a report to the local administrative authority, which in turn directed victims to the appropriate government agency for appropriate action, including the provision of lodging in shelters or homes, medical care, and food. By year's end, the government had begun to renovate the few care centers it maintains for trafficking victims. In August 2009, the Ministry of Social Affairs began working with UNICEF to draft a manual that would show families respected in local communities how to create foster homes that provide shelter, food, health care, and education to trafficking victims – a new model for protection in the country, scheduled to begin in 2010.

The government encouraged victims to assist in the investigation and prosecution of trafficking cases. Victims were provided the opportunity to file civil suits against, trafficking offenders, though in the case of child victims, adult family members needed to instigate proceedings. At least one such case was pending in the Northwest Region at the end of the reporting period, with an 18-year-old victim, supported by local organizations, suing an alleged trafficking offender. Through the National Commission on Human Rights and Freedoms, and national and international NGOs, the government for the first time provided specialized training on how to identify trafficking victims to some of its officials, including law enforcement officers, in four regions of the country beginning in July 2009.

Prevention

The Cameroonian government sustained weak trafficking prevention efforts over the last year. Radio and television broadcast the government's anti-trafficking message daily, sometimes wrapped in sports-star endorsements or public service announcements. The government reported that customs agents, border police, and gendarmerie units increased monitoring of the country's borders, notably at seaports and airports, but land borders continued to be rarely patrolled and individuals passed freely between Cameroon and neighbor states. The government reported no measures to reduce the demand for commercial sex acts within the country. The government did not provide members of the Cameroonian armed forces with training on human trafficking prior to their deployment abroad on international peacekeeping missions.

CANADA (Tier 1)

Canada is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and, to a lesser extent, forced labor. Canadian women and girls, particularly from aboriginal communities, are found in conditions of commercial sexual exploitation across the country. Foreign women and children, primarily from Asia and Eastern Europe, are subjected to forced prostitution: trafficking victims are from China, Hong Kong, Taiwan, China, South Korea, the Philippines, Romania, Ukraine, and Moldova, in addition to other countries and territories. Asian victims tend to be prevalent in Vancouver and Western Canada, while Eastern European and Latin American victims are trafficked to Toronto, Montreal, and Eastern Canada. Law enforcement officials report the involvement of organized crime in sex trafficking. Canada is reportedly a destination country for foreign victims of forced labor. Most labor victims enter Canada legally but then are subjected to forced labor in agriculture, sweatshops and processing plants, or as domestic servants. NGOs report higher levels of forced labor in the provinces of Alberta and Ontario, while acknowledging the difficulty of distinguishing forced labor from labor exploitation. A considerable number of victims, particularly South Korean females, transit Canada *en route* to the United States. Canada is also a significant source country for child sex tourists, who travel abroad to engage in sex acts with children.

The Government of Canada fully complies with the minimum standards for the elimination of trafficking. During the past year, the Canadian government increased prosecutions of human trafficking crimes and sustained strong victim protection and prevention efforts. Courts convicted one trafficking offender under the anti-trafficking law and achieved at least three other convictions under trafficking-related sections of the Criminal Code during the reporting period. Accurate data on human trafficking investigations was difficult to obtain, due in part to the highly decentralized nature of the government's anti-trafficking efforts.

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 sex crimes on children abroad; ensure that foreign trafficking victims are identified instead of deported; strengthen coordination among national and provincial governments on law enforcement and victim services; and improve data collection.

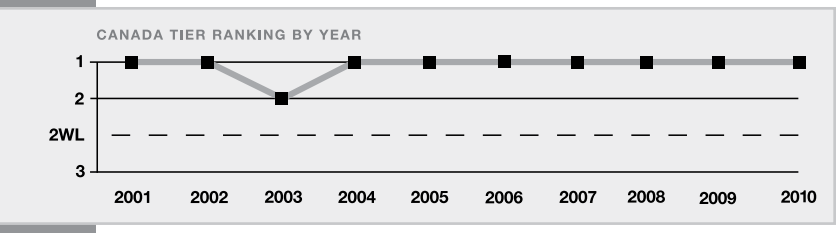
Prosecution

The Government of Canada maintained law enforcement actions against the country's human trafficking problem over the last year: a greater number of trafficking cases were prosecuted, and authorities secured at least four trafficking-related convictions during the reporting period, compared with five convictions achieved under the anti-trafficking law during the previous period. 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 279.02 of the Criminal Code additionally prohibits a defendant from receiving a financial or material benefit from trafficking, prescribing up to 10 years' imprisonment. Withholding or destroying a victim's identification or travel documents to facilitate human trafficking is prohibited by Section 279.03 and is punishable by up to five years in prison. Section 279.04(a) defines "exploitation" for purposes of the trafficking offenses as 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. Section 118 of Canada's Immigration and Refugee Protection Act, enacted in 2002, prohibits transnational human trafficking, prescribing a maximum penalty of life imprisonment and a $1 million fine. A private member's bill strengthening anti-trafficking statutes and establishing a five year minimum sentence for trafficking of children is in progress in Parliament. The government reported one conviction under trafficking-specific laws during the reporting period, and convicted at least three trafficking offenders under other sections of the Criminal Code, including provisions against living off the proceeds of prostitution and sexual assault. Sentences ranged from six to nine years' imprisonment. In addition to ongoing investigations, there were at least 32 human trafficking cases before the courts as of late February 2010, involving 40 accused trafficking offenders and 46 victims. All but one of these cases involved sex trafficking. This represents an increase in the number of prosecutions when compared with 12 anti-trafficking prosecutions in provincial courts that were pending at the same time last year and which involved 15 accused trafficking offenders. Not all cases of human trafficking are identified as such, and prosecutors may choose not to file human trafficking charges if related charges – such as sexual assault or living off the proceeds of prostitution – could guarantee longer sentences. Provinces and territories had primary responsibility for enforcing labor standards, and therefore had primary responsibility in combating forced labor. In December 2009, Ontario enacted the Employment Protection for Foreign Nationals Act, which provides employment protections for temporary foreign workers in the domestic service sector, a population which has increased significantly in the past five years. Canada's law enforcement efforts reportedly suffer from a lack of coordination between the national government and provincial and local authorities, which prosecute most human trafficking cases. Last year the Royal Canadian Mounted Police (RCMP) continued extensive anti-trafficking training efforts for law enforcement officers, border service officers, and prosecutors, and there were no reports of trafficking-related complicity by Canadian officials.

Protection

The government maintained protections for trafficking victims during the reporting period. Though law enforcement officials conduct raids at establishments where prostitution or trafficking is suspected, there were no nationwide proactive strategies for identifying trafficking victims among vulnerable populations, such as prostituted women. 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, the range and quality of these services varied. However, most jurisdictions provided access to shelter services, short-term counseling, court assistance, and specialized services, such as child victim witness assistance, rape counseling, and initiatives targeted at aboriginal women. NGOs also provided victim services, ranging from shelter care to employment and resettlement assistance. Undocumented foreign trafficking victims in Canada may apply for a temporary resident permit (TRP) to remain in the country, and 15 trafficking victims received TRPs during the reporting period. 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. 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. Canadian authorities encourage but do not require trafficking victims to participate in investigations and prosecutions of trafficking offenders. The government provides protections to victims who choose to testify, such as use of closed circuit television testimony, and during the reporting period 22 victims participated in human trafficking cases in court. The federal government and some provincial governments offer witness protection programs, though no trafficking victims applied for the federal program over the past year. Law enforcement, immigration, and consular officials receive specialized training to identify trafficking victims. However, many foreign victims appear to enter Canada legally and would be difficult to identify when passing through immigration. Despite these training initiatives, NGOs note that little information is provided to trafficking victims about their rights under anti-trafficking laws.



Prevention

The government maintained strong anti-trafficking prevention efforts over the reporting period. The RCMP continued to conduct widespread awareness-raising activities, reaching approximately 5,500 government officials and 4,500 members of civil society, in addition to distributing anti-trafficking materials to law enforcement officers. The RCMP maintained six regional human trafficking awareness coordinators across the country to facilitate these initiatives. 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 to inform them of their rights. 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 136 formal charges have been filed against Canadians suspected of sexually exploiting children in foreign countries. Last year the Canadian government convicted no child sex tourists, compared with two convictions achieved in 2008. 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, and every new Canadian passport issued is accompanied by a copy of the booklet. The government produced more than 4 million copies during the reporting period. The government incorporated anti-trafficking measures into plans for the 2010 Vancouver Olympics, such as enhanced interpretation services for victims of crime and human trafficking. During the reporting period, the RCMP interviewed 175 police and service agencies in 20 cities and towns to determine the nature and scope of domestic trafficking of children. The government forged partnerships with NGOs, international organizations, and foreign governments, and funded anti-trafficking initiatives around the world through the Canadian International Development Agency and the Department of Foreign Affairs. Canadian authorities provided anti-trafficking information to Canadian military forces prior to their deployment on international peacekeeping missions.

CENTRAL AFRICAN REPUBLIC (Tier 2 Watch List)

The Central African Republic (CAR) is a source and destination country for children subjected to trafficking in persons, specifically various forms of forced labor and forced prostitution. Most child victims are trafficked within the country, but a smaller number move back and forth from Cameroon, Chad, Nigeria, Republic of the Congo, Democratic Republic of the Congo, and Sudan. Trafficking offenders, including members of expatriate communities from Nigeria, Sudan, and Chad, as well as transient merchants and herders, subject children to involuntary domestic servitude, commercial sexual exploitation, or forced labor in agriculture, diamond mines, and street vending. The groups most at risk for trafficking are children for forced labor, Ba'aka (Pygmy) minorities for forced agricultural work, and girls for the sex trade in urban centers. The Lord's Resistance Army continues to abduct and harbor enslaved Sudanese, Congolese, Central African, and Ugandan children in the CAR for use as cooks, porters, and combatants; some of these children are also taken back and forth across borders into Sudan or the Democratic Republic of the Congo.

Human rights observers reported that opposition militia groups in the north of the country continued to unlawfully conscript children as young as 12 years old in armed service. Two of the main rebel groups, however, the Union of Democratic Forces for Unity (UFDR) and the Army for the Restitution of Democracy (APRD), ceased all recruitment of children during the reporting period as a result of disarmament, demobilization, and reinsertion activities. UNICEF reported that the APRD released 711 child soldiers in 2009; approximately 30 percent were

between 10 and 14 years old, and of those, 70 percent had served in armed combat. The UFDR demobilized 180 child soldiers during the year. Though the UFDR and APRD deny the presence of additional children in their ranks, some observers believe they still harbor children between the ages of 15 and 17 years old. Village self-defense units, some of which are government-supported, used children as combatants, lookouts, and porters during the year; UNICEF estimates that children comprise one-third of the self-defense units.

The Government of the Central African Republic does not fully comply with the minimum standards for the elimination of human trafficking; however, it is making significant efforts to do so, despite limited resources, cross-border incursions from three neighboring countries, and chronic political instability. In 2010, the government enacted an amendment to its penal code prohibiting and prescribing punishments for human trafficking offenses. The Minister of Justice, however, suspended the activities of the Inter-ministerial Committee to Fight Child Exploitation, pending a review of the draft Family Code to ensure that the legislation authorizes such a committee to exist and act effectively; this new code will determine the legal framework of the inter-ministerial committee's work. The government did not take law enforcement action against traffickers, identify or provide protective services to child trafficking victims, or adequately raise public awareness of the phenomenon during the reporting period. Therefore, Central African Republic is placed on Tier 2 Watch List for the fifth consecutive year.

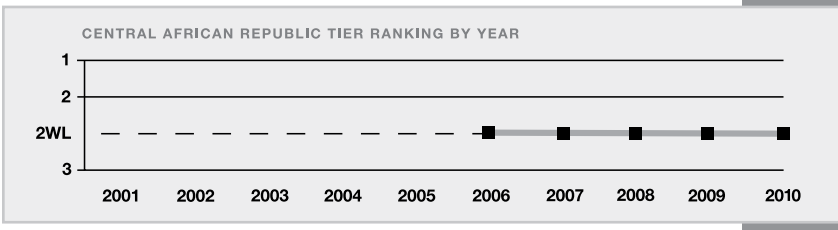
Recommendations for Central African Republic: Complete an ongoing review of the country's Family Law to ensure that its provisions will support the Inter-Ministerial Committee to Fight Child Exploitation's mission to design a national anti-trafficking policy; increase efforts to identify trafficking victim among vulnerable populations, such as females in prostitution, street children, and Pygmies; in collaboration with NGOs and the international community, provide care to children in commercial sexual exploitation and forced labor; and increase overall efforts to educate the public about the dangers of trafficking.

Prosecution

While the government failed to investigate, prosecute, or convict trafficking offenses during the reporting period, it made efforts to strengthen its anti-trafficking legal statutes. In September 2009, the Parliament passed a revised Penal Code containing anti-trafficking provisions; the Code was officially enacted in January 2010. Under Article 151 of the new provisions, the prescribed penalty for human trafficking ranges from five to 10 years' imprisonment; however, when a child is the victim of sex trafficking or forced labor similar to slavery, the penalty is life imprisonment with hard labor. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. Articles 7 and 8 of the January 2009 Labor Code prohibit forced and bonded labor and prescribe penalties of five to 10 years' imprisonment. These provisions, however, are rarely enforced and no cases of suspected human trafficking offenses were investigated or prosecuted during the reporting period.

Protection

The government provided minimal protective assistance to trafficking victims during the reporting period. An extreme shortage of resources leaves responsible Central African officials unable to implement many basic victim protection services. While the Ministry of Family and Social Affairs continued operation of a shelter (the Center for Mothers and Children) in Bangui for children in distress, some of whom may have been trafficking victims, the shelter often did not have space available to take on additional clients. The government did not establish a system for identifying victims of trafficking among vulnerable populations, and they lacked capacity to provide funding or in-kind support to local or foreign partners for services provided to victims. The government sustained its partnership with UNICEF and UNICEF's two program implementers for the latter's protection of demobilized child soldiers, some of whom had likely been subjected to unlawful conscription. For example, during the reporting period, the Sous Prefets of Paoua and Bocaranga facilitated communication between two international NGOs and the APRD, which enabled the effective demobilization of 623 child soldiers from the rebel group. The Ministry of Education's local representative in Bocaranga welcomed the demobilized children into the school, despite local suspicions. In September 2009, the Minister of Interior traveled to Paoua, in partnership with police, and convinced local citizens to peaceably allow the continuation of one NGO's program to demobilize and rehabilitate child soldiers, including those unlawfully conscripted, from the APRD. In January 2010, the Deputy Minister of Defense tasked a senior gendarmerie official with investigating the situation of the recruitment and use of child soldiers in government-supported self-defense militias, with an eye to ending the practice immediately; the outcome of this investigation is unknown.



The Ministry of Justice ensured that identified victims were not penalized for unlawful acts committed as a direct result of being trafficked. It claimed to encourage victims to assist in the investigation and prosecution of traffickers, and to file suits against them for damages;

these options do not appear to have been used during the reporting period. The government does not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution, and does not offer assistance to its own nationals who are repatriated as victims of trafficking.

Prevention

The government acknowledged that human trafficking is a problem in the country, and undertook few anti-trafficking prevention efforts during the reporting period. Most visibly, officials launched a human trafficking awareness campaign in June 2009 to coincide with the annual Day of the African Child, though there was limited follow-up on the themes presented after the day of the event. In January 2010, the Minister of Interior spoke on national radio about the overall poor law and order situation in the country, referencing in particular problems of child trafficking. The Inter-Ministerial Committee to Fight Child Exploitation, which was suspended by the Minister of Justice in early 2008 pending a review of the draft Family Code to ensure the legislation authorized the existence of such a committee, was not reinstituted in 2009. The government did not take any measures to reduce the demand for forced labor or commercial sex acts during the year.

CHAD (Tier 2 Watch List)

Chad is a source and destination country for children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. The country's trafficking problem is primarily internal and frequently involves parents entrusting children to relatives or intermediaries in return for promises of education, apprenticeship, goods, or money; selling or bartering children into involuntary domestic servitude or herding is used as a means of survival by families seeking to reduce the number of mouths to feed. Child trafficking victims are primarily subjected to forced labor as herders, domestic servants, agricultural laborers, or beggars. Child cattle herders follow traditional routes for grazing cattle and at times cross ill-defined international borders into Cameroon, the Central African Republic (CAR), and Nigeria. Underage Chadian girls travel to larger towns in search of work, where some are subsequently subjected to prostitution. Some girls are compelled to marry against their will, only to be forced by their husbands into involuntary domestic servitude or agricultural labor. In past reporting periods, traffickers transported children from Cameroon and the CAR to Chad's oil producing regions for commercial sexual exploitation; it is unknown whether this practice persisted in 2009.

During the reporting period, the Government of Chad actively engaged in fighting with anti-government armed opposition groups. Each side unlawfully conscripted, including from refugee camps, and used children as combatants, guards, cooks, and look-outs. The government's conscription of children for military service, however, decreased by the end of the reporting period, and a government-led, UNICEF-coordinated process to identify and demobilize remaining child soldiers in military installations and rebel camps began in mid-2009. A significant, but unknown number of children remain within the ranks of the Chadian National Army (ANT). Sudanese children in refugee camps in eastern Chad were forcibly recruited by Sudanese rebel groups, some of which were backed by the Chadian government during the reporting period.

The government 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 took steps to investigate and address the problem of forced child labor in animal herding. It also initiated efforts to raise awareness about the illegality of conscripting child soldiers, to identify and remove children from the ranks of its national army, and to demobilize children captured from rebel groups. The government failed, however, to enact legislation prohibiting trafficking in persons and undertook minimal anti-trafficking law enforcement efforts and victim protection activities. Therefore, Chad is placed on Tier 2 Watch List. The country faces severe constraints including lack of a strong judicial system, destabilizing civil conflicts, and a heavy influx of refugees from neighboring states.

Recommendations for Chad: Pass and enact penal code revisions prohibiting child trafficking; consider drafting and enacting penal code provisions that would criminalize the trafficking of adults; increase efforts to enhance magistrates' understanding of and capability to prosecute and punish trafficking offenses under existing laws; demonstrate increased anti-trafficking law enforcement efforts, including the investigation and prosecution, where appropriate, of suspected trafficking offenders; continue taking steps to ensure the end of child conscription and the demobilization of all remaining child soldiers from the national army and rebel forces; and collaborate with NGOs and international organizations to increase the provision of protective services to all types of trafficking victims, including children forced into cattle herding, domestic servitude, or prostitution.

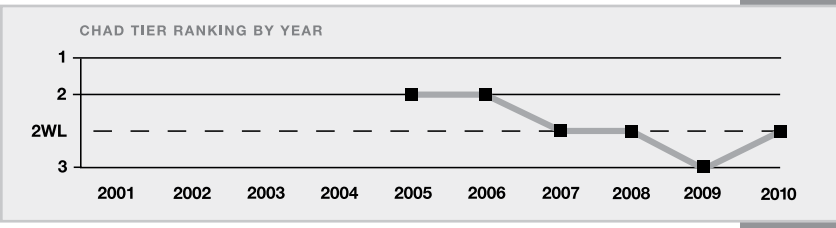
Prosecution

Chad's weak judicial system impeded its progress in undertaking anti-trafficking law enforcement efforts. The government failed to prosecute trafficking offenses and convict and punish trafficking offenders during the year. Existing laws do not specifically address human trafficking, though forced prostitution and many types of labor exploitation are prohibited. Title 5 of the Labor Code prohibits forced and bonded labor, prescribing fines of $100 to $1,000; these penalties, which are considered significant by Chadian standards, fail to prescribe a penalty of imprisonment and are not sufficiently stringent

to deter trafficking crimes. Penal Code Articles 279 and 280 prohibit the prostitution of children, prescribing punishments of 5 to 10 years' imprisonment and fines up to $2,000 – penalties that are sufficiently stringent, but not commensurate with penalties prescribed for other serious crimes, such as rape. Pimping and owning brothels are also prohibited under Penal Code Articles 281 and 282. The 1991 Chadian National Army Law prohibits the Army's recruitment of individuals below the age of 18. In 2009, the Ministry of Justice, with support from UNICEF, completed drafting revisions to the penal code; several new provisions will prohibit and prescribe punishments for child trafficking and provide protection for victims. The revisions are pending approval by the Supreme Court and the secretary general of the government. The government did not make anti-trafficking law enforcement statistics available, and there is no evidence to suggest the government prosecuted trafficking offenses during the reporting period. It did not provide information on the status of pending cases reported in the previous reporting period. In past reporting periods, the government prosecuted a small number of child trafficking cases using laws against kidnapping, the sale of children, and employing children under 14 years of age, though most magistrates lack understanding of how to apply existing laws to trafficking cases. During the year, police detained an unknown number of Chadian adults suspected of using forced child labor for herding, as well as intermediaries arranging herding jobs for children, but released all suspects after they paid small fines. Some cases were dealt with by traditional forms of justice which varied depending on the religion, ethnicity, and clan affiliation of all parties involved in or affected by the exploitation. The government did not prosecute military officials for conscripting child soldiers, though it notified the ANT during the year that future infractions would be punished with the full weight of the law.

Protection

The Government of Chad did not take adequate steps to ensure that all victims of trafficking received access to protective services during the reporting period. It did, however, make progress in providing protection for child soldiers, some of whom may have been forcibly conscripted, identified within the country. In a June 2009 ceremony, the ANT transferred to UNICEF for care 84 child combatants captured from Chadian rebel groups in early May. In July 2009, representatives of the Ministries of Social Affairs, Defense, and Foreign Affairs led an inter-ministerial mission to the military camp in Moussoro, accompanied by staff from UNICEF and an international NGO, to identify child soldiers captured from rebel units; of the 88 presumed child soldiers, the team identified 51 as children and succeeded in removing 16 of them to UNICEF's care. By the end of 2009, the government and UNICEF identified and transferred to NGO-run rehabilitation and vocational training centers one child soldier from Chadian military ranks and 239 from Chadian rebel groups. The Ministry of Social Action operated a transit center located in Moussouro to screen and provide shelter to demobilized children after they are first released from armed groups. After spending between two days and two weeks at the center, the government transferred the children to rehabilitation centers operated by international NGOs. During the year, the Ministries of Social Affairs and Defense began maintaining files on rehabilitated child soldiers and other child victims of trafficking.



The government provided few services for trafficking victims other than unlawfully conscripted child soldiers during the reporting period. In 2009, the government continued its efforts to provide minimal assistance to child trafficking victims through its six technical regional committees charged with addressing the worst forms of child labor. These committees – located in N'Djamena, Abeche, and southern towns and comprised of representatives from the Ministries of Justice, Social Affairs and Family, Education, Public Works, Human Rights, and the Judicial Police – encouraged victims to file charges against and assist in the investigation and prosecution of their traffickers. They also referred cases of children forced to herd animals to the judiciary for action. The government sustained a formal system for officials to refer victims to NGOs or international organizations for care; judiciary police or other local authorities are to notify the Ministry of Justice's Child Protection Department, UNICEF, and local NGOs when there is a potential case of child trafficking. The government provided no information, however, on the number of victims it referred to such organizations during the year. Officials did not report encouraging victims to file charges or assist in the investigation and prosecution of their traffickers. The government did not arrest or detain trafficking victims, or prosecute or otherwise penalize identified child victims for unlawful acts committed as a direct result of being trafficked. Due to weak state entities and a lack of capacity, the government did not allocate any resources for training its officials regarding the identification and treatment of trafficking victims uring the reporting period.

Prevention

The Chadian government made modest efforts to prevent human trafficking during the year. The government continued to conduct its trafficking efforts according to two internal documents that are annually reviewed and

revised – the "Guide for the Protection of Child Victims of Trafficking," and the "Integrated Action Plan to Fight the Worst Forms of Child Labor, Exploitation, and Trafficking (2008-1010)" – developed by the National Committee to Fight Trafficking and the Directorate of Children in the Ministry of Justice, respectively. While neither plan was formally adopted or launched as originally intended, all relevant government entities follow the work plans outlined in each. The government focused its prevention activities principally on addressing child labor trafficking, as children are the largest group of trafficking victims in Chad. Throughout 2009, an inter-ministerial team visited southern towns to investigate suspected cases of children forced to herd animals and provided a report with recommendations for future action to the Human Rights Ministry. During the year, the government, in partnership with UNICEF and UNFPA, launched several nationwide human rights campaigns that included sensitization for the population on the dangers of giving, renting, or selling one's children into animal herding; these campaigns involved public events, billboards, posters, and the distribution of informational materials. The government also drafted a plan to educate parents on the risks of selling their children; the plan awaits final approval from the Prime Minster and funding. In January 2010, the National School of Administration and Magistracy graduated its first class of 28 labor inspectors; they have not yet been deployed due to lack of funding. The country's 25 existing inspectors and 59 assistance inspectors lacked the resources to fulfill their mandate and the Ministry of Labor provided no information on the number of child labor inspections carried out or the number of children, if any, removed or assisted as the result of such inspections. Beginning in August 2009, the Ministry of Foreign Affair's Military Coordinator led an awareness raising delegation comprised of officers from the ANT, the Nomadic Guard, Directorate General of Security Services for National Institutions, and the Gendarmerie, along with civilian government officials and representatives of UNICEF, UNDP, the UN peacekeeping operation, and diplomatic missions, to the four headquarters locations of the government's armed forces in Abeche, N'Djamena, Moussoro, and Mongo. The Military Coordinator, a brigadier general, delivered a consistent message denouncing the use of child soldiers, outlining the government's intolerance of the practice, and stating that the government would investigate and prosecute anyone implicated in the use of child soldiers. The government made no effort to reduce the demand for commercial sex acts or forced labor during the reporting period. In July 2009, the government ratified the 2000 UN TIP Protocol.

CHILE (Tier 2)

Chile is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Within the country, many victims are Chilean women and girls who respond to false job offers and subsequently are subjected to forced prostitution. To a limited extent, Chilean women and girls also are trafficked for forced prostitution and forced labor to neighboring countries such as Argentina, Peru, and Bolivia, as well as Spain. Women and girls from Argentina, Bolivia, Peru, Colombia, Paraguay, and other Latin American countries, in addition to China, are lured to Chile with fraudulent job offers and subsequently coerced into prostitution or involuntary 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. There are reports that children are recruited against their will as drug mules along the borders with Bolivia and Peru. Some Chinese nationals are consensually smuggled through Chile *en route* to Latin American countries 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 increased law enforcement efforts against sex trafficking offenders and forged partnerships with foreign governments. Chilean authorities continued to report difficulties with prosecuting labor trafficking crimes and the internal trafficking of adults due to statutory gaps in Chile's anti-trafficking laws. This remains a considerable limitation in light of the number of labor trafficking victims identified by a prominent international organization.

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; train government officials on how to identify and respond to cases of labor trafficking and internal sex trafficking of adults; strengthen victim protection efforts, particularly for labor trafficking victims; and increase public awareness about all forms of human trafficking.

Prosecution

The Government of Chile increased law enforcement efforts against sex trafficking offenders during the reporting period. Chilean law does not prohibit all forms of human trafficking, though it criminalizes transnational movement of persons for purposes of prostitution through Article 367 of its penal code. In addition to human trafficking, this statute encompasses consensual smuggling for the purpose of prostitution, which does not fall within the international definition of human trafficking. Penalties prescribed under this statute range from three to 20 years of imprisonment, depending on whether aggravated circumstances exist. In cases of internal trafficking of children for forced prostitution, prosecutors could use sections of Article 361 of the penal code which address sexual crimes against children and prescribe penalties ranging from 10 to 20 years. Such penalties are sufficiently stringent and are commensurate with those for other serious crimes, such as rape. In

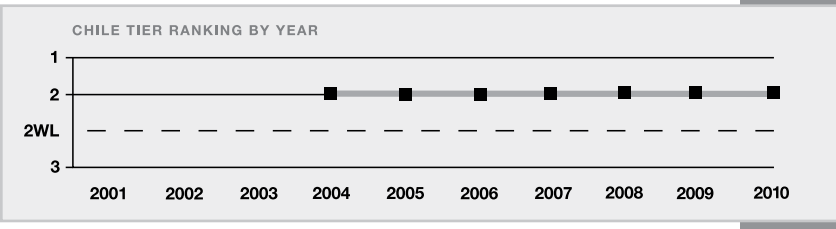
practice, however, because sentences of less than five years are often suspended in Chile, and the minimum penalty for rape is five years and a day, individuals convicted of rape typically receive jail time whereas trafficking offenders often do not. The government's anti-trafficking statutory framework does not criminalize labor trafficking or the internal sex trafficking of adults; law enforcement officials report difficulties with investigating and prosecuting these allegations. Draft legislation which would prohibit labor trafficking and increase the minimum sentence for human trafficking, originally proposed in 2002, is being reviewed by the Senate.

During the reporting period, the government opened 128 trafficking-related investigations: 108 for promoting or facilitating prostitution of children, and 22 for cross-border sex trafficking. Chilean courts obtained 34 convictions over the past year: eight for promoting or facilitating prostitution of children, and 26 for cross-border sex trafficking. These numbers represent an increase in both investigations and convictions compared with the previous year. During the reporting period, the government charged six active police officials with facilitating prostitution of children. The Chilean government signed partnership agreements on anti-trafficking law enforcement with Paraguay, Bolivia, and the Dominican Republic, and provided training to 250 prosecutors in those countries.

Protection

The Chilean government delivered comprehensive victim services to children who were victims of commercial sexual exploitation, and provided some services to adult trafficking victims, although there were no specialized services for labor trafficking victims. In partnership with IOM, the Government of Chile conducted eight training sessions throughout the country on trafficking victim identification and treatment; over 600 prosecutors, police, and immigration officials participated. In July 2009, the government implemented a plan to investigate high risk areas for child prostitution; prosecutors worked with the police to map the most common areas for commercial sex acts and directed increased resources to detect child prostitution. The National Service for Minors operated two residential shelters exclusively for child victims of commercial sexual exploitation, in addition to providing victim services through its national network of residential shelters and walk-in centers for at-risk youth, with a total capacity for 700 children. The National Service for Minors also provided child trafficking victims with legal services. Adult sex trafficking victims were referred to NGOs and international organizations, who also aided foreign victims in the repatriation process. Female victims were also eligible for services at one of 25 government run women's shelters as well as all public health services; however, the government did not operate any specialized shelters for adult trafficking victims. Despite credible reports of labor trafficking in the mining sector, labor trafficking victims often were not protected because labor trafficking is not a crime in Chile.

Chilean authorities encouraged victims to assist in the investigation and prosecution of their traffickers. The government provided medical care, psychological counseling, and witness protection services to adult victims of sex trafficking assisting in trafficking investigations, and foreign victims were eligible for these services. Foreign sex trafficking victims may remain in Chile during legal proceedings against their exploiters, and can later apply for residency status. Chilean law states that these victims may face deportation to their country of origin once legal proceedings are finished, although in practice they are not deported. The Public Ministry developed an agreement with the Ministry of Interior to secure humanitarian visas for trafficking victims who wish to stay in Chile during a trial, and some foreign victims received these visas during the reporting period.



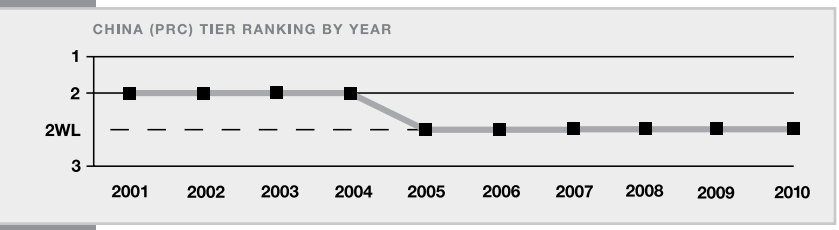
Prevention

The government sustained prevention efforts during the reporting period by conducting anti-trafficking education and outreach campaigns: almost all of these efforts, however, focused on the commercial sexual exploitation of children. The National Service for Minors continued to raise awareness about child prostitution through its "There is No Excuse" campaign, and launched an Internet campaign on the same topic. Immigration documents for travelers arriving in Chile include information about the penalties for commercial sexual exploitation of children. The government forged partnerships with NGOs, international organizations and foreign governments in implementing these prevention efforts. The government gave mandatory anti-trafficking and human rights training to Chilean troops prior to their deployment for international peacekeeping missions. In an effort to reduce the demand for commercial sex, courts prosecuted individuals for commercial sexual exploitation of children. No specific efforts to reduce demand for forced labor were reported.

CHINA (Tier 2 Watch List)

China is a source, transit, and destination country for men, women, and children who are subjected to trafficking in persons, specifically forced labor and forced prostitution. Women and children from neighboring countries including Burma, Vietnam, Laos, Mongolia,

Russia and North Korea, and from locations as far as Romania and Zimbabwe are trafficked to China for commercial sexual exploitation and forced labor. Well-organized international criminal syndicates and local gangs play key roles in both internal and cross-border trafficking. During the year, there was a significant increase in the reported number of Vietnamese and Burmese citizens trafficked in China. Some trafficking victims are kept locked up, and many of them are subjected to debt bondage. Many North Koreans who enter into China are subjected to forced prostitution or forced labor in forced marriages or in Internet sex businesses.



While the majority of trafficking occurs within China's borders, there are reports that Chinese men, women, and children are subjected to forced prostitution and forced labor in numerous countries and territories worldwide, including the United Kingdom, United States, Germany, Malaysia, Taiwan, Angola, Uganda, Ghana, Zambia, Trinidad and Tobago, Mozambique, Tanzania, South Africa, Chile, Poland, Italy, France, the Czech Republic, Finland, Belgium, the Netherlands, Spain, the Ukraine, Azerbaijan, Bahrain, Israel, the United Arab Emirates, Afghanistan, the Maldives, Oman, and Qatar. There were reports of Chinese nationals taking on significant amounts of debt, sometimes amounting to as much as $70,000 to migrate to foreign countries for work, making them extremely vulnerable to debt bondage and situations of trafficking. Concurrent with the increase of Chinese economic activity in Africa, there were some reports of Chinese workers trafficked to Africa by importers and construction firms. Chinese women and girls are also trafficked to Africa for forced prostitution. Experts and NGOs report that China's population planning policies, coupled with a cultural preference for sons, creates a skewed sex ratio in China, which may contribute to the trafficking of women and children from within China, Mongolia, North Korea, Russia, Burma, Laos and Vietnam for forced marriage, leaving them vulnerable to involuntary domestic servitude or forced commercial sexual exploitation by their spouses.

Internal trafficking is most pronounced among China's migrant population, which is estimated to exceed 150 million people. Forced labor remains a serious problem, including in brick kilns, coal mines, factories, and on construction sites throughout China. There were numerous confirmed reports of involuntary servitude of children, adults, and migrant workers during the reporting period. As an example, in May 2009, media reports exposed a forced labor case at brick kilns in Anhui province, where mentally handicapped workers were subjected to slave-like conditions. Workers participating in a government-sponsored program to transfer rural labor to jobs in the interior of China, including children, were allegedly coerced into the program through threats or fines for noncompliance, but others participating in the same program said they had not been forced. Authorities in Xinjiang reportedly imposed forced labor on some farmers in predominantly ethnic minority regions. Forced labor was a problem in some drug detention centers, according to NGO reporting. Some detainees were reportedly forced to work up to 18 hours a day without pay for private companies working in partnership with Chinese authorities. Many prisoners and detainees in re-education through labor facilities were required to work, often with no remuneration. Authorities held individuals in these institutions as a result of administrative decisions. Forced labor also remained a problem in penal institutions.

There continue to be reports that some Chinese children are forced into prostitution, and various forms of forced labor, including begging, stealing, selling flowers, and work in brick kilns and factories; the children of migrants are particularly vulnerable to trafficking. For example, there were reports child laborers were found working in brick kilns, low-skill service sectors and in small workshops and factories. These reports found that the underage laborers are in their teens, typically ranging from 13 to 15 years old, but some are as young as 10 years old. In November 2009, an explosion killed 13 primary school children working in a Guangxi workshop producing fireworks, all of whom were children of migrant workers working in factories in a neighboring province. Work-study programs in various parts of China, often with local government involvement, reportedly engaged child labor, whereby schools supply factories and farms with forced child labor under the pretext of vocational training. In Xinjiang, children were forced to pick cotton for army-based production brigades under the guise of a "work-study" program, according to foreign media reports. There are reports of some students having no say in the terms or conditions of their employment, and little protection from abusive work practices and dangerous conditions. The overall extent of forced labor and child labor in China is unclear in part because the government releases only limited information on the subject.

The Government of the People's Republic of China does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Although the government ratified the 2000 UN TIP Protocol during the year, committing itself to bringing its domestic laws into conformity with international standards on trafficking, it did not revise anti-trafficking laws and the National Plan of Action to criminalize and address all forms of labor

and sex trafficking. The government reported an increase in the number of "trafficking" offenders prosecuted and victims assisted, however these efforts were based on China's limited definition of "trafficking," and the government continues to conflate human smuggling and child abduction for adoption with trafficking offenses. Authorities took steps to strengthen victim protection services and increased cooperation with local NGOs to provide victims access to services in some areas of the country and to provide anti-trafficking training to border guards. Despite these efforts, the government failed to sufficiently address China's trafficking problem. It did not make significant efforts to investigate and prosecute labor trafficking offenses and convict offenders of labor trafficking, and it did it not sufficiently address corruption in trafficking by government officials. The government lacked a formal, nationwide procedure to systematically identify victims of trafficking. It also failed to provide comprehensive victim protection services to both internal and foreign victims of trafficking throughout the country. Victims are sometimes punished for unlawful acts that were a direct result of their being trafficked – for instance, violations of prostitution or immigration and emigration controls. Chinese authorities continue to forcibly repatriate North Korean trafficking victims, who face punishment upon their return for unlawful acts that were sometimes a direct result of being trafficked. The government's inadequate data collection system and limited transparency continued to impede progress in recording and quantifying anti-trafficking efforts. For these reasons, China is placed on Tier 2 Watch List for the sixth consecutive year.

Recommendations for China: Revise the National Action Plan and national laws to criminalize all forms of labor trafficking and bring laws into conformity with international obligations; expand proactive, formal procedures to systematically identify victims of trafficking, including labor trafficking victims and Chinese trafficked abroad, and among vulnerable groups such as migrant workers and foreign women and children arrested for prostitution; continue to train law enforcement and immigration officials regarding the identification and treatment of trafficking victims using approaches focusing on the needs of the victim; cease the practice of forcibly repatriating North Korean trafficking victims; devote significantly more resources to victim protection efforts, including funding for shelters equipped to assist victims of trafficking; increase training for shelter workers; increase counseling, medical, reintegration, and other rehabilitative assistance; increase protection services available to male and female, and sex and labor trafficking victims; make efforts to provide access to services for Chinese trafficking victims abroad; increase resources to address labor trafficking, including to improve inspection of workplaces and training for officials working in sectors in which trafficking victims are likely to be found; support legal assistance programs that assist both foreign and Chinese trafficking victims; increase the number of criminal investigations and prosecutions of cases involving trafficking for forced labor, including recruiters and employers who facilitate forced labor and debt bondage; make greater efforts to actively investigate, prosecute, and convict government officials complicit in trafficking crimes; expand upon existing campaigns to reduce the demand for forced labor and commercial sex acts; improve law enforcement data collection efforts for trafficking cases, consistent with the government's capacity to do so and disaggregated to reflect cases that fall within the definition of trafficking; and undertake systematic research on all forms of human trafficking in China and involving Chinese nationals.

Prosecution

The Government of the People's Republic of China made uneven progress in its efforts to combat trafficking in persons during the reporting period, based on China's limited definition of "trafficking." The legal definition of trafficking under Chinese law remained discordant with international standards during the year. China's definition of trafficking does include the use of non-physical forms of coercion, fraud, debt bondage, involuntary servitude, forced labor, or offenses committed against men, although many aspects of these crimes are addressed in other articles of China's criminal law. China's legal definition of trafficking does not automatically regard children over the age of 14 who are subjected to the commercial sex trade as trafficking victims. It is unclear whether Chinese laws recognize forms of coercion other than abduction, such as threats of physical harm or non-physical harm, as constituting a means of trafficking. Article 244 of the Chinese Criminal Law criminalizes forced labor, but prescribes punishments of a fine or no more than three years' imprisonment, and only if the circumstances are found to be "serious" - penalties which are not sufficiently stringent. Additionally, the current law applies only to legally recognized employers and does not apply to informal employers or illegal workplaces. China's legal definition of trafficking does not recognize male victims of trafficking or adult victims of labor trafficking. The government did not take steps to enact legislation to prohibit all forms of trafficking during the year, though it ratified the 2000 UN TIP Protocol in December 2009, which obligates China to prohibit all forms of trafficking and bring its domestic laws into conformity with international standards within 24 months. Based on the government's limited definition of "trafficking" and the government's continued conflation of human smuggling and child abduction for adoption with trafficking offenses, the Ministry of Public Security (MPS) in 2009 reported convicting 2,413 defendants in trafficking cases, an increase from the previous year, and resolving more than 7,000 trafficking cases involving more than 7,300 women and 3,400 children. The government reported the arrest of 19 of the country's 20 most wanted traffickers and pursuit of criminal networks and organized crime syndicates involved in trafficking. Police conducted "population surveys" to look for trafficking victims and

open files on suspected traffickers; however, the impact of these efforts was unclear. In 2009, Chinese government officials noted that current statistical methods used to monitor trafficking were not consistent with international standards and sought to revise them. In April 2009, Chinese officials collaborated with Costa Rican authorities to arrest members of an international ring that trafficked Chinese children to Costa Rica for forced labor. However, as China's expatriate population continues to expand, it has not sufficiently developed the capacity to institutionalize its international law enforcement cooperation on trafficking. In May 2009, authorities reported arresting 10 men for buying, enslaving, and abusing 32 mentally handicapped individuals and forcing them to work in brick kilns in Anhui Province. Local authorities in Hangzhou offered cash rewards for information leading to the arrest of gang leaders that force children and handicapped people to beg. Jiangxi provincial authorities in April launched a campaign to crack down on criminal organizations involved forced child labor. Guizhou provincial authorities in May launched a campaign to crack down on the forced prostitution of underage girls and the forced labor of children.

There were continued indications of local officials' complicity in trafficking. Local corruption remains an obstacle to prosecution; however, China in 2009 evaluated government officials' performance against regulations prohibiting complicity in trafficking crimes. During the year, there were reports that local officials in Xinjiang used coercion and threats to get adults and children to participate in government-sponsored labor transfer programs, and used fraudulent methods to make children appear to meet the legal working age of factories. There were reports that some Chinese border guards worked in collusion with traffickers and North Korean border guards to procure young North Korean women for forced prostitution in Chinese brothels. During the year, there were three reported instances of Chinese nationals arrested for selling North Korean women, with one national sentenced to prison for over five years. The Chinese government did not sufficiently report efforts to investigate, prosecute, and punish government officials for complicity in human trafficking offenses.

Protection

The Chinese government made efforts to improve protection during the reporting period; however, efforts to identify and protect victims of trafficking remained inadequate. Authorities continued to focus protection efforts on women and children. The government's efforts to proactively identify male trafficking victims and victims of labor trafficking were inadequate. In July, Fujian officials strengthened efforts, including working with village committees, to identify trafficking victims and at-risk populations. Chinese trafficking victims abroad had little access to resources or protection by Chinese authorities. Chinese authorities worked with IOM to expand their capacity to provide support to Chinese trafficking victims in foreign countries, although the programs are at the nascent stage. The Ministry of Foreign Affairs has begun to explore options for dealing with Chinese victims overseas, but has not fully expanded its capabilities. While reports state there are an estimated 1,400 shelters in the country that can offer some assistance to victims, there are only five nationwide dedicated to trafficking victims, one of which was operated by the government. While authorities reported shelters across the country assisted 12,000 women and children trafficking victims, the government's statistics were based on the country's definition of trafficking, which is inconsistent with international norms. Most shelters are not specifically staffed and trained to assist trafficking victims, though the government is working with international organizations to address shortcomings. NGOs along the southern border reported some improvements in 2009 in Chinese official rescue and rehabilitation support to trafficking victims. All these efforts, however, need to be strengthened significantly.

Due to an inadequate number of dedicated shelters to assist trafficking victims, trafficking victims generally return to their homes without access to counseling or psychological care. Victims nationwide did not have access to long-term care. Provincial governments in the southern border provinces, lacking resources, often relied upon NGOs to help provide services to victims. In Yunnan province, the All-China Women's Federation, with the assistance of NGOs, provided some victims with medical care, counseling, and vocational training. During the year, authorities worked with foreign governments, NGOs, and international organizations to train law enforcement, immigration, and social services personnel on victim identification. All of the government's victim protection efforts, however, need to be strengthened and standardized nationwide. The government partnered with NGOs to conduct training workshops for border liaison offices with Burma to increase police force capacity to identify and protect trafficking victims. The Ministry of Civil Affairs began training managers of China's shelters on victim identification, protection, and reintegration. Over the course of the year, local Chinese public security officials increased cooperation with the Mongolian consulate in Erlian and NGO representatives to identify and rescue Mongolian sex trafficking victims in China. Ministry of Foreign Affairs consular affairs staff received training to spot trafficking victims abroad.

Foreign victims were generally repatriated, sometimes involuntarily. They were provided little access to rehabilitative, financial, or legal assistance. The government did not provide foreign victims with legal alternatives to removal to their native countries, even if they might face hardship or retribution. Some foreign women and children identified as trafficking victims and repatriated to foreign countries were not in fact trafficking victims, but were deported under mechanisms meant for trafficking victims due to their status as illegal migrants.

While government regulations stipulate that repatriated Chinese and foreign victims of trafficking no longer face fines or other punishments upon return, authorities acknowledged that some victims continued to be assigned criminal penalties or fined because of provisions allowing for the imposition of fines on persons traveling without documentation. Additionally, the lack of effective victim identification measures and police corruption in China in some cases cause victims to be punished for crimes committed as a direct result of being trafficked. In localities where officials have received training on human trafficking, there were reports victims were not punished or fined.

Chinese authorities continued efforts begun ahead of the 2008 Beijing Olympic Games to forcibly repatriate North Korean refugees in China, including trafficking victims, in violation of their commitments to the 1951 UN Convention related to the Status of Refugees and the victim protection principles of the 2000 UN TIP Protocol. China continued to treat North Korean trafficking victims solely as illegal economic migrants, deporting them to North Korea, where they may face severe punishment. The Chinese government refused to provide North Korean trafficking victims with legal alternatives to repatriation. Chinese authorities prosecute citizens who assist North Korean refugees and trafficking victims. The government continued to bar UNHCR from access to North Korean populations in Northeast 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

The Chinese government expanded efforts in some areas to prevent trafficking in persons with assistance from international organizations and NGOs. Authorities, including those at the ministerial level, worked to increase public awareness among groups most at risk. In April 2009, MPS launched a nine-month anti-trafficking campaign targeting the trafficking of women and children. The All-China Women's Federation worked in partnership with the ILO to continue anti-trafficking prevention campaigns reaching almost three million people. The government reported organizing and taking part in anti-trafficking training provided by partner international organizations for officials in Beijing, Anhui, Hunan, Yunnan, Guizhou, and Shaanxi provinces. MPS carried out programs to educate and monitor populations at-risk for trafficking; a pilot project was launched in Guangzhou and Yunnan Province to offer free classes to migrant workers on protecting children from trafficking. The central government reported it changed local security officials' promotion criteria to include counter-trafficking work. The government reported it launched an initiative to crack down on illegal activities by employment agencies, some of which may have been involved in human trafficking. The central government issued a document clarifying government agency responsibilities in combating child labor and imposed obligations on government officials as part of an enlarged effort to combat child trafficking.

The government did not provide information on monitoring immigration and emigration patterns for evidence of trafficking. The central government did not address the birth limitation policy, which contributes to a gender imbalance that some believe has led to trafficking of women into involuntary servitude through forced marriage in the Chinese population. During the reporting period, the Chinese government undertook reforms of the *hukou* household registration system; however, it may remain a factor contributing to the vulnerability of internal migrants to forced labor. Authorities did not take adequate measures to prevent internal trafficking for sexual exploitation or forced labor, despite the prevalence of such trafficking across the country. The government did not take sufficient measures during the year to reduce the demand for forced labor, commercial sex acts, or child sex tourism. In 2009, authorities signed a Memorandum of Understanding with Burma to cooperate on anti-trafficking efforts, and together with Laos established an anti-trafficking liaison office in Yunnan Province, similar to offices operating at border crossings with Burma and Vietnam. Chinese forces participating in peacekeeping initiatives abroad did not receive training on trafficking in persons prior to deployment. However, there have been no allegations of trafficking acts committed by Chinese peacekeepers.

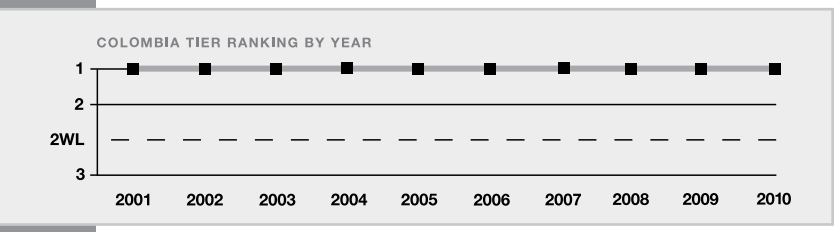
COLOMBIA (Tier 1)

Colombia is a major source country for women and girls subjected to trafficking in persons, specifically forced prostitution in Latin America, the Caribbean, Western Europe, Asia, and North America, including the United States. Within Colombia, some men are found in conditions of forced labor, but the forced prostitution of women and children from rural areas in urban areas remains a larger problem. Individual cases of forced marriage – a risk factor for trafficking – involuntary domestic servitude, and forced begging have been reported. Some children are subjected to forced labor in mines and quarries or as domestic servants. 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 new illegal armed groups forcibly recruit children to join their ranks; the government estimates thousands of children are 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 forced 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, Africa, and China transit Colombia *en route* to the United States and Europe; some may fall victim to traffickers.

The Government of Colombia fully complies with the minimum standards for the elimination of trafficking in persons. During the reporting period, the government increased law enforcement actions against trafficking offenders, enhanced prevention efforts, and continued to offer victim services through an interagency trafficking operations center and through partnerships with NGOs and international organizations. The significant number of Colombians trafficked abroad, however, reflects the need for increased prevention efforts and victim services.

Recommendations for Colombia: Dedicate more resources for victim services provided directly by the government; increase efforts to encourage victims to assist with the prosecution of their traffickers; enhance 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 its anti-human trafficking law enforcement efforts 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 2009, Colombian authorities initiated 215 anti-trafficking investigations, reported 200 trafficking prosecutions, and achieved 14 convictions, sentencing trafficking offenders to periods of imprisonment ranging from 7 to 27 years. Such results compare to 159 investigations and 16 convictions reported for 2008. Investigations of labor trafficking increased dramatically over the reporting period: in 2009, there were 80 reports of potential forced labor offenses; whereas in 2008, there were two. The government maintained partnerships with foreign governments to repatriate trafficking victims and investigate trafficking cases in Argentina, Bolivia, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Trinidad and Tobago, and the United States. There were no corroborated reports of trafficking-related corruption during the reporting period and the government did not convict any officials for trafficking-related offenses. Public prosecutors received training on trafficking issues from an international organization.

Protection

The government maintained victim protection efforts, both through direct provision of assistance and in partnership with NGOs and international organizations. The government did not appear to employ formal procedures for identifying trafficking victims among vulnerable populations within the country, such as displaced persons or prostituted women. Authorities ran an interagency anti-trafficking operations center to refer victims to providers of protective services, as well as to coordinate and track criminal investigation and prosecution of their cases, and collect nationwide information and statistics about trafficking crimes. The government did not operate shelters dedicated to trafficking victims, but referred victims to local NGOs to provide these services. Authorities provided medical and psychological care, access to financial and employment assistance, and information and legal support for judicial processes. The government identified 155 victims of transnational trafficking during 2009, who consisted of near equal numbers of forced labor and sex trafficking victims, in addition to 14 victims who were trafficked within Colombia. The majority of these victims were adults, and the center provided 78 of these victims with services in collaboration with an NGO. Many victims only requested assistance in returning to their homes, and the government provided safe passage for victims returning home. The government encouraged victims to assist in trafficking investigations and prosecutions, and provided housing to victims participating in these efforts through its witness protection program. However, most victims were reluctant to testify against their traffickers due to fear of reprisals or lack of awareness of their status as victims of a serious crime; four victims participated in prosecutions during the reporting period. Consular officials assisted 110 Colombians trafficked overseas during the reporting period: this represents a significant increase in repatriation assistance when compared with the 22 trafficking victims assisted by Colombian consular officers abroad in 2008. The government contracted legal advisors and social workers to help support Colombians abroad. 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. 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. While there was no specialized legal mechanism whereby the government offered a visa or temporary residence status to foreign trafficking victims, the government could provide trafficking victims with temporary permission to remain in the country on a

case-by-case basis; these victims were eligible to receive humanitarian assistance from the government.

Prevention

The government continued substantial prevention efforts against human trafficking. In partnership with international organizations, the government launched a new national trafficking prevention campaign targeting young, low-income Colombians, and concluded a campaign from the previous year; both campaigns included TV commercials, radio spots, and print ads. In collaboration with an international organization, the government also launched a pilot program to combat sex trafficking in two high-risk neighborhoods through public awareness events and training sessions for community leaders. Authorities trained 171 journalists in Medellin, Cartagena, and Cali to improve awareness and increase accurate media coverage of trafficking in persons issues. The Ministry of Education introduced a trafficking in persons component into its sexual education curriculum. Through its anti-trafficking operations center, the government operated a national call center, which received 7,801 calls during the reporting period. Most calls were citizen requests for information relating to job offers overseas, though 133 suspected trafficking cases from the call center were referred to police for investigation. The government encouraged more active anti-trafficking efforts at the local level, and two departments implemented anti-trafficking work plans during the reporting period, for a total of 15 departments with such plans. In 2009, the government hosted a national workshop for these departmental committees to share challenges and best practices. Colombian authorities hosted visiting delegations from Trinidad and Tobago, Chile, and Panama, and shared best practices from the anti-trafficking center with these delegations. Article 219 of the Colombian criminal code prohibits organizing or facilitating sexual tourism and provides penalties of 3 to 8 years' imprisonment, but there were no reported prosecutions or convictions of child sex tourists. No other government campaigns to reduce demand for commercial sex acts were visible during the reporting period, but the government reduced demand for child labor through public awareness and training efforts, often in partnership with international organizations.

CONGO, DEMOCRATIC REPUBLIC OF THE (Tier 3)

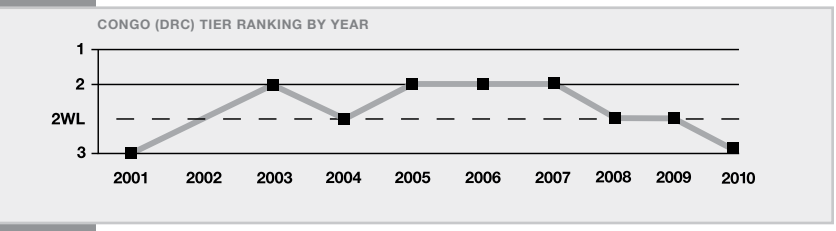
The Democratic Republic of the Congo (DRC) is a source and destination country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. The majority of this trafficking is internal, and much of it is perpetrated by armed groups and government forces outside government control within the country's unstable eastern provinces. A significant number of unlicensed Congolese artisanal miners – men and boys – are exploited in situations of debt bondage by businessmen and supply dealers from whom they acquire cash advances, tools, food, and other provisions at inflated prices, and to whom they must sell the mined minerals at prices below the market value. The miners are forced to continue to work to repay constantly accumulating debts that are virtually impossible to repay. In North Kivu, South Kivu, and Katanga Provinces, armed groups and Congolese national army (FARDC) troops reportedly use threats and coercion to force men and children to mine for minerals. 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. Congolese girls are forcibly prostituted in tent- or hut-based brothels or informal camps – including in markets and mining areas – by loosely organized networks, gangs, and madams. Congolese women and children are exploited internally in conditions of involuntary domestic servitude and taken, in smaller numbers, to Angola, South Africa, Republic of the Congo, and European nations for commercial 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.

Indigenous and foreign armed militia groups, notably, the Democratic Forces for the Liberation of Rwanda (FDLR), Patriotes Resistants Congolais (PARECO), various local militia (Mai-Mai), the *Alliance des patriots pour un Congo libre et souverain* (APCLS), and the Lord's Resistance Army (LRA), continued to abduct and forcibly recruit Congolese men, women, and children to serve as laborers, porters, domestics, combatants, and in sexual servitude. In 2009, the LRA continued operations in areas in and near the DRC's Orientale Province, violently abducting more than 1,700 Congolese citizens, including children; some of these abductees were later taken to southern Sudan or Central African Republic. Likewise, abducted Sudanese and Central African citizens experienced conditions of forced labor and sexual servitude at the hands of the LRA after being forcibly taken to the DRC.

In 2009, the FARDC resumed recruitment, at times through force, of children for use as combatants, escorts, and porters, a practice which observers believed to have ended by 2008. From November 2008 to October 2009, 623 confirmed cases of unlawful child soldier recruitment were attributed to the FARDC, 75 percent of which were attributable to ex-CNDP (National Congress for the Defense of the People, a former Congolese rebel group) elements absorbed into the FARDC in 2009. In April 2009, for example, 100 children, ages 13 to 15, were recruited by the FARDC along the Bunyakiri-Hombo axis. An unspecified number of children recruited by the CNDP during past reporting periods remain within integrated FARDC units. In addition, FARDC elements pressed hundreds of civilians, including children, into forced labor to carry ammunition, supplies, and looted goods, to fetch water and firewood, to serve as guides, or to construct military facilities and temporary huts. Those

who resisted were sometimes killed; others died under the weight of their heavy loads.

The Government of the Democratic Republic of the Congo does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government did not show evidence of progress in prosecuting and punishing labor or sex trafficking offenders, including members of its own armed forces; providing protective services for the vast majority of trafficking victims; or raising public awareness of human trafficking. In addition, the government's anti-trafficking law enforcement efforts decreased during the reporting period. Elements of the national army perpetrated severe human trafficking abuses during the year, including forcibly recruiting hundreds of children and using local populations to perform forced labor; some army commanders blocked efforts to remove children from their units. Furthermore, a number of FARDC commanders accused of child soldiering and forced labor abuses in previous reporting periods remained in leadership positions within the army and were not investigated, disciplined in any way, or brought to trial. Therefore, the Democratic Republic of the Congo is placed on Tier 3. 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; there were few functioning courts or secure prisons in the country. Some advances, however, were noted during the reporting period in demobilizing children from fighting factions, including from the national army, and in sensitizing military officials about the illegality of committing forced labor abuses.



Recommendations for the Democratic Republic of the Congo: Investigate and punish military and other law enforcement personnel accused of unlawfully conscripting child soldiers or using local populations to perform forced labor, including for mining of minerals; increase efforts to prosecute and punish, as appropriate, non-military trafficking offenders, particularly those who conscript child soldiers, utilize forced labor, or control children in prostitution; cease the FARDC's conscription of child soldiers and demobilize all children from the FARDC's ranks; develop a legislative proposal to comprehensively address all forms of human trafficking, including labor trafficking; in partnership with NGOs or religious entities, ensure the provision of short-term protective services to child trafficking victims; and take steps to raise awareness about human trafficking among the general population.

Prosecution

The government made little progress in investigating or prosecuting suspected trafficking offenders during the reporting period. The government's judicial writ did not cover many areas of the country where human trafficking occurs, and it remained hamstrung by a critical shortage of magistrates, clerks, and lawyers. Corrupt officials allegedly embezzled meager financial resources from government agencies responsible for combating human trafficking, further disabling the government from pursuing training, capacity building, or victim assistance. In February and March 2010, the government recruited 2,000 new magistrates, who will be appointed and receive training during the upcoming reporting period. Existing laws do not prohibit all forms of labor trafficking; however, the July 2006 sexual violence statute, Law 6/018, specifically prohibits sexual slavery, sex trafficking, child and forced prostitution, and pimping, prescribing penalties for these offenses of 10 to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for rape. The Child Protection Code (Law 09/001) which criminalizes and prescribes penalties of five to 20 years' imprisonment for child slavery and trafficking, child commercial sexual exploitation, and the enlistment of children into the armed forces – was published in May 2009. However, it remains unimplemented and without the necessary budget.

During the reporting period, child protection police in Bukavu arrested a Congolese woman for allegedly tricking a 13-year-old Congolese girl into accompanying her to Burundi, where she intended to force the girl into prostitution; police transmitted her dossier to the Bukavu court for prosecution in February 2010. The status of the March 2009 case involving the arrest of a Bukavu nightclub owner for allegedly prostituting 10 girls and seven boys in his facility is unknown; the nightclub has reopened. In June 2009, a military tribunal in Kisangani convicted five Mai-Mai members of, among other things, crimes against humanity; these defendants were also initially charged with, but not convicted of, perpetrating acts of forced labor against local populations. Bedi Mubuli Engangela (a.k.a. *Colonel 106*), a former Mai-Mai commander suspected of insurrection and war crimes, including the conscription of children, appeared before a military tribunal in early 2010 and remains in detention at Malaka Prison in Kinshasa; the court awaits the conclusion of the investigation before setting a trial date.

Unlike in previous reporting periods, the government neither brought charges against nor prosecuted any

individual suspected of conscripting or using child soldiers. In November 2009, the UN Group of Experts on the DRC published the names of 21 current FARDC commanders alleged to have committed human rights abuses; 13 are implicated in the unlawful recruitment and use of child soldiers and three are alleged to have obtained or maintained the forced labor of local populations. Lieutenant Colonel Jean-Pierre Biyoyo, formerly of the Mudundu-40 armed group and the first person convicted by Congolese courts of conscripting children, has not been re-apprehended since his escape from prison in June 2006 and is currently serving as the Commander of FARDC's Sector 3 of the *Amani Leo* campaign in Walungu, South Kivu. "Captain Gaston," an armed group commander allegedly responsible for the mid-2006 murder of an NGO child protection advocate, remained at large in Kitshanga, North Kivu during the reporting period; his January 2007 arrest warrant has not been executed and, after being promoted by the FARDC to the rank of Major, he is leading a FARDC battalion between Ngungu and Karuba.

Protection

The government assisted in the identification and demobilization of child soldiers during the reporting period, but offered minimal protection to other types of trafficking victims; NGOs provided nearly all of the shelter, legal, medical, and psychological services available to trafficking victims. The government lacked procedures for proactively identifying victims of trafficking among vulnerable groups or referring victims to protective services. Under the National Disarmament, Demobilization, and Reintegration Plan, all ex-combatants, including child soldiers, pass through a common process during which they disarm and receive information about military and civilian reintegration options. During this process, the National Demobilization Agency (UEPN-DDR), in cooperation with the UN Mission to the DRC (MONUC), separated and transported any identified children to NGO-run centers for temporary housing and vocational training; 2,816 children were demobilized from armed groups, including the FARDC, through this process in 2009. With the assistance of FARDC commanders, a local NGO demobilized 119 children from FARDC units in South Kivu during the first quarter of 2010; while some of these child soldiers were part of FARDC forces that were fighting in North Kivu in 2008, most of the children originated from former armed groups that had integrated into the FARDC. While the FARDC high command was generally supportive of MONUC's efforts to remove children from its forces during the reporting period, it lacked sufficient command and control to compel many FARDC commanders to comply with standing orders to release their child soldiers, or to prevent ground troops from recruiting additional children or subjecting local populations to forced labor. Certain FARDC commanders actively blocked efforts by MONUC to separate children from their ranks and some FARDC elements continued to harass, arrest, and physically mistreat children formerly associated with armed groups, including potential trafficking victims. In March 2010, a local NGO trained over 200 FARDC officers on the rights and protection of children in South Kivu; they also educated police, local authorities, and local youth throughout the province on child rights and international and national legislation related to trafficking between January and April 2010.

Although the national government did not address forced labor in the mining sector, provincial Ministries of Education in Orientale, Kasai Oriental, and Katanga coordinated with NGOs to reintegrate children working in mines into the formal education system. Katanga's provincial Ministry of Interior continued to provide funding for the *Kasapa* residential "welcome center" in Lubumbashi to provide street children, including trafficking victims, with protective services and educational programming; it is unknown whether this center provided protective services to trafficking victims in 2009. Government officials recognized the growing problem of child prostitution in the DRC, though authorities have yet to take concrete action against it. The government did not show evidence of encouraging victims to assist in investigations against their traffickers. It offered no legal alternatives to the removal of foreign victims to countries in which they may face hardship or retribution; there are, however, few foreign trafficking victims within the DRC and the government has consistently allowed for the safe repatriation of foreign child soldiers in cooperation with MONUC.

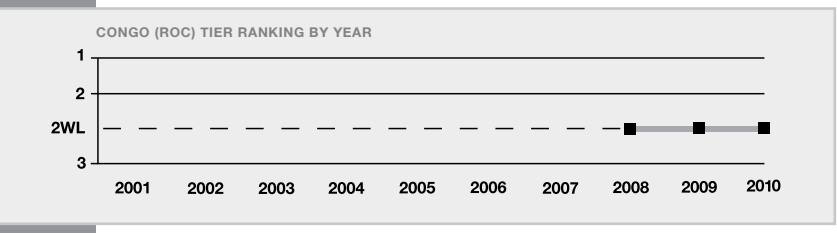
Prevention

While the government initiated awareness raising efforts against human rights abuses, including forced labor, committed by its own forces during the year, it made no significant efforts to prevent other forms of human trafficking. The Ministry of Human Rights drafted, but did not disseminate, a document on the country's current trafficking situation, including challenges to addressing it and recommendations for action. In July 2009, the FARDC's Goma headquarters issued a press statement reminding all soldiers and commanders of their duty to protect the civilian population and noted "zero tolerance" for human rights abuses, specifically citing the crime of forced labor, among others. The notice warned commanders that they would be held accountable for actions committed by troops under their command; this notice was not enforced with concrete law enforcement action. In April 2010, Major Andoga, of the 1331th Battalion, conducted a sensitization campaign on human rights violations and the military's zero tolerance policy in both Kinshasa and the eastern provinces. Although the National Ministry of Labor is responsible for investigating forced child labor and it employs 150 inspectors nationwide, the ministry did not conduct any forced child labor investigations in 2009; inspectors often lacked means of transport or resources to carry out their work. The provincial Ministry of Labor in Katanga

participated in a tripartite dialogue with unions and mining companies on the effect of the financial crisis on youth labor; the dialogue achieved no meaningful outcomes. Newly established provisional Worst Forms of Child Labor Committees in Katanga, Kasai Orientale, and Orientale (Ituri District) Provinces – comprised of staff from various provincial ministries and community members – developed annual work plans for 2010. With UNICEF funding, the members of the Katanga committee researched, drafted, and printed a brochure on its mandate that was distributed to local authorities, religious and traditional leaders, and community organizations as part of an awareness raising campaign. The Kasai Orientale committee met with the governor and provincial assembly, after which the governor committed the provincial government to fighting child labor and establishing secondary schools. The government did not take any known measures during the reporting period to reduce the demand for forced labor or commercial sex acts.

CONGO, REPUBLIC OF THE (Tier 2 Watch List)

The Republic of the Congo (ROC) is a destination and transit country for children subjected to trafficking in persons, specifically forced labor and, to a lesser extent, forced prostitution. Most sources agree that up to 80 percent of all trafficked children originate from Benin, with girls comprising 90 percent of that group. Togo, Mali, Guinea, Cameroon, the Democratic Republic of the Congo, and Senegal are also sources of victims found in the Congolese republic. Internally trafficked children represent 10 percent of all child victims, the majority of which originate from the Pool region. Many child victims are subjected to forced labor, including in domestic work, market vending and fishing; girls are also exploited in the sex trade. Child victims generally experience harsh treatment, long work hours, and almost no access to education or health services; they receive little or no remuneration for their work. Other village children, however, live voluntarily with extended relatives in cities, attend school, and do housework in exchange for food, in a traditional cultural and familial pattern that does not entail abuse.



The Government of the Republic of the Congo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. The Senate passed the Child Protection Code in August 2009, which prescribes penalties for trafficking offenders; this law is pending Presidential signature. The government also developed and began implementation of a national anti-trafficking action plan, and the Ministry of Labor investigated nine new cases of child trafficking in 2009. However, eight prosecutions based on child trafficking charges filed one or two years ago remained pending and did not come to conclusion or result in convictions. The government did not identify any trafficking victims in 2009. Therefore, the ROC is placed on Tier 2 Watch List for the third consecutive year. Most of the government's anti-trafficking activities remain dependent on international donor funding.

Recommendations for the Republic of the Congo: Enact the Child Protection Code passed in August 2009; train law enforcement officials to identify suspected traffickers, detain them under relevant laws, and conduct thorough investigations; provide training for social workers and law enforcement officials on the identification of trafficking victims among vulnerable populations, such as people in prostitution, street children, or illegal immigrants; and refer victims to foreign government consulates, foster families, international organizations, faith-based groups, or NGOs for care.

Prosecution

The Government of the ROC demonstrated minimal law enforcement efforts to combat trafficking during the reporting period. The government neither prosecuted trafficking offenses nor convicted trafficking offenders in 2009. The Child Protection Law, which prohibits and prescribes punishment for child trafficking, was passed by the Senate in August 2009, but is still pending Presidential signature. Chapter 2 Article 60 of this law prohibits the trafficking, sale, trading, and exploitation of children and Article 115 prescribes penalties of hard labor and a fine of between approximately $1,978 and $19,790. Pimping of children is punishable under Penal Code Article 344, but its weak prescribed penalty of up to two years' imprisonment and a fine is neither sufficiently stringent nor commensurate with penalties prescribed by Congolese law for other serious crimes, such as rape. The trafficking of adults is not covered under Congolese law. The Ministry of Labor investigated, but did not prosecute, nine new cases of child trafficking in 2009. Eight prosecutions based on child trafficking charges filed one or two years ago remained pending, and none resulted in a conviction. The Ministry of Social Affairs sustained partnerships with local NGOs and UNICEF to provide training to 40 of the ministry's investigators on recognizing victims of trafficking and to support judicial clinics. In addition, the government partnered with UNICEF to provide training to an unknown number of police officers during the year to recognize cases of

trafficking. The government showed no evidence of involvement in or tolerance of trafficking on any level.

Protection

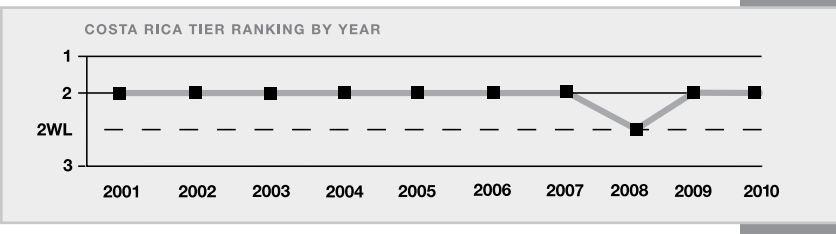
The ROC government provided minimal protection services to trafficking victims and did not identify any victims during the reporting period. Investigators employed by the Ministry of Social Affairs reportedly utilized a formal identification and registration process to assist victims of trafficking. The government did not ensure that victims were provided access to care facilities, except through funding of the shelter, *Espace Jarot*, which provided care for a small number of at-risk children, including trafficking victims; in practice, few victims had access to care facilities. In partnership with representatives of the consulates of Benin, Togo, and the Democratic Republic of the Congo, police and other law enforcement officials formed a working group to identify trafficking patterns and to facilitate the return of trafficked children to their home countries, but have not yet utilized the group to repatriate any child victims. Foreign victims had the same access to the center as Congolese nationals, though there was no access to legal, medical, or psychological services. Some legal services were available to trafficking victims through six child judicial clinics hosted by staff from the Ministries of Social Affairs, Justice, and Health; trafficking victims may file administrative claims against their alleged traffickers at these clinics. Though there is at least one clinic located in each region run by government civil servants and lawyers, they are neither open on a regular basis nor operate with regular business hours; it is unknown whether these clinics provided legal services to child trafficking victims during the year. The government offers foreign trafficking victims temporary residency status as an alternative to immediate repatriation, but is not known to have used these provisions in 2009. Trafficking victims were not usually jailed or otherwise penalized for unlawful acts committed as a direct result of being trafficked. Some victims, however, were detained, arrested, or held in protective custody, and did not benefit from any formal referral process to institutions offering short or long-term care. The government encouraged victims to assist in the investigation and prosecution of their traffickers, but many elected not to participate in these law enforcement actions due to fear of possible retribution from traffickers or because they did not consider their offenders as guilty. The government did not provide services for repatriated Congolese victims of trafficking.

Prevention

The government maintained its efforts begun in 2008 to raise awareness and build support for combating human trafficking in the Brazzaville and Pointe Noire areas. In 2009, the Ministry of Health (MOH), in partnership with UNICEF, launched an anti-trafficking public awareness campaign in Pointe Noire involving not only government officials, but also security and diplomatic staff from the consulates of neighboring countries and leaders from local Muslim and Christian communities. Organizers made full use of banners – the most common advertising medium – to stress the point that human trafficking is illegal and will be punished. In April 2010, the Minister of Social Affairs and Humanitarian Action co-hosted with UNICEF a conference in Pointe Noire to highlight the problem of trafficking in children. Also during the reporting period, the MOH, with support from UNICEF, also began implementation of the government's 2009 – 2010 National Plan of Action. Under this plan, UNICEF trained MOH representatives to serve as trainers; these trainers then presented anti-trafficking workshops to local NGOs. The government did not monitor migration patterns for trafficking, and it did not take measures to reduce the demand for commercial sex acts during the reporting period. The ROC is not a party to the 2000 UN TIP Protocol.

COSTA RICA (Tier 2)

Costa Rica is a source, transit, and destination country for women and children subjected to trafficking in persons, specifically forced prostitution. To a lesser but increasing extent, Costa Rica is a source, transit, and destination country for men, women, and children subjected to conditions of forced labor, particularly in the agriculture, construction, fishing, and domestic service sectors. Costa Rican women and children are forced into commercial sexual exploitation within the country, and to a limited extent, in Nicaragua and Mexico. Women and girls from Nicaragua, the Dominican Republic, Guatemala, Colombia, and Panama have been identified in Costa Rica as victims of forced prostitution. Child sex tourism is a serious problem, particularly in the provinces of Guanacaste, Limon, Puntarenas, and San Jose. Child sex tourists arrive mostly from the United States, Germany, Sweden, and Italy. Young men from Nicaragua, Vietnam, China and other Asian countries, are subjected to conditions of forced labor in Costa Rica: during the reporting period, nine Vietnamese men were found in conditions of forced labor in the fishing industry. 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 continued to raise public awareness about human trafficking and trained many government officials, in addition to maintaining limited victim services. However, the government's law enforcement efforts lagged with respect to holding trafficking offenders accountable for their crimes and in adequately addressing domestic cases of human trafficking.

Recommendations for Costa Rica: Vigorously implement existing anti-trafficking statutes; amend trafficking legislation to include human trafficking cases not involving movement; intensify efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, particularly in regard to forced labor and forced prostitution crimes occurring wholly within the country; provide greater assistance for victims, particularly adult victims of trafficking, possibly through the establishment of a shelter specifically for trafficking victims; increase efforts to reduce consumer demand for commercial sex acts with children; and improve data collection for trafficking crimes.

Prosecution

The Government of Costa Rica sustained law enforcement efforts against human trafficking during the reporting period. Article 172 of the penal code, which was amended in April 2009 prescribes penalties of six to 10 years' imprisonment for the movement of persons both across borders and within the country for the purposes of prostitution, sexual or labor servitude, slavery, forced work or services, servile marriage, forced begging, or other forms of compelled service. This statute also prohibits illegal adoption, which does not fall within the international definition of human trafficking. Sentences may be increased to eight to 16 years' imprisonment under aggravated circumstances, such as the victimization of a child or a trafficker's use of deception, violence, intimidation, or coercion. The penalties set forth in amended Article 172 are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Articles 376 and 377 of the penal code additionally prohibit child sex trafficking, prescribing penalties of two to four years' imprisonment. Law 8754, passed in July 2009, authorized the use of expanded law enforcement and investigative measures, such as wiretapping and the use of anticipated testimonies, when undertaking human trafficking cases. Insufficient familiarity with the new legislation, however, hindered the enforcement of these laws, and the government continued to use other statutes to prosecute trafficking offenders involved in the commercial sexual exploitation of children. During 2008, the latest period for which official statistics are available, the government investigated 18 potential cases of human trafficking and achieved five convictions for trafficking in persons crimes, compared with two convictions in 2007. The government operated a six-person smuggling and trafficking law enforcement unit, and worked closely with foreign governments in cases of transnational human trafficking. No government officials were prosecuted or convicted of trafficking-related corruption, although during the reporting period one government official was suspended and ultimately fired for his involvement in an alleged forced labor scheme involving Chinese youths; authorities were still investigating the case.

Protection

The Costa Rican government continued to ensure trafficking victims received access to a basic level of victim assistance during the reporting period. The government provided some officials with training on how to identify and treat trafficking victims; however, it reported no proactive efforts to search for trafficking victims among vulnerable populations, such as prostituted women or children. Although there were no government-provided shelter services dedicated to human trafficking victims, the government referred some victims to basic care at short-term government shelters for women and children. The government often relied on NGOs and religious organizations to provide specialized care for trafficking victims, and the only shelter available to adult male victims was the migration detention center. The government did provide services to some male victims, however, including the nine Vietnamese men found in conditions of forced labor in the fishing industry. Foreign victims were eligible for the same services as Costa Rican citizens. The government's "immediate attention" protocol defined the steps for different government institutions to take to detect, identify, protect and provide integrated assistance to a victim, and the Immediate Action Team provided services to two potential trafficking victims during the reporting period. The government provided some limited legal and psychological assistance, though NGOs noted the need for greater government efforts to reintegrate victims into their communities. The government generally did not penalize victims for unlawful acts committed as a direct result of being trafficked. Officials treated some adult migrants as illegal migrants, however, and deported them without taking adequate measures to determine if they were trafficking victims, and the majority of trafficking victims reported by the government were foreign citizens. Foreign nationals were eligible for work permits or refugee status, and the government had provisions in place to issue a special visa to foreign trafficking victims, though no victims received any of the above during the reporting period. A new immigration law, effective March 2010, authorizes temporary residency status specifically for foreign trafficking victims. Costa Rican authorities encouraged victims to assist with the investigation and prosecution of trafficking offenders, and the government created an enhanced witness protection program last year for victims of crime, though it was not yet fully operational.

Prevention

The government sustained strong prevention efforts during the reporting year, training officials and employing partnerships with NGOs, international

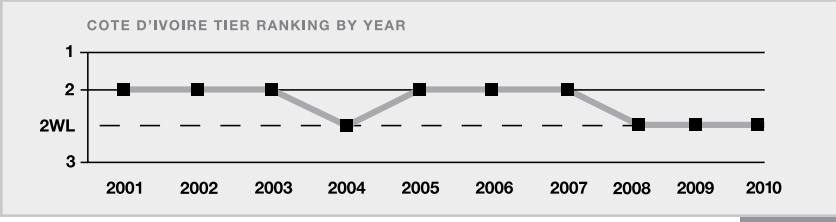
organizations, and foreign governments to increase public awareness about human trafficking. The government, in partnership with UNICEF and other international organizations, continued the "Don't Let Them Lie to You" anti-trafficking prevention campaign, which reached a projected fifty percent of the adult and adolescent population between October 2008 and June 2009. The campaign "No More Trafficking in Persons," launched in partnership with IOM in July 2009, used media spots and a radio soap opera to highlight the realities of trafficking in persons. The government established an anti-trafficking directorate to coordinate its efforts to combat human trafficking. During the reporting period the government, in collaboration with NGOs and international organizations, trained almost 1,000 public officials about human trafficking, including police officers, immigration agents, and health workers. In addition to adding an anti-trafficking component to the police academy curriculum, the government instructed education officials on how to detect situations of commercial sexual exploitation of children in schools. Although public awareness of human trafficking crimes appeared to increase in Costa Rica, many officials continued to view it as a transnational, and not a domestic, phenomenon. The government reported no efforts to reduce the demand for commercial sex or forced labor during the reporting period.

COTE D'IVOIRE (Tier 2 Watch List)

Cote d'Ivoire is primarily a country of destination for children and women subjected to trafficking in persons, specifically forced labor and forced prostitution, though it also serves as a country of transit and origin. Trafficking within the country's borders is more prevalent, with victims primarily trafficked from the north of the country to the more economically prosperous south. Boys from Ghana, Mali, and Burkina Faso are subjected to forced labor in the agricultural sector, including on cocoa, coffee, pineapple, and rubber plantations; boys from Ghana are forced to labor in the mining sector; boys from Togo are forced to work in construction; and boys from Benin are forced to work in carpentry and construction. Girls recruited from Ghana, Togo, and Benin to work as domestic servants and street vendors often are subjected to conditions of forced labor. Women and girls are also recruited from Ghana and Nigeria to work as waitresses in restaurants and bars and are subsequently subjected to forced prostitution. Trafficked children often face harsh treatment and extreme working conditions.

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. Despite these significant efforts, such as the conviction of one sex trafficker, the government's overall efforts to combat trafficking were limited and ineffective; therefore, Cote d'Ivoire is placed on Tier 2 Watch List for a third consecutive year. The government remained hampered by the absence of a cohesive government, limited resources, and insufficient knowledge of the human trafficking phenomenon among law enforcement officials and judges. The country has never reported a prosecution of forced child labor in the agricultural sector. Police demonstrated a weak understanding of human trafficking by characterizing children found in a brothel raid as "voluntary prostitutes," rather than presumptive victims of human trafficking. Cote d'Ivoire also failed to investigate for a third consecutive year NGO reports that police harass undocumented foreign women in prostitution by demanding sex in exchange for not arresting them.

Recommendations for Cote d'Ivoire: Increase efforts to investigate, prosecute, and convict trafficking offenders, particularly those who exploit children in the commercial sex trade or in forced labor, including in the agricultural sector; develop a formal procedure through which law enforcement and other government officials identify trafficking victims among women and girls in prostitution; train law enforcement officials to follow established procedures to identify potential trafficking victims and refer them to protective services; and investigate reports that police harass undocumented foreign women in prostitution, rather than screening for trafficking victims, and prosecute and punish those police officers involved, as appropriate.



Prosecution

The Government of Cote d'Ivoire's legal statutes do not prohibit all forms of trafficking and there is no specific law punishing such offenses. 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; these penalties are sufficiently stringent, but not commensurate with penalties prescribed for other serious offenses, such as rape. Ivoirian law does not criminalize the trafficking of adults for commercial sexual exploitation. During the reporting period, the government convicted one trafficking offender. A Nigerian woman promised two girls from Nigeria a trip to the United States, but instead transported them to Cote d'Ivoire and forced them to engage in prostitution

in Vavoua. In May 2009, a court in Daloa convicted and sentenced the trafficker to three years' imprisonment and a $2,000 fine, and the Nigerian Embassy in Abidjan assisted the victims in returning home. The following child trafficking cases were also identified and investigated by law enforcement agencies during the reporting period.

In February 2009, Nigerian traffickers promised jobs in Germany to four Nigerian girls ages 16 to 19, but transported them to Cote d'Ivoire and forced them into prostitution in Vaou; the traffickers evaded capture. In June 2009, police in Soubre intercepted 15 Burkinabe children who were being transported by bus to Cote d'Ivoire for the purpose of labor exploitation and returned them to their parents; the traffickers eluded capture. In September 2009, a female restaurant owner lured two girls, ages 13 and 17, to Odienne with a promise of jobs, but forced them into prostitution. Gendarmes arrested the restaurant owner, but later released her after she paid a fine of about $100 to the victims' families.

Protection

The Ivoirian government made inadequate efforts to protect victims of trafficking during the last year. Law enforcement authorities did not demonstrate adequate efforts to proactively identify trafficking victims among vulnerable groups, such as foreign children entering the country without their parents, though some victims were identified during the year. During the reporting period, the government did not offer any specialized training to law enforcement and immigration personnel on identifying and treating victims of trafficking. However, in partnership with the ILO, the Ministry of Family held a workshop for 25 families who volunteered to take in trafficking victims intercepted in their communities. The government had no care facilities for foreign or domestic trafficking victims. There was no witness protection or restitution program for trafficking victims. The government neither encouraged nor discouraged victims from assisting in the investigation and prosecution of trafficking offenses. The Ministry of Family identified some existing government structures that could be converted to shelters, and in the meantime referred victims to NGOs that offered suitable lodging. While the Ministry of Family and the National Police employed a small team of social workers to assist trafficking victims after they were identified, the government relied on NGOs for medical and psychological assistance to victims, giving the organizations no financial or material support in return. The Ministry of Family had responsibility for seeking temporary residency status in Cote d'Ivoire for victims who did not want to return home. During the reporting period, the ministry assisted in the repatriation of 20 trafficked children, including nine from Cote d'Ivoire, two from Burkina Faso, three from Benin, three from Ghana, and three from Togo. All of the children had been forced to work in the informal sector. In June 2009, Ivoirian police participated in a foreign law enforcement agency-funded raid on farms growing cocoa and palms in the Aboisso area, discovering more than 50 children working on the premises. Ivoirian officials determined that four of these children were trafficking victims and returned three to their families, while transferring the fourth to the Ministry of Family for care. Following raids on brothels and bars, police vice squad members asked women in prostitution if they were victims of traffickers, but did not investigate further if the answer was negative. Regulations protected child victims by not permitting police to interview suspected child victims without a case worker present. Child victims were assigned a Ministry of Family case worker with responsibility for informing victims about judicial proceedings, and these case workers allowed children to decide whether they wished to testify against their alleged traffickers.

Prevention

The Government of Cote d'Ivoire demonstrated sustained and modest efforts to prevent trafficking during the reporting period, primarily through public awareness campaigns, which the Ministry of Family estimated reached 11,000 residents of the country. The Ministry of Interior disseminated anti-trafficking awareness materials to police and gendarmes at border points, along with guidance on investigating those who were attempting to bring children into Cote d'Ivoire. In an effort to reduce demand for commercial sex acts, police continued periodic raids on brothels and bars suspected of exploiting children in the sex trade. Cote d'Ivoire is not a party to the 2000 UN TIP Protocol.

CROATIA (Tier 1)

Croatia is a destination, source, and transit country for men, women, and children subjected to trafficking in persons, specifically conditions of forced prostitution and forced labor. Croatian women and girls fall victim to sex trafficking within the country, and women and girls from Serbia, Bosnia and Herzegovina, and other parts of Eastern Europe are subjected to forced prostitution in Croatia and in Western Europe. Men reportedly are subjected to forced labor in agricultural sectors, and children, including Roma, are subjected to conditions of forced begging and theft.

The Government of Croatia fully complies with the minimum standards for the elimination of trafficking. In 2009, the government continued to investigate and prosecute trafficking offenders, increased the minimum imposed penalty for convicted traffickers, and for the first time, ordered a trafficker to pay compensation to a victim. Croatia provided significant funding to NGOs providing assistance and shelter to trafficking victims during the reporting period and continued proactive training and outreach on victim identification. However, the government identified very few trafficking victims in 2009 and failed to protect some victim witnesses.

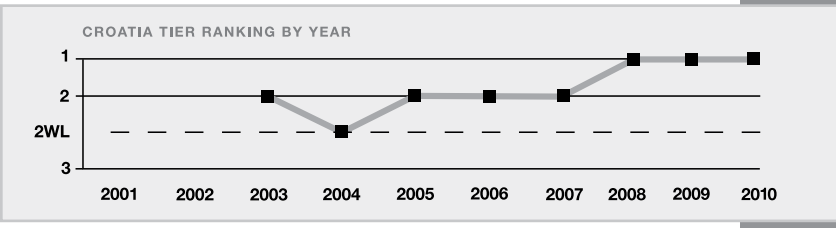
Recommendations for Croatia: Intensify efforts to proactively identify trafficking victims among vulnerable populations, particularly women in prostitution and migrant men in the agricultural sector; strengthen partnerships with NGOs to enlist their help in identifying victims during authorities' initial contact with potential victims among women detained for prostitution offenses; intensify investigations of trafficking crimes in high tourism sectors and other areas with prostitution; aggressively prosecute traffickers and continue to toughen sentences imposed on convicted traffickers; ensure the responsible repatriation of foreign victims; improve courtroom treatment and protections for victims who testify against their traffickers; ensure trafficking victims are not inadvertently punished for committing unlawful acts as a direct result of being trafficked; expand awareness efforts to educate clients of the sex trade about the demand for commercial sex acts and forced labor; and educate the larger public about prostitution and its links to trafficking.

Prosecution

The Government of Croatia generally sustained its anti-trafficking law enforcement efforts in 2009, though it prosecuted only half as many traffickers as it did the previous year. It continued to exclusively use its trafficking law to prosecute and convict sex and forced labor trafficking during the reporting period. Croatia criminally prohibits trafficking for forced labor and commercial sexual exploitation through Criminal Provision 175 of its penal code. Provision 175 prescribes penalties for all forms of trafficking of one to 10 years' imprisonment; these penalties are sufficiently stringent and are commensurate with those prescribed for rape. In 2009, the government investigated 13 suspected trafficking offenders, compared with 15 in 2008. It prosecuted six traffickers in 2009, a decrease from 12 prosecuted in 2008. Six trafficking offenders were convicted and given sentences ranging from two to eight years, compared with nine convictions obtained in 2008; however, one conviction was out on appeal and awaited a final verdict. Two of these convictions involved forced labor. The government increased its minimum imposed sentence for all trafficking convictions from one to two years during the reporting period. In the first civil trafficking case, the court ordered the trafficker to pay $28,466 in compensation to the victim. The government continued to provide general anti-trafficking training to police officers, and continued its "train-the-trainer" program involving 26 police officers training counterparts on ways to recognize and assist trafficking victims. There were no specific reports of trafficking-related complicity during the reporting period.

Protection

The Government of Croatia sustained significant efforts to ensure that victims of trafficking received access to necessary care. It continued to fund NGOs as well as its two specialized shelters for adult women and children trafficking victims, totaling $96,461 in 2009. It also provided $45,937 to NGOs to support and assist trafficking victims. Four victims used shelter facilities in 2009. While the government continued to emphasize a victim-centered approach, it identified only eight victims during the reporting period, one more than 2008, but lower than the 15 victims identified in 2007. The government amended its Law on Foreigners in March 2009 to extend the "reflection period" from 30 to 90 days; children continue to be eligible for a stay of 90 days. The government actively encouraged victim participation in trafficking cases and reported that all eight identified victims assisted in the investigation and prosecution of their traffickers in 2009. According to preliminary findings released in a January 2010 research project on trafficking and prostitution conducted between December 2008 and November 2009, the Croatian government did not provide adequate protections for some trafficking victims who testified against their traffickers. Researchers reported victims were required to testify repeatedly during trafficking trials; victim's testimony can be arranged via video-conference system. The government initiated a pilot assistance program for victim witnesses in four courts in 2009 to improve protections for these victims. Researchers also recommended that the government should intensify efforts to identify adequately all potential victims of forced prostitution. Although victims could be both witness and defendant in some court cases, researchers reported that 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. In response to continued concerns about prostitution and potential trafficking during the high tourist season along the Adriatic coast, the government reported training over 250 police officers in coastal cities during 2009. Although police reported conducting 10 anti-trafficking operations along the coast in 2009, the government did not identify any trafficking victims as a result of these operations. The government provided foreign victims with legal alternatives to their removal to countries where they may face hardship or retribution. Out of the four foreign trafficking victims identified in 2009, the government repatriated one female to Bosnia and Herzegovina and three to Serbia.



Prevention

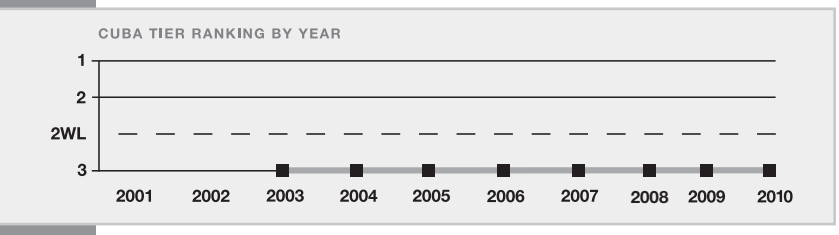
In 2009, the government continued its progressive national-level outreach and anti-trafficking training efforts to raise awareness and prevent trafficking.

During the reporting period, it implemented numerous anti-trafficking education workshops and seminars for Croatian authorities, including social workers, diplomatic and consular staff, judges, prosecutors, police, and students, including members of mobile teams responsible for assisting trafficking victims. In November 2009, it organized a seminar for leaders in the tourism industry on ways to identify victims of trafficking. It continued to conduct anti-trafficking training for Croatian soldiers prior to their deployment to Afghanistan as international peacekeepers.

CUBA (Tier 3)

Cuba is principally a source country for children subjected to trafficking in persons, specifically commercial sexual exploitation within the country. Some Cuban medical professionals have stated that postings abroad are voluntary and well paid; however, others have claimed that their services "repaid" Cuban government debts to other countries and their passports were withheld as they performed their services. The scope of trafficking within Cuba is difficult to gauge due to the closed nature of the government and sparse non-governmental or independent reporting.

The Government of Cuba does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. In a positive step, the Government of Cuba shared information about human trafficking and its efforts to address the issue. However, the government did not prohibit all forms of trafficking during the reporting period, nor did it provide specific evidence that it prosecuted and punished trafficking offenders, protected victims of all forms of trafficking, or implemented victim protection policies or programs to prevent human trafficking.



Recommendations for Cuba: Enact legislation criminalizing all forms of human trafficking; establish legal provisions to ensure sex and labor trafficking victims are not punished for unlawful acts, such as prostitution violations, committed as a direct result of being trafficked; in partnership with trafficking victim specialists, ensure adults and children have access to adequate victim protection and assistance; and allow Cubans who work outside of Cuba to maintain possession of their passports.

Prosecution

The Government of Cuba did not report discernible progress on prosecuting trafficking offenders during the reporting period. Cuba appears to prohibit most forms of trafficking activity through various provisions of its penal code, but the usage of these provisions could not be verified. Title III, Section First 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. Prostitution of children over the age of 16 is legal. Article 316, on the selling of children, 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 between four and 20 years' imprisonment. Articles 302 and 87 prohibit inducing an adult into prostitution and prescribe penalties of up to 20 years' imprisonment. All these penalties are sufficiently stringent, and commensurate with those prescribed for other serious crimes, such as rape. The government did not share official data relating to Cuban investigations, prosecutions, and convictions of trafficking offenders in 2009 or any other year. Reports continued of individual police officers profiting from the commercial sex trade, though the practice is officially discouraged. No investigations or prosecutions of public officials have been confirmed. The government did not report any anti-trafficking training provided to officials. However, UNICEF reported that police and workers in the tourist industry received this kind of training. The government also participated in UNICEF sponsored regional programs aimed at combating trafficking and providing treatment to victims.

Protection

The government did not provide substantive evidence of protection of trafficking victims during the reporting period. The government restricted the ability of international and domestic NGOs to operate in Cuba. In partnership with one NGO and another government, Cuba continued to fund the operation of two centers treating sexually abused children, but the government did not provide information about who received treatment in these centers. The government also provided funding for women's shelters where victims could access care, though the government did not provide information about who received treatment at the shelters. According to UNICEF, both the centers for children and the women's shelters are used by trafficking victims, and the staff is trained specifically on how to identify and treat trafficking victims. The government did not report that police and other officials employed procedures to proactively identify trafficking victims, such as people in prostitution, and guide them to services, but a UNICEF representative indicated that the police receive specific training on identifying trafficking victims and information about how to refer them to available services. The government provided no evidence that it encouraged trafficking

victims to assist in the investigation and prosecution of trafficking offenders.

Prevention

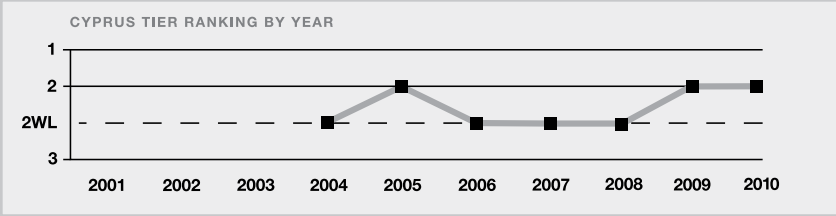
To date the government has made limited efforts in anti-trafficking prevention efforts. The government generally did not discuss publically human trafficking issues. The government did not implement any known public awareness campaigns to prevent forced labor or forced prostitution. The government did not report the existence of an anti-trafficking task force, monitoring mechanism, or action plan. However, the National Action Plan for Children and Adolescents sets specific goals and provides implementation guidance on protecting the rights of children and preventing child labor, prostitution, and trafficking. During the reporting period, the official press produced several articles on Cuban citizens who reportedly were subjected to forced labor and forced prostitution in Mexico while awaiting passage to the United States. The government made no known efforts to reduce the demand for commercial sex. The government denied it had a child sex tourism problem but it banned children under 16 from nightclubs, and according to Cuban government documents, the government provided training to hotel workers and others in the tourism industry on how to identify and report potential sex tourists. Cuba is not a party to the 2000 UN TIP Protocol.

CYPRUS (Tier 2)

Cyprus is a destination country for women who are subjected to trafficking in persons, specifically forced prostitution as well as women and men who are in forced labor. Women identified as sex trafficking victims in Cyprus originated from Moldova, Ukraine, Bulgaria, the Philippines, Morocco, and Hungary. A large number of Romanian nationals were subjected to forced labor in the country in 2009. Sex trafficking occurs within venues used by Cyprus' commercial sex industry, including cabarets, bars, pubs, and massage parlors disguised as private apartments located throughout the country. Groups vulnerable to forced labor include domestic workers, asylum seekers, and foreign migrants working in the farming and agricultural sectors. According to a 2008 EU Thematic Study on Child Trafficking for Cyprus, some children within migrant and Roma communities may be vulnerable to trafficking.

The Government of Cyprus does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government drafted and passed a new National Action Plan and convicted an increased number of traffickers in 2009. However, during the reporting period, the government identified fewer sex trafficking victims, failed to consistently provide financial and social support services to trafficking victims and did not effectively address trafficking-related complicity, which local observers report is hampering the government's anti-trafficking efforts.

Recommendations for Cyprus: Take steps to strictly review and monitor the "barmaid" work permits and the new "performing artist" and "creative artist" work permits in order to prevent their use to contribute to widespread nonconsensual exploitation of foreign women in the sex trade; aggressively prosecute and seek convictions of trafficking offenders and officials complicit in trafficking; implement a practical guide for all front-line responders outlining identification, referral, and protection procedures for potential trafficking victims; demonstrate greater consistency in providing financial support to victims; expand the critical role NGOs play in victim protection and assistance; ensure for the responsible return and repatriation of victims; proactively implement and ensure funding for the recently passed National Action Plan; and launch a demand reduction campaign specifically aimed at Cypriot clients of prostitution to educate them about the link between prostitution and trafficking.



Prosecution

Cyprus made some progress in its anti-trafficking law enforcement efforts in 2009 by convicting an increased number of traffickers; however, overall sentences for trafficking-related offenses remained inadequate. Cyprus prohibits both sex and labor trafficking 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 serious crimes, such as rape, for which the maximum sentence is life in prison. During the reporting period, police investigated 57 persons in 17 suspected trafficking cases, compared with 70 persons in 29 suspected trafficking cases in 2008. Of the 17 trafficking cases, eight were sent to court, seven are still under investigation, and two were "otherwise disposed of." The government convicted ten sex trafficking offenders in 2009, compared with one in 2008, and courts handed down harsher penalties for some traffickers. Sentences ranged from a $4,400 fine to four years in prison. Local observers reported, however, that the Attorney General's Office downgraded trafficking cases and sometimes tried anti-trafficking cases in lower courts, which are less equipped to deal with serious offenses.

In November 2009, police arrested and charged three suspects for subjecting 110 Romanians to forced labor

conditions, mostly in the construction sector; the ringleader reportedly used debt bondage and hired enforcers to control the workers who were forced to live in converted shipping containers in an isolated industrial area near Nicosia. Cypriot police actively investigated the case with law enforcement counterparts in Romania; however, a district court released the main suspect after rejecting a fourth request by police for his detention. In 2009, police conducted 95 anti-trafficking raids and 20 undercover operations on establishments suspected of trafficking. Stakeholders reported that police inspected significantly fewer cabarets in 2009. The Department of Labor (DOL) is responsible for inspecting work premises associated with the new "performing artist" work permits; however, no DOL inspectors work after-hours, when "performing artists" are most subject to exploitation in cabarets.

The government in 2009 added an additional member to its four-person police anti-trafficking unit; NGOs, however, report that the police still lack sufficient investigative resources to vigorously combat trafficking throughout the island. In 2008, the police presented a report to the House Human Rights Committee stating, according to local media, that traffickers "have influence on government officials, which makes the arrest and prosecution of traffickers more difficult."

A pending complicity investigation from 2008 involving four police officers who allegedly patronized a cabaret has yet to be concluded. In 2007, the government transferred a police officer out of his unit for allegedly raping a trafficking victim; the court determined that the main witnesses in the case were unreliable, and then the prosecution against the officer was dropped.

Protection

The Government of Cyprus made limited but inconsistent progress in ensuring that trafficking victims received necessary protective services over the last year. It continued to fund its own shelter dedicated for trafficking victims, allocating $280,000 for its operation in 2009. The government cared for a total of 47 trafficking victims in the shelter in 2009, compared with 59 victims assisted in 2008. In 2009, the government allocated $235,000 in funding for additional victim assistance, and the Department of Social Welfare Services reported assisting 66 female victims of commercial sexual exploitation and 163 male and female victims of labor exploitation.

Although Cyprus' anti-trafficking law mandates referral of trafficking victims to the government's social welfare services and to the government shelter, it did not employ procedures for front-line responders to proactively identify potential victims during the year, sustaining a long-standing deficiency. NGOs report that the government's failure to recognize their critical role in protection negatively impacted on the government's ability to provide meaningful protection to trafficking victims. In 2009, the government identified a total of 114 new victims of trafficking, the majority of whom were from a forced labor ring involving Romanian nationals; it identified 21 sex trafficking victims in 2009, compared with 41 victims the government identified last year, the majority of whom were sex trafficking victims. The government reported it repatriated 50 of the Romanian labor trafficking victims; the other identified victims reportedly received 45 days of financial support from the government as well as job placement assistance and vocational training.

During the year, the government allowed some victims to stay at the shelter longer than the four weeks prescribed by law. NGOs reported, however, that social services and psychological treatment at the shelter were inadequate, particularly for trafficking victims who do not speak the local languages. Although the government reported that all victims are entitled to long-term housing and welfare benefits, NGOs reported that several victims did not receive their full allowances on a consistent and timely basis. While the government provided some protections to a key prosecution witness from the Dominican Republic and allowed her to stay in the government shelter longer than four weeks, in comments to the media she reported overall inadequate treatment by the government. The government lacks a systematic procedure for the repatriation and safe return of trafficking victims. The government encouraged victims to participate in investigations of trafficking offenders and reported that all identified trafficking victims cooperated with law enforcement in 2009. However, cabaret owners and agents reportedly used attorneys to bribe potential witnesses and pressured women to withdraw complaints or not follow through with testifying in court. In January 2010, the European Court of Human Rights found that Cyprus failed to adequately protect a trafficking victim from Russia who died in 2001 under suspicious circumstances.

Prevention

The government did not implement any comprehensive campaigns to specifically address demand within the context of Cyprus, to educate clients about the realities of forced prostitution inherent to the island's sex industry, a long-standing deficiency. The government recently approved a 2010-2012 National Action Plan to combat human trafficking that calls for demand-focused public awareness campaigns and cooperation with NGOs to conduct outreach at universities, army camps and other venues. The government also provided over $8,000 to a radio station for programming throughout the year that specifically addressed human trafficking in Cyprus.

Although the government reported it adopted a new policy to screen applications for foreign "performing artists," the work permit category that replaced the previous "artiste visa," some NGOs indicated that the revised policy had little actual impact on reducing trafficking in Cyprus' commercial sex industry. However, the government reported a nearly 40 percent decrease in the number of cabarets operating during the reporting period. During the reporting period, the government reported it issued 1,225 "performing artist" work permits

and 20 "creative artist" permits; these numbers include renewals and changes of employer. The government reported that, as of February 2010, there were 331 performing artists in Cyprus. One NGO reported a sharp increase in the issuance of "barmaid" work permits in 2009; the government reported it issued 467 such permits in 2009, up from 422 issued during the previous reporting period. Another NGO questioned the government's official statistics on trafficking, speculating that a number of trafficking victims were intentionally left out of the statistics to indicate a smaller problem.

Area Administered by Turkish Cypriots
The northern area of Cyprus is administered by Turkish Cypriots; the area has declared itself the "Turkish Republic of Northern Cyprus" ("TRNC"). The United States does not recognize the "TRNC," nor does any other country except Turkey. The area administered by Turkish Cypriots is a destination for women originating from Eastern European countries and subjected to conditions of forced prostitution. Men and women are also reportedly subjected to conditions of forced labor. During the reporting period, the majority of the women who received "hostess" or "barmaid" work permits in the "TRNC" were from Moldova, and to a lesser extent Ukraine. A smaller number included women from Kyrgyzstan, Russia, Georgia, Belarus, Uzbekistan, Tajikistan, Kazakhstan, the Philippines, Kenya, Romania, Brazil, and Nigeria. In 2008, the local press reported the findings of an independent researcher who interviewed "hostesses" at nightclubs and learned these women came to the "TRNC" with the assistance of employment agencies purportedly seeking models, dancers, babysitters, or caretakers for the elderly. There are also some reports of foreign women who entered the "TRNC" via Turkey as tourists and students who are working in the prostitution sector in Nicosia, Kyrenia, and Famagusta and may be vulnerable to trafficking.

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." "TRNC" authorities provided no specialized training on trafficking; 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 serious 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 the lack of any anti-trafficking "legislation." Authorities hold the travel documents of foreign women working in nightclubs in the "TRNC."

The "government" does not have specialized procedures in place to identify trafficking victims among vulnerable groups or refer victims to service providers, nor did it allocate any funding to anti-trafficking efforts or 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" approval of its prostitution industry. If arrested on prostitution charges, a victim is usually deported within 24 hours.

The "TRNC" reported issuing 961 "hostess" work permits, including renewals, and 14 "barmaid" permits in 2009. There are 42 nightclubs and 2 pubs operating in the "TRNC," with two more under construction.

"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" were assigned a formal ranking in this report, it would likely be Tier 3.

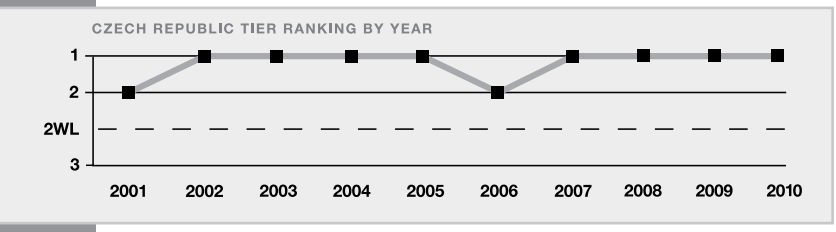
Recommendations for Turkish Cypriot authorities: Pass "legislation" specifically prohibiting all forms of human trafficking; provide training for "law enforcement" and other front-line responders on victim identification techniques; establish specialized protection and assistance services and a shelter; and educate clients and the larger public about trafficking that generally takes place within nightclubs.

CZECH REPUBLIC (Tier 1)

The Czech Republic is a source, transit, and destination country for women who are subjected to trafficking in persons, specifically forced prostitution and a source, transit, and destination country for men and women who are in conditions of forced labor. Women from the Czech Republic, Slovakia, Ukraine, Russia, Romania, Bulgaria, Vietnam, Mongolia, and Brazil are subjected to forced prostitution in the Czech Republic and also travel through the Czech Republic *en route* to other European countries, including Austria, Germany, Switzerland, and Serbia where they are subjected to forced prostitution. Many Roma women from the Czech Republic are subjected to forced prostitution domestically and also in other destination countries. Men and women from Russia, Ukraine, Kyrgyzstan, Uzbekistan, Romania, Vietnam, Mongolia, Thailand, and Belarus are subjected to conditions of forced labor in the construction, forestry, agricultural, and service sector industries and are exploited within and transited through the Czech Republic to other countries within the European Union.

Men and women from the Czech Republic are subjected to conditions of forced labor in the United Kingdom.

The Government of the Czech Republic fully complies with the minimum standards for the elimination of trafficking. The government amended its criminal code to increase the maximum penalty for trafficking from 15 to 16 years' imprisonment and continued to provide excellent protection and assistance to victims of trafficking both within the Czech Republic and also in source countries. In 2009, the government provided approximately $456,000 in funding for its domestic anti-trafficking programs, including $213,000 for victim assistance.



Recommendations for the Czech Republic: Increase the number of convicted trafficking offenders serving some time in prison; ensure trafficking offenses are prosecuted and convicted using Section 232a or Section 166 of the criminal code – thereby increasing the number of convicted offenders sentenced to time in prison; demonstrate increased efforts to investigate and prosecute forced labor offenses and convict and punish forced labor offenders; ensure that trafficking offenses investigated and prosecuted under Section 166 of the criminal code are disaggregated from non-trafficking offenses; improve efforts to disaggregate labor trafficking from sex trafficking statistics; and increase the number of victims referred for assistance by law enforcement personnel.

Prosecution

The government demonstrated mixed law enforcement efforts over the previous year. During most of the reporting period, the Czech Republic prohibited trafficking for commercial sexual exploitation and labor exploitation through Sections 232a and 204 of its criminal code, and punishments prescribed under these statutes ranged from two to 15 years' imprisonment. These punishments are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In January 2010, a new section of the criminal code – Section 166 – came into effect and increased the maximum penalty prescribed for trafficking to 16 years; however, Section 166 of the criminal code includes elements beyond the scope of trafficking as defined in US law, including forced military service. During the reporting period, police conducted 47 investigations – including three labor trafficking investigations – a decrease from 81 investigations conducted in 2008. Authorities prosecuted 115 persons for trafficking offenses compared with 110 individuals prosecuted in 2008. The government convicted 83 trafficking offenders during the reporting period, an increase from 64 convicted offenders in 2008. Only those offenders convicted under Section 204 – the pimping law – were sentenced to time in prison during the reporting period. The number of convicted traffickers sentenced to imprisonment decreased during the reporting period. In 2009, only 23 percent – 19 out of 83 – trafficking offenders convicted served time in prison, down from 28 percent – 18 out of 64 – offenders convicted in 2008 who subsequently served time in prison. In 2009, one trafficking offender was sentenced up to one year imprisonment, 16 offenders were sentenced to one to five years' imprisonment, and two traffickers were sentenced to 15 to 25 years' imprisonment. The police provided 12 training seminars to 431 seasoned officers and cadets focused on investigation techniques as well as victim identification for both sex and labor trafficking offenses in 2009.

Protection

The government sustained strong efforts to protect and assist victims over the reporting period. The government employed formal victim identification procedures and a victim referral mechanism in 2009. Authorities identified and referred 13 victims – eight victims of forced labor and five victims of forced prostitution – to NGOs for assistance during the reporting period, compared with 13 victims identified and referred in 2008. The government continued to fund its comprehensive "Program of Support and Protection of Victims of Trafficking in Human Beings," which was available for both foreign and Czech victims and provided for both short-term and longer-term assistance. In 2009, the government allocated $213,000 to NGOs to provide victim assistance and rehabilitative care, down from approximately $283,000 funded in 2008. Government-funded NGOs provided comprehensive assistance and shelter to approximately 76 victims; it assisted the same number of victims in 2008. The government also allocated $1,200 for the repatriation of one foreign victim and one Czech victim compared with the repatriation of nine foreign victims and one Czech national in 2008. Both foreign and Czech victims were offered an automatic 60-day period of reflection, during which time they received government-funded assistance through NGO providers while they decided whether to cooperate with law enforcement in the criminal investigation. Victims were encouraged to assist in investigations and prosecutions. Foreign victims who cooperated with investigators after the initial 60-day reflection period were granted temporary residence and work visas for the duration of the relevant legal proceedings; one victim was granted a temporary residency permit in 2009, compared with 19 victims in 2008. Upon conclusion of the court proceedings, qualifying victims had the opportunity to apply for permanent residency; six victims were granted permanent residency in 2009, compared with one victim granted permanent residency in 2008. Victims were not fined or

otherwise penalized for unlawful acts committed as a direct result of being trafficked.

Prevention

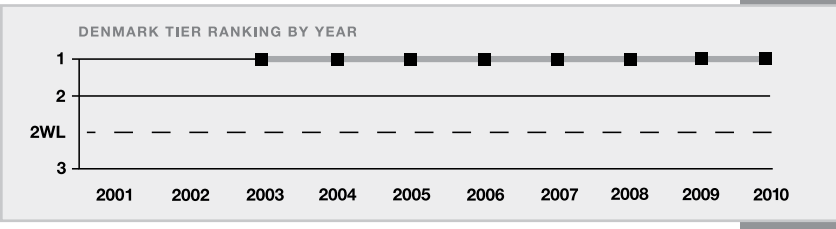
The government demonstrated sustained, strong efforts to prevent trafficking domestically and it continued to dedicate significant resources to prevent trafficking in designated foreign countries during the reporting period. Through its partnership with IOM, the Ministry of Foreign Affairs allocated approximately $132,500 from January 2008 through April 2010 to NGOs to raise awareness of trafficking among the Mongolian labor migrant population and also to protect Mongolian victims of both forced sex and forced labor exploitation within the Czech Republic and those who were repatriated to Mongolia. Domestically, the Ministry of Interior funded an NGO to conduct a campaign to raise awareness of forced labor among foreign workers in factories, with an emphasis on the Vietnamese community. The government also funded NGOs to conduct general trafficking awareness campaigns in schools and in asylum and migration centers. The government continued funding the "Say it for Her" campaign aimed at reducing the demand for commercial sex acts among foreign tourists visiting the Czech Republic. The Czech Republic is not a party to the 2000 UN TIP Protocol.

DENMARK (Tier 1)

Denmark is primarily a transit and destination country for women and children from Baltic countries, East and Central Europe, Nigeria, Thailand, and South America subjected to trafficking in persons, specifically forced prostitution. There was one report last year of a male teenager from Nigeria rescued from the commercial sex trade in Denmark. The government did not report any cases of forced labor during the reporting period, though the Danish Anti-Trafficking Center highlighted that workers in domestic service, restaurants, hotels, factories, and agriculture, may be vulnerable to forced labor in Denmark. There were unconfirmed reports of foreign children being forced to engage in organized street crime. The government released a report in 2010 about increasing evidence that "au-pair" organizations could be used as front companies for human trafficking. The hundreds of unaccompanied foreign minors who arrive in Denmark every year are particularly vulnerable to human trafficking.

The Government of Denmark fully complies with the minimum standards for the elimination of trafficking. The government sustained overall trafficking efforts from the previous reporting period, though the numbers of trafficking prosecutions and convictions were significantly lower than those of previous years. The number of victims served declined from previous year, despite the existence of a government supported structure of victim services and relief from deportation.

Recommendations for Denmark: Vigorously prosecute, convict, and sentence sex and labor trafficking offenders; ensure traffickers receive sentences commensurate with the gravity of this human rights abuse; explore ways to enhance the effectiveness of training for police and other officials in victim identification and treatment of victims using approaches that focus on the needs of victims; ensure specialized protection and assistance services are available for male, child, and labor trafficking victims; consider ways to facilitate longer term alternatives to deportation for foreign victims to enhance victim protection and encourage victims to cooperate in prosecutions of trafficking offenders; ensure victims are not penalized for unlawful acts committed as a direct result of being trafficked; fund a broad, nationwide public awareness campaign relevant to Danish society; and consider ways to enhance monitoring of anti-trafficking efforts to identify weaknesses and improve the government's response to trafficking.



Prosecution

The government made some progress in prosecuting sex trafficking offenders, but did not prosecute any labor trafficking offenders during the reporting period. Denmark prohibits both sex and labor trafficking through Section 262 of its criminal code. Punishments prescribed for trafficking under section 262 extend up to eight years' imprisonment, are sufficiently stringent, and are commensurate with penalties prescribed for other serious crimes, such as rape. Police reported conducting a total of 44 human trafficking investigations during the reporting period. Using Section 262, the government prosecuted 25 people for sex trafficking and convicted 11 sex trafficking offenders in 2009. The government prosecuted additional alleged sex trafficking offenders under other statutes, such as prostitution procurement. All 11 trafficking offenders convicted in 2009 served some time in prison; none received suspended sentences. Sentences for convicted trafficking offenders ranged from 5 to 42 months' imprisonment. The Danish national police provided anti-trafficking training to all police precincts and new police recruits during the reporting period, and police leadership has taken a strategic approach to addressing the crime; however, the effectiveness of this training is still undetermined.

Protection

Denmark sustained its victim assistance and protection efforts over the year. In addition to employing formal

victim identification procedures, the government conducted a proactive victim identification outreach program, interviewing people in prostitution, as well as in prisons and asylum centers, in an attempt to identify and rescue trafficking victims. The government identified 54 victims during the reporting period, down from 72 identified the previous year. The government offered medical, dental, psychological, and legal services, and in certain cases a stipend, to victims of trafficking during a 100-day reflection period – a time for victims to receive immediate care and assistance while they considered whether to assist law enforcement. There were two government-funded crisis centers for female victims of violence, which accommodated women trafficking victims. There were no specific shelter facilities for male victims, but at least one government-funded NGO offered assistance to men. The government offered child trafficking victims additional social services and placement in shelters or foster care. No support is provided to adult or child foreign victims of trafficking in Denmark beyond the reflection period if asylum or residency is not granted.

The government encouraged victims to assist in investigations of their traffickers, including by offering support of trained counselors during police interviews; however, many victims did not cooperate. It has been Danish NGOs' experience that 100 days is often not enough time for victims to develop sufficient trust in local authorities to disclose details of their trafficking experience. In addition, after the reflection period and trial process, victims of trafficking are most often deported to their country of origin, where authorities may not be able to provide protection. Trafficking victims were eligible to apply for asylum as an alternative to their removal to countries in which they would face retribution or hardship. This year, six people were determined by the Danish Immigration Service to be victims of trafficking and had asylum cases pending during the reporting period; one victim from 2008 was granted asylum in 2009. Police acknowledged factors preventing victims' cooperation with police, including fear of reprisal from traffickers and the knowledge they were going back to their home country. Denmark sustained partnerships with IOM and NGOs in victims' countries of origin to facilitate safe repatriation. The government provided foreign unaccompanied minors, regardless of whether or not they were suspected victims of trafficking, with a representative to assist with asylum applications or repatriation; however, it was documented that some children were placed in police custody for arriving with forged documents, a crime often occurring as a direct result of being trafficked. Danish victim advocates reported that Danish police generally respected the rights of victims, but claimed victims have been prosecuted for crimes committed as a direct result of being trafficked.

Prevention

Denmark made some progress in advancing its trafficking prevention efforts during the reporting period. While there is currently no nationwide government-sponsored anti-trafficking awareness campaign focused on all forms of trafficking, the government continued a campaign begun in 2008 called "Who Pays the Price?" to reduce the demand for commercial sex acts, which may be linked to sex trafficking. The government had an anti-trafficking action plan, and the government produced an annual status report monitoring the previous year's developments related to the plan. The government forged anti-trafficking partnerships through its funding of anti-trafficking programs in Ukraine, Belarus, and Moldova. Danish authorities sustained partnerships with Scandinavian Airlines, the Association of Danish Travel Agents, and Save the Children to disseminate public service announcements against child sex tourism. Denmark established a hotline for trafficking victims and one for information about suspected child sex tourism overseas. The government did not report any prosecutions of its citizens for child sex tourism during the reporting period. The Ministry of Defense provided training on human trafficking to all soldiers prior to their deployment abroad on international peacekeeping missions.

DJIBOUTI (Tier 2)

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

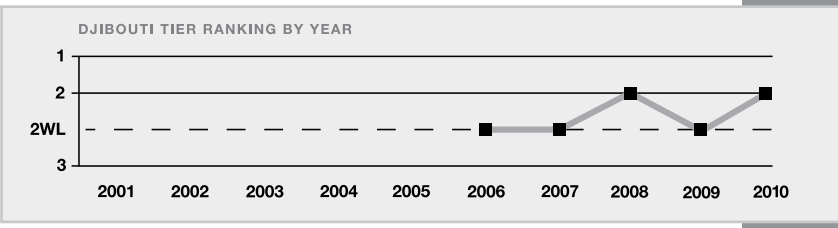
The Government of Djibouti does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to

do so. Senior officials have identified combating human trafficking as an important priority, sought increased partnerships with other governments and international organizations over the past year, and demonstrated a growing awareness of the distinction between human trafficking and smuggling. The government, however, remains unable to effectively implement all of the protection, prevention, and prosecution components of its anti-trafficking law given its lack of resources. Addressing migrant smuggling and daunting refugee flows remained a main concern, diverting government attention and limited law enforcement resources that might otherwise have been devoted to detecting and responding to forms of trafficking occurring within the country's borders. It is believed, however, that the government's efforts to reduce migrant smuggling to Yemen will ultimately serve to reduce the overall number of such migrants who are vulnerable to situations of human trafficking in the Middle East.

Recommendations for Djibouti: Launch a nationwide campaign to educate government officials and the general public on human trafficking, highlighting the appropriate treatment of domestic workers under Djiboutian law; work with judges, prosecutors, and police to clarify the difference between cases of human trafficking and alien smuggling, particularly regarding the improper application in courtrooms of Law 210 to cases of alien smuggling; form partnerships with local religious leaders, building their capacity and encouraging them to educate their congregations about trafficking; enforce the anti-trafficking statute through investigation and prosecution of trafficking offenders who facilitate child prostitution, abuse domestic workers, or perpetrate other forced labor offenses; institute a module on human trafficking as a standard part of the mandatory training program for new police and border guards; establish policies and procedures for government officials to proactively identify and interview potential trafficking victims and transfer them to the care, when appropriate, of local organizations; ensure police and relevant social welfare workers receive clear instructions regarding their specific roles and responsibilities in combating trafficking and protecting victims; and establish mechanisms for providing protective services to victims, possibly through the forging of partnerships with or civil society or international organizations.

Prosecution

The government made significant efforts to bring migrant smugglers to justice during the reporting period, but failed to take law enforcement action against forced labor or sex trafficking offenders. Law 210, "Regarding the Fight Against Human Trafficking," enacted in December 2007, prohibits both labor and sex trafficking. The law also provides for the protection of victims regardless of ethnicity, gender, or nationality, and prescribes penalties of up to 30 years' imprisonment for convicted trafficking offenders. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the Djiboutian military regularly buried the remains of shipwrecked migrants who drowned after failed smuggling attempts. The smugglers of these migrants, when captured by Djiboutian authorities, were transferred to the judicial system for prosecution. The Ministry of Justice reported its use of Law 210 in the past year to prosecute, convict, and sentenced well over 100 illegal migrant smugglers and their accomplices, including Djiboutian citizens. It is unclear whether any of these cases involved human trafficking. The Ministry of Justice reported no investigations or prosecutions of offenses involving forced labor or commercial sexual exploitation. The Brigade des Moeurs (Vice Police) conducted regular nighttime sweeps of the capital's bars and streets and preventatively detained Ethiopian, Somali, and Djiboutian children suspected to be engaged in prostitution. In 2009, police apprehended, but did not charge, 408 girls between the ages of 10 and 18 years in such sweeps; the brigade did not indicate whether it detained the exploiters of these girls. In November 2009, the government requested human trafficking be added to the agenda for regular Djibouti-Ethiopia bilateral talks and proposed a draft memorandum of understanding on the subject. The 15-article agreement commits specific government entities to liaise on trafficking issues, proposes regular meetings, and provides a framework for partnership with Ethiopia on judicial cooperation.



Protection

With few resources itself and a very small pool of tiny, underfunded NGOs, the government had little means with which to address the needs of trafficking victims during the year. The Council of Ministers took no action in 2009 to ensure comprehensive care for victims as mandated under Article 18 of Law 210. After detaining children on suspicion of engaging in prostitution, police indicated that they 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 without being charged. When family members could not be found, foreign children may have been deported to their country of origin; the government did not report data on such deportations. Police worked with the Ministry of Health's clinic and hospitals, and with NGOs, to provide some medical care to victims of child prostitution. No charges were filed against children detained on suspicion of engaging in prostitution in

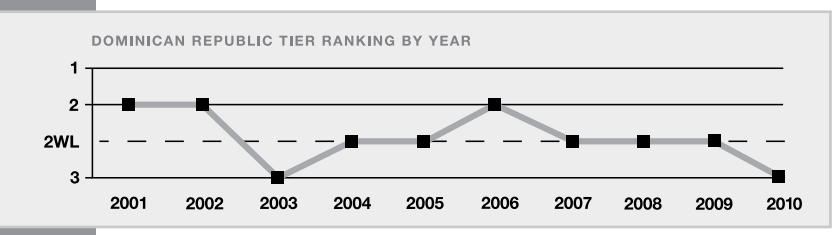
2009. The government continued providing protection and accommodation to asylum-seeking defectors from the Eritrean military, some of whom may be trafficking victims. The government has not yet developed a system for proactively identifying victims of trafficking among vulnerable populations or a referral process to transfer such trafficking victims for care. Authorities did not encourage victims to participate in the investigations or prosecutions of their traffickers. Djibouti hosted a meeting of the Somalia Mixed Migration Task Force in July 2009, during which representatives from the Government of Yemen, the Somaliland and Puntland administrations, and international organizations discussed efforts to improve protection for migrants crossing from Somali and Djibouti to Yemen.

Prevention

The government's efforts to prevent trafficking increased during the reporting period. Beginning in May 2009, the government provided IOM office space within the Ministry of Labor as part of an overall effort to prevent unsafe migration, including human trafficking. Addressing concerns for migrants who depart Djiboutian shores illegally for Yemen, the government forged a partnership with IOM to erect billboards throughout the country warning migrants of the dangers of irregular migration, including the risk of becoming a victim of trafficking or labor exploitation. In 2009, the National Office for Refugees and Disaster Stricken People (ONARS) and UNHCR completed a census of refugees at the Ali Adde camp and issued identification cards to adults. These entities also jointly conducted twice-weekly screenings of asylum seekers at the Loyada border crossing before transporting eligible refugees to UNHCR's reception center. 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 to reduce the demand for forced labor.

DOMINICAN REPUBLIC (Tier 3)

The Dominican Republic is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Dominican women and children are subjected to forced prostitution in the Dominican Republic, throughout the Caribbean, Europe, South America, and the United States. The UN has reported on forced prostitution of Dominican women in brothels in Haiti frequented by MINUSTAH Peacekeepers. Dominican men and women have been subjected to forced labor in the United States and Argentina. Women from various countries were reportedly brought to the Dominican Republic for prostitution, and an unknown number may have subsequently become trafficking victims, even if they came voluntarily at first. While the Ministry of Labor reported that sugar plantations no longer use child labor, the sugar industry has been cited as vulnerable for possible use of forced labor. A 2009 NGO study found of some 500 male Haitian construction workers interviewed, 21 percent reported experiencing forced labor in the Dominican Republic at some point, although not in their current jobs as construction workers. Street children and undocumented or stateless Haitian people – including the Dominican-born children and grandchildren of Haitian migrants – were vulnerable groups to trafficking. Child sex tourism is a problem, particularly in coastal resort areas, with child sex tourists arriving year-round from various countries.



The Government of the Dominican Republic does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government has not convicted any trafficking offenders, including officials possibly complicit in trafficking, since 2007. Results in the areas of victim protection, and trafficking prevention were also limited.

Recommendations for the Dominican Republic: Increase efforts to investigate, prosecute, and punish trafficking offenders, especially public officials complicit in human trafficking; separate and track data on prosecutions, convictions, and sentences involving forced prostitution and forced labor as opposed to human smuggling, and consider prosecution of forced prostitution cases under the comprehensive anti-trafficking law rather than under the lesser offense of pimping; encourage the identification of more victims by working with NGOs to establish formal procedures to guide police and other officials in identifying trafficking victims and referring them to available services; institute formal, ongoing training for police, border officials, labor inspectors, and health officials on the difference between smuggling and trafficking, and in identifying and assisting victims of forced prostitution and forced labor; ensure adequate shelter and services are available to adult and child victims; ensure victims are not penalized for unlawful acts committed as a direct result of being trafficked; establish formal legal alternatives to removal for foreign victims to countries where they would face retribution or hardship; and increase prevention and demand-reduction efforts.

Prosecution

The government made no discernible progress in prosecuting or punishing trafficking offenders during the reporting period. 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 serious offenses, such as rape. Authorities confirmed only one new trafficking investigation during the reporting period and did not confirm any new prosecutions or convictions of forced labor or forced prostitution during the reporting period. The government reported 36 persons "currently in preventive detention" under Law 137-03, but these data conflate trafficking and smuggling, as Law 137-03 covers both. Authorities reported the government may prosecute trafficking offenders under other statutes; NGO observers have said corruption on the part of authorities is a problem. The government worked in partnership with other countries to extradite two wanted alleged trafficking offenders. The government reported it provided training for officials posted abroad on identifying and assisting trafficking victims, and each year, judges take an on-line course on trafficking, available through the National Magistrates School.

Protection

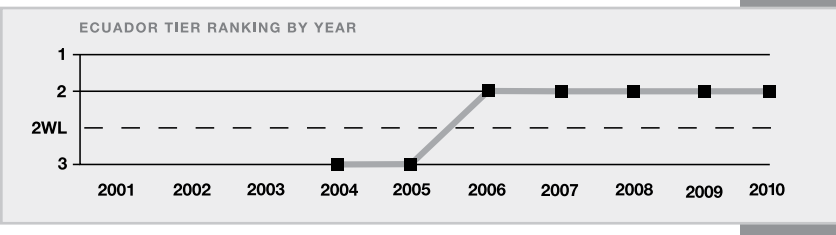
The government claimed it made several efforts to identify and protect trafficking victims, but results were limited. The government did not clarify whether it has a formal mechanism to guide officials in proactively identifying victims among vulnerable groups and refer them to available services offered by NGOs. The government provided $13,500 in support for an NGO-run shelter and religious order that assisted adult, female victims, and the Office of the First Lady continued to work on the establishment of a shelter dedicated to trafficking victims, but the number of victims the government reported assisting during the rating period remained small. A government agency, which is reportedly underfunded, managed shelters for children that assisted child trafficking victims during the reporting period. While the government did not provide formal long-term reintegration assistance programs for trafficking victims, the First Lady's office facilitated victims' access to psychological and financial support, and another government agency offered skills training to some victims during the reporting period. The government did not have in place formal legal alternatives to deportation for foreign victims to countries in which they would face retribution or hardship, but no victims were deported in practice. The government claimed to have encouraged victims to assist with the investigation and prosecution of their traffickers, but few elected to do so. One NGO reported migrants who were subjected to forced labor rarely went to authorities due to fears of Dominican officials' complicity with human traffickers. Another NGO reported an instance where several victims were willing to assist with a prosecution but claimed there had been no progress in four years. Some officials and an NGO reported some alleged trafficking offenders made deals to compensate victims in lieu of criminal prosecution.

Prevention

The government made no discernible progress on measures to prevent human trafficking during the reporting period. The government did not implement a national public awareness campaign during the reporting period, though there were several campaigns on raising anti-trafficking awareness targeted toward at-risk populations and tourist areas. A national interagency anti-trafficking commission chaired by the Ministry of Foreign Affairs facilitated interagency cooperation and oversaw implementation of a national action plan, which remained reliant on donor funding but was hampered by lack of participation of the prosecution service. The government did not undertake efforts to reduce the demand for commercial sex acts during the reporting period.

ECUADOR (Tier 2)

Ecuador is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. The majority of trafficking victims are believed to be women and children trafficked within the country from border and central highland areas to urban centers for commercial sexual exploitation, as well as for involuntary domestic servitude, forced begging, and forced labor in mines and other hazardous work. There have also been reports of Ecuadorian children being forced to engage in criminal activity, such as drug trafficking and robbery. Many parents send their children to neighboring countries in order to earn money, and Ecuadorian children are found in conditions of forced labor in Colombia, Venezuela, Chile, and the Dominican Republic, particularly as domestic servants, forced vendors, and beggars. Ecuadorian women are subjected to forced prostitution in Colombia, Peru, Venezuela, and Western Europe. To a lesser extent, Ecuador is a destination country for Colombian, Peruvian, and Chinese women and girls in forced prostitution. Indigenous Ecuadorians are vulnerable to forced labor in domestic servitude. Child sex tourism occurs mostly in urban areas, and in tourist destinations, such as Tena and the Galapagos Islands. Ecuador is a transit country for Chinese nationals smuggled to destinations elsewhere in the Western Hemisphere; some of these migrants are trafficked.



The Government of Ecuador does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government sustained law enforcement measures against trafficking offenders, in addition to providing

comprehensive victim services through partnerships with local NGOs and raising public awareness through multiple media campaigns. The government's law enforcement efforts however, did not sufficiently address forced labor and sex trafficking crimes involving adults, or trafficking-related complicity of some local government officials.

Recommendations for Ecuador: Vigorously investigate and prosecute trafficking offenses and convict and punish trafficking offenders, including public officials complicit in trafficking crimes; take steps to address the low number of convictions in comparison with the high number of trafficking investigations; increase anti-trafficking training for law enforcement and other government officials; enhance data collection and coordination; increase public awareness of trafficking involving adult victims; and develop formal procedures for identifying trafficking victims among vulnerable populations, such as adult women in prostitution.

Prosecution

The government sustained law enforcement efforts against trafficking in persons crimes last year. Ecuador prohibits all forms of human trafficking in Article 190 of its penal code, amended in 2005; 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, such as rape. Other statutes, such as Article 528.13, which prohibits the commercial sexual exploitation of children, are also used to prosecute human trafficking crimes.

During the reporting period, Ecuadorian authorities investigated 78 cases of human trafficking and 154 cases of child commercial sexual exploitation. Despite robust law enforcement efforts, conviction rates remain low; the government prosecuted 32 cases, and achieved two convictions for commercial sexual exploitation of minors in addition to one conviction for human trafficking under Article 190, securing a sentence of eight years. In one case involving 14 children subjected to commercial sexual exploitation, who were found during a brothel raid in 2006, an appeals court in 2009 absolved three trafficking offenders of all charges, despite an earlier court's conviction and sentencing of three to six years' imprisonment; government officials and NGOs complained of serious procedural errors in this case. Despite reports of trafficking-related corruption, particularly related to civil registry officials issuing false identity documents to children, 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 children in prostitution, and to avoid criminal liability for immigration and trafficking violations in the event of a police raid.

Most cases of human trafficking investigated in Ecuador during the reporting period involved forced prostitution, particularly of children. A growing number of investigations are related to labor exploitation of children and adults, 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. The government continued to provide police specializing in crimes against children with specific training on trafficking in persons. Ecuadorian authorities formed partnerships with Colombian, Venezuelan, U.S., and Chinese officials to jointly investigate several trafficking cases.

Protection

The Ecuadorian government maintained its provision of comprehensive victim services last year. The government ensured trafficking victims' access to legal, medical, psychological, and shelter services, in large part through its partnership with a network of NGOs that received funding from the government and international organizations. Women and girls were eligible for shelter services, while the government provided boys and men with victim services on an *ad hoc* basis, though shelters for trafficking victims remained lacking in parts of the country. Foreign victims were eligible for the same services as Ecuadorian trafficking victims. In addition to these short-term services, the government provided victims with counseling, protection, job training, and educational training, and ensured the child victims received long-term care as needed. Through its Victim and Witness Protection Program, the Ecuadorian government operated specialized police units in the cities of Guayaquil, Machala, Portoviejo, Cuenca, and Quito. These units accompanied other police authorities on brothel raids to coordinate immediate protective services toward identified trafficking victims, and assistance for victim witnesses during court proceedings. The government encouraged victims to assist with the investigation and prosecution of trafficking offenders. While Ecuadorian authorities conducted several raids on establishments to rescue children in prostitution, they did not demonstrate adequate efforts to identify adult trafficking victims among women exploited in brothels and other vulnerable populations. Police removed 33 children from commercial sexual exploitation and five from conditions of forced labor. Authorities did not penalize identified trafficking victims for unlawful acts committed as a direct result of their being trafficked. The Ecuadorian government did not provide legal alternatives to the removal of foreign victims to countries where they faced hardship or retribution, though foreign victims were not typically deported from the country. The government provided victim services to repatriated Ecuadorian trafficking victims. Ecuadorian authorities developed trafficking in persons protocols for consular officers

abroad and began training its diplomatic corps in these procedures.

Prevention

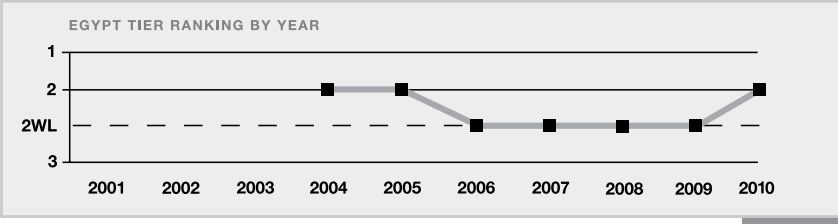
The Government of Ecuador increased trafficking prevention efforts last year, particularly through vigorous public awareness campaigns against child forced labor and prostitution. The government forged partnerships with private telecommunications companies and a bank to combat child labor, in part through a network of schools for former child laborers. During the holidays, the government launched a national campaign against child begging and a radio soap opera series about the dangers of forced labor, which was broadcast on provincial radio stations in Spanish and Kichwa, a local language. State-owned radio stations also donated airtime to an NGO in the highlands to broadcast messages on how to identify and avoid human trafficking situations. The Ministry of Tourism launched a nationwide campaign to prevent the commercial sexual exploitation of children in the tourism industry, and the government continued a multimedia campaign in 20 departments to encourage citizens to identify and report trafficking cases. The government, however, did not report steps to reduce demand for commercial sex acts purchased from adults or forced labor of adults during the reporting period.

EGYPT (Tier 2)

Egypt is a source, transit, and destination country for women and children who are subjected to trafficking in persons, specifically forced labor and forced prostitution. Some of Egypt's estimated two hundred thousand to 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" or "summer marriages" with Egyptian females, including girls who are under the age of 18; these arrangements are often facilitated by the females' parents and marriage brokers and are a form of commercial sexual exploitation of children. Child sex tourism occurs in Cairo, Alexandria, and Luxor. Egypt is a transit country for women trafficked from Uzbekistan, Moldova, Ukraine, Russia, and other Eastern European countries to Israel for commercial sexual exploitation; organized crime groups are involved in these movements. During the reporting period, an international NGO released a report about alleged forced marriages of Coptic Christian females in Egypt, including an allegation of forced prostitution, though the allegations have not been confirmed.

Men and women from South and Southeast Asia may be subjected to forced labor in Egypt. There was a report during the year that the management of one factory in Egypt's Qualified Industrial Zone (QIZ) held workers' passports – a possible indication of forced labor. Ethiopians, Eritreans, Sudanese, Indonesians, Filipino, and possible Sri Lankan females migrate willingly to Egypt but may be subjected to forced domestic work. Some conditions they face include no time off; sexual, physical, and emotional abuse; withholding of wages; and restrictions of movement. Employers may use the domestic workers' illegal status and lack of employment contracts as a coercive tool. Some of the migrants and refugees who engage in prostitution may have been coerced to do so. Young female Sudanese refugees, including those under 18, may be coerced into prostitution in Cairo's nightclubs by family or Sudanese gang members. NGO and media reports indicate some Egyptians are forced to work in Jordan and experience the withholding of passports, forced overtime, non-payment of wages, and restrictions of movement.

The Government of Egypt does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government approved new legislation criminalizing trafficking in persons for labor and sexual exploitation.



The new law represents an important step in eliminating severe forms of trafficking in persons, though its implementation is as yet untested. During the reporting period, the government made its first two convictions under the 2008 anti-trafficking amendments to the Child Law, and has raised awareness on "summer marriages," which are often used to facilitate commercial sexual exploitation. Nevertheless, the government did not show overall adequate efforts to investigate, prosecute, and convict labor trafficking offenders, and did not make progress in protecting victims of trafficking over the reporting period. The government continued to lack formal victim identification procedures and protection services; therefore, unidentified victims of trafficking may be punished for unlawful acts committed as a direct result of being trafficked. The government took minimal steps to combat the serious issue of involuntary domestic servitude.

Recommendations for Egypt: Substantially increase law enforcement activity against trafficking, including against involuntary domestic servitude and child sex trafficking; begin enforcement of the passed anti-trafficking law; institute and apply formal victim identification procedures to offer protective services to victims found

among vulnerable populations, such as street children, women in prostitution, and undocumented migrants; ensure trafficking victims are not penalized for unlawful acts committed as a direct result of being trafficked; implement a comprehensive public information campaign to educate the public on the definition and dangers of trafficking; assess the potential for forced labor and related offenses among migrant workers in Egyptian factories, including those located in special export zones and those with QIZ program status; and improve coordination of government anti-trafficking efforts through effective use of an inter-ministerial committee on human trafficking.

Prosecution

The Government of Egypt made progress in law enforcement efforts during the reporting period. Egypt's parliament passed legislation criminalizing all forms of human trafficking and prescribing penalties from three to 15 years' imprisonment – and up to life imprisonment if aggravating circumstances are present – with fines ranging from $9,000 to $36,000 for 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 individual for trafficking offenses. Amendments to the Child Law (No. 126 of 2008) 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 serious crimes.

In May 2009, an Alexandria court, using the 2008 amendment to Egypt's Child Law and other penal code provisions, convicted two men of forcing eight street children into prostitution with wealthy Egyptians and tourists from the Gulf. The court sentenced one trafficker to life in prison and the other to fifteen years' imprisonment. A court in October 2009 convicted two marriage registrars under the anti-trafficking provisions of the country's Child Law. Each was sentenced to two years' imprisonment. The two had illegally registered commercial short-term marriages of girls under the age of 18. In February 2010, the public prosecutor investigated and then began the prosecution of five suspects for facilitating the marriage of an under-age girl to an older man from Saudi Arabia. The five suspects were subsequently charged with various offenses, including violations of Egypt's Child Law. The defendants include the victims' parents, the Saudi "husband," a marriage "broker," and a lawyer who facilitated the marriage. Police arrested an additional 27 marriage registrars for registering the commercial marriage of underage girls. In 2009, the quasi-governmental National Council of Childhood and Motherhood (NCCM) continued to train approximately 500 prosecutors, judges, police officers, Ministry of Tourism employees, labor inspectors, and social workers on human trafficking. In 2009, IOM and the Ministry of Interior collaborated to provide anti-trafficking training to police officials; in addition to providing the training facility, government officials led a few training modules.

Protection

Egypt made minimal progress in protecting victims of trafficking over the reporting period. Despite receiving training in victim identification, government officials did not employ formal procedures to identify victims of trafficking and refer them to providers of care; as a result, trafficking victims, including many street children and women arrested for prostitution, were often treated as criminals rather than victims. Some children may be sent to juvenile detention centers, which are in bad condition. Others may be subject to incarceration with adults, despite the Child Law which prohibits this practice. Border security personnel in the Sinai continued efforts to interdict undocumented migrants, occasionally killing some of them, while showing no evidence of efforts to identify possible trafficking victims among this vulnerable population. The 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 2009; these centers, however, are only open during the day and do not provide comprehensive services for trafficking victims. The Ministry for Family and Population established a center where an NGO began rehabilitating victims of child trafficking in Cairo's Dar El Salaam area in August 2009. The NCCM, in partnership with an international NGO, continued to run a day center in Cairo to rehabilitate abused street boys involved in forced begging or petty crime; NCCM provided counseling, medical care, and literacy and computer classes, while the NGO operated the facility. The Ministry of Health (MOH) entered into an agreement with the IOM to establish a trafficking victims' care center in a Cairo public hospital, staffed with MOH employees trained in identifying and assisting trafficking victims. The center was due to open in March 2010; however the center did not open during the reporting period.

The NCCM continued to operate a 24-hour hotline to respond to complaints of child abuse, and between August 2009 and February 2010 it received 144 calls related to child marriages, some of which may have been related to commercial short-term marriages. Specialized care for adults or foreign victims was not provided. 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

The government made progress in preventing "summer marriages" in the reporting period, but did not otherwise

undertake efforts to prevent human trafficking. The government was mandated by the newly passed law to create an inter-ministerial committee to coordinate anti-trafficking enforcement activities, victim protection, and programs. In 2010, the NCCM conducted a study on "summer marriages," which concluded that economic forces were responsible for driving the phenomena; the NCCM study called for an integrated public policy response. The NCCM established a hotline for reporting instances of the practice and for counseling victims; it is not clear how many reports the hotline has received since its launch in August 2009. In August 2009, the NCCM also launched a campaign against underage marriages to Arab tourists in villages in the 6th of October Governorate, where commercial short-term marriages of underage girls are rife. The government did not institute any other public campaigns to raise awareness on trafficking, including any on involuntary domestic servitude. The government made no efforts to reduce the demand for commercial sex acts or to raise awareness of sex tourism. The government has a well-developed birth registration and national identity card system. There were no reports of Egyptian government's efforts to provide anti-trafficking training for its troops before deploying them to international peacekeeping missions.

EL SALVADOR (Tier 2)

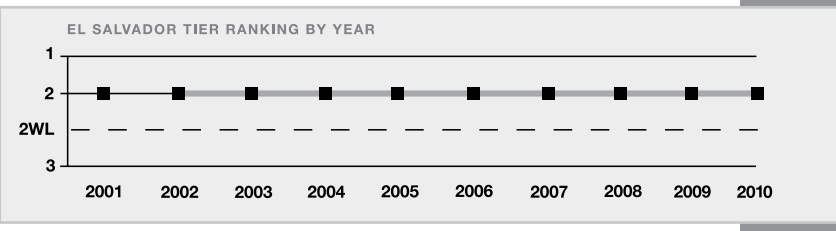
El Salvador is a source, transit, and destination country for women and children who are subjected to trafficking in persons, specifically forced prostitution and forced labor. Most victims are Salvadoran women and girls from rural areas who are forced into commercial sexual exploitation in urban areas, though some adults and children are subjected to forced labor as agricultural workers and domestic workers. The majority of foreign victims are women and children from neighboring countries, such as Honduras, Nicaragua, and the Dominican Republic, who migrate to El Salvador in response to job offers, but are subsequently forced into prostitution or domestic servitude. Trafficking offenders use fraudulent documentation to facilitate the movement of foreign victims. Salvadorans have been subjected to forced prostitution in Guatemala, Mexico, Belize, the United States, Spain, and Italy.

The Government of El Salvador does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government sustained anti-trafficking law enforcement efforts and continued to provide services to children who were trafficked for sexual exploitation. It did not vigorously investigate or prosecute incidents of forced labor, and it did not take adequate measures to ensure that adult trafficking victims received access to necessary services.

Recommendations for El Salvador: Strengthen law enforcement efforts against trafficking offenders; investigate and prosecute cases of forced labor and involuntary domestic servitude; maintain efforts to investigate, convict, and sentence public officials involved in human trafficking; strengthen statutory penalties for trafficking in persons crimes; increase victim services and assistance, particularly for adults; enhance mechanisms for identifying victims among vulnerable populations; and increase public awareness of human trafficking, possibly in partnership with civil society, the media, and the private sector.

Prosecution

The Government of El Salvador sustained 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 offense is committed against a child or the defendant is a public official. Such penalties are sufficiently stringent, but are not commensurate with penalties prescribed for serious offenses such as rape, which carries a punishment of six to 20 years' imprisonment. Since passage of El Salvador's anti-trafficking statute in 2004, some prosecutors prefer to charge trafficking-related crimes under the country's rape statute to secure heavier mandatory sentences against offenders. In 2009, the government's dedicated anti-trafficking police and prosecutorial units investigated 70 cases of human trafficking, prosecuted seven cases, and obtained seven convictions with imposed sentences ranging from 4 to 10 years' imprisonment. While the government secured a number of convictions equal to the previous year, they prosecuted fewer cases than in 2008, when prosecutors brought charges in 15 cases of human trafficking. The majority of law enforcement efforts focused on sex trafficking. The government sustained partnerships with neighboring foreign governments in pursuing joint anti-trafficking investigations. During the reporting period, the government investigated three public officials for trafficking-related offenses, including the former anti-trafficking coordinator in the Attorney General's Office; charges have not yet been filed. In conjunction with an NGO, government officials drafted and distributed guidelines for criminal judges and prosecutors on procedures for human trafficking cases.



Protection

The Salvadoran government sustained modest victim assistance last year. Immigration officials screened for

possible trafficking victims in border regions, notifying the police and referring victims to care facilities; in general, however, the Salvadoran government did not proactively identify trafficking victims among other vulnerable populations, such as prostituted women or child laborers. The government maintained a shelter dedicated to underage girls who had been victims of sex trafficking; this shelter offered victims psychological and medical care. Most government assistance and services were directed to child trafficking victims and were not readily accessible to adult or male trafficking victims, although the government operated a women's shelter serving at least one victim of human trafficking and provided some adult victims with legal and medical services. Adult trafficking victims were also referred to a government-run shelter for undocumented aliens. Further services were provided by NGOs and international organizations. Authorities identified 51 victims of human trafficking in 2009; all but three of these victims were girls, and all but one victim was subjected to forced prostitution. The government trained personnel, including consular officers, on identifying Salvadoran trafficking victims abroad; consular officials identified 21 such trafficking victims during the reporting period. Domestically, Salvadoran authorities encouraged identified victims to assist with law enforcement efforts; 55 victims participated in investigations or prosecutions of their traffickers during the reporting period, though others chose not to assist law enforcement efforts due to social stigma or fear of reprisals from their traffickers. Victims generally were not charged, jailed, or penalized for unlawful acts committed as a direct result of being trafficked; however, not all government officials recognized cases of forced labor or forced prostitution as human trafficking. Law enforcement and social service officials may request residency status for a victim on a case-by-case basis, though they reported no trafficking victims requested this status over the last year.

Prevention

The Salvadoran government sustained anti-trafficking prevention efforts during the reporting period. The government forged or continued partnerships with NGOs, international organizations, and foreign governments on anti-trafficking initiatives. In May 2009, the government collaborated with an NGO to launch a campaign aimed specifically at increasing awareness of the commercial sexual exploitation of children; the campaign reached approximately 4,500 children and adults. The government included anti-trafficking information in the training it gives to military forces prior to their deployment for international peacekeeping missions. 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 is principally a destination for children subjected to trafficking in persons, specifically conditions of forced labor and possibly commercial sexual exploitation. Children are believed to be recruited and transported from nearby countries, primarily Nigeria, Benin, Cameroon, and Gabon, and forced to work in 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 exploited in Malabo and Bata, where a burgeoning oil industry creates demand for labor and commercial sexual exploitation. Women may also have been recruited and transported to Equatorial Guinea from Cameroon, Benin, other neighboring countries, and from China for forced labor or forced prostitution. In October 2009, the vessel *Sharon* was detained in Gabon with 285 immigrants aboard, including 34 children identified as trafficking victims destined for Equatorial Guinea. Reports that women of Equatoguinean extraction were trafficked to Iceland for commercial sexual exploitation during the last reporting period have not reappeared.

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. Despite these efforts, such as anti-trafficking training for law enforcement personnel, the government did not prosecute any trafficking offenses during the reporting period. It routinely deported trafficking victims without recognizing their victim status or referring them to assistance services. It continued to provide anti-trafficking training to law enforcement officials, and police monitoring of possible child labor exploitation in open air markets, though for another consecutive year, this training failed to lead to tangible anti-trafficking actions. Moreover, the government made no apparent efforts to fulfill the recommendations made in the 2009 Report. Given the government's substantial financial resources, it could greatly increase its response to Equatorial Guinea's human trafficking problem. For these reasons, Equatorial Guinea is placed on Tier 2 Watch List for the third consecutive year.

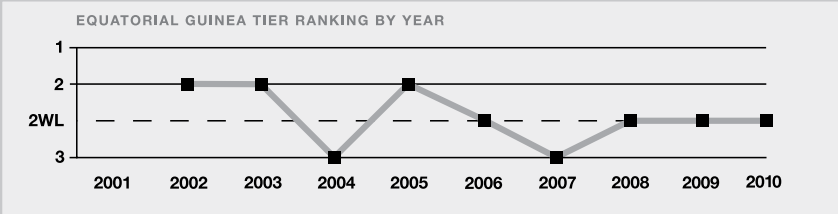
Recommendations for Equatorial Guinea: Establish as a policy priority the successful prosecution of at least one trafficking case under the country's 2004 anti-trafficking law; publicly recognize the work of law enforcement and judicial personnel who investigate, prosecute, and convict trafficking offenders; 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; and cease summary deportation of any foreign trafficking victims from Equatoguinean territory without providing them with care and safe, voluntary repatriation.

Prosecution

The Government of Equatorial Guinea demonstrated minimal law enforcement efforts to combat trafficking during the reporting period; the few measures taken were incidental to efforts to tighten border security and to control more closely immigration, emigration, and the issuance of work and travel permits to foreign migrants. Equatorial Guinea prohibits all forms of trafficking through its 2004 Law on the Smuggling of Migrants and Trafficking in Persons, which prescribes penalties of 10 to 15 years' imprisonment, punishments which are sufficiently stringent. To date, no human trafficking cases were prosecuted under the relevant portion of this law. The government demonstrated no evidence of its forging partnerships with other governments in the region to investigate and prosecute trafficking cases. There was no evidence, however, of government officials' involvement in or tolerance of trafficking. Under a government-funded contract with a foreign security training company, instructors conducted courses to improve the awareness of military and police officials on human trafficking issues. Two government officials – one from the Ministry of Defense and a sitting Supreme Court justice – assisted in the training. In December 2009, the government signed a new five-year contract with the foreign company that will address maritime security and include instruction on human rights and human trafficking issues.

Protection

The Government of Equatorial Guinea demonstrated no effective measures to protect trafficking victims during the reporting period. The government has no law to provide benefits or services to victims and witnesses; and it did not provide funding or support to any victim care facilities, though provision of such services are called for in the government's National Plan Against Human Trafficking. Law enforcement authorities did not employ procedures to identify victims of trafficking among foreign women and children in prostitution or foreign children in exploitative labor conditions. The government also did not make efforts – in either a systematic or *ad hoc* way – to refer victims to organizations that provide short- or long-term care. The provision of care for child trafficking victims was the responsibility of the Ministry of Social Affairs and the Catholic Church. In practice, only Equatoguinean children were placed in a church- or NGO-run orphanage for care; foreign children were usually deported summarily. The government did not provide foreign trafficking victims with access to legal, medical, or psychological services, and the government made little effort to assist them with temporary or permanent resident status, or any other relief from deportation. The government did not keep records on the total number of trafficking victims identified during this reporting period. The government continued to provide specialized training for law enforcement and immigration officials on identifying and assisting victims of trafficking during the reporting period, and these trained officials were issued wallet-sized instruction cards showing the steps to take when a trafficking situation or victim is identified. Social workers received no such training. The government deported foreign trafficking victims without care or assistance after a brief detention, and seldom notified the victims' embassies. Officials did not appear to fine victims, but frequently confiscated their possessions and money. No victims were penalized for unlawful acts committed as a directed result of being trafficked during the reporting period. The government gave little to no assistance – such as medical aid, shelter, or financial help – to its nationals who were repatriated as victims of trafficking.



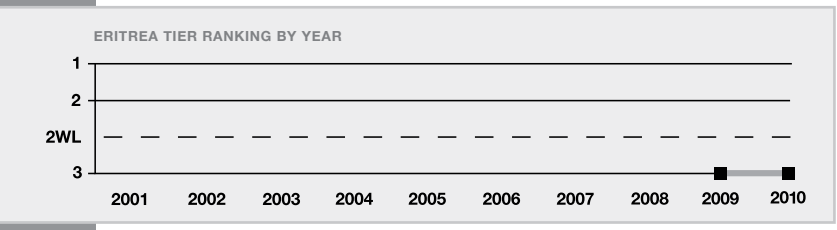
Prevention

The government of Equatorial Guinea undertook limited trafficking prevention efforts during the year. In partnership with UNICEF and a foreign contractor, the government provided anti-trafficking information and educational campaigns during the reporting period – principally nationally broadcast radio and television spots to familiarize the general population with human trafficking. The Prime Minister's Office directed activities of the Interagency Commission for Trafficking in Persons, which is chaired by the Ministry of Justice. The Commission also includes the Attorney General, and the Ministries of Health, Interior, National Security, and Women's Affairs. It is not clear how often the committee met during the year. The government did not undertake any discernible measures to reduce the demand for forced labor or commercial sex acts during the year.

ERITREA (Tier 3)

Eritrea is a source country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and, to a lesser extent, forced prostitution. During the reporting period, acts of forced labor occurred in Eritrea, particularly in connection with the implementation of the country's national service program. Under the parameters set forth in Proclamation of National Service (No. 82/1995), men aged 18 to 54 and women aged 18 to 47 are required to provide 18 months of military and non-military public works and services in any location or capacity chosen by the government. Some national service conscripts, however, are required to continue their service indefinitely, beyond the duration specified by law, with many required to serve in their positions for over 10 years under the threat of inhuman treatment, torture, or punishment of their families. There

have been reports that some Eritrean conscripts are forced to build private homes for army officers, as well as to perform agricultural labor on farms and construction activities for firms owned by the state, the ruling party, senior army officers, and private investors, functions outside the scope of the proclamation. The military's four command zones reportedly undertake diversified economic activities, including trading, farming, property development, and infrastructure construction, for the enrichment of the government, the ruling party, and high-ranking army officers using conscripted labor. National service conscripts could not resign from their jobs or take new employment, received no promotions or salary increases, and could not leave the country, as those under national service were often denied passports or exit visas. Some national service members were assigned to return to their civilian jobs while nominally kept in the military because their skills were deemed critical to the functioning of the government or the economy; these individuals continued to receive only their national service salary and were required to forfeit to the government any money they earned above and beyond that salary.



Eritrean children work in various economic sectors, including domestic service, street vending, small-scale factories, and agriculture; child laborers frequently suffer abuse from their employers and some may be subjected to conditions of forced labor. Some children in prostitution are likely exploited through third party involvement.

Each year, large numbers of Eritrean workers migrate in search of work, particularly to the Gulf States and Egypt, where some become victims of forced labor, primarily in domestic servitude. Smaller numbers are subjected to forced prostitution. In 2009, for example, five Eritrean trafficking victims were identified in the United Kingdom and one in Israel. 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: Pass and enforce a comprehensive anti-trafficking statute that includes prohibitions against forced labor; launch a campaign to increase the general public's awareness of human trafficking at the local, regional, and national levels; institute trafficking awareness training for diplomats posted overseas; provide training to all levels of government, particularly law enforcement officials, on identifying and responding to trafficking crimes; and in partnership with NGOs or religious entities, ensure the provision of short-term protective services to child trafficking victims.

Prosecution

The Government of Eritrea made no known progress in prosecuting and punishing trafficking crimes over the reporting period. Article 605 of the Eritrean Transitional Criminal Code prohibits trafficking in women and young persons for sexual exploitation, which is punishable by up to five years' imprisonment, or from three to 10 years' imprisonment if aggravating circumstances are present; these penalties are not commensurate with punishments prescribed for other serious crimes, such as rape. Article 565 prohibits enslavement and prescribes punishment of five to 20 years' imprisonment, penalties which are sufficiently stringent. Forced labor and slavery are prohibited, except where authorized by law under Article 16 of the ratified, but suspended, Eritrean Constitution. Proclamation 11/199 prohibits the recruitment of children under 18 years of age into the armed forces. Nevertheless, the government has never used these statutes to prosecute cases of human trafficking. The government did not publish information on investigations or prosecutions, if any, of human trafficking offenses during the reporting period.

Protection

The government did not appear to provide any significant assistance to victims of trafficking during the reporting period. During the reporting period, the government reportedly operated a program to identify children involved in commercial sexual exploitation and reintegrate them with their families. The government did not make available information on the program's accomplishments in 2009. 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. It is not known whether the government encouraged victims' assistance in the investigation and prosecution of trafficking crimes or whether it provided legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution. The government did not

ensure that identified victims were not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked.

Prevention

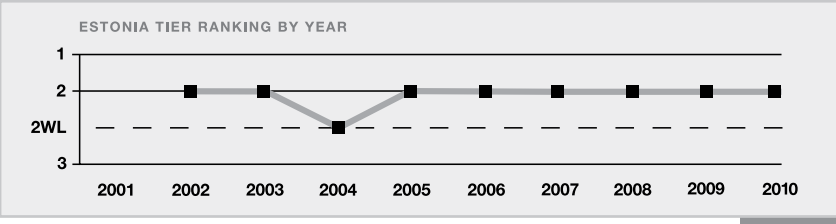
The government made no known efforts to prevent future incidences of trafficking during the reporting period. Eritrean media, all state-owned, made neither public announcements nor media presentations regarding human trafficking during the reporting period. There were no anti-trafficking education campaigns. The government reportedly warned students at Sawa military school and Mai Nefi, a local college, of the dangers of leaving the country, including the prospects of being sold into slave labor or sexual servitude. 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 2009 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 2009. The government continued implementing a national plan of action on child labor that primarily focused 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 government did not provide information regarding its progress in implementing this plan during the year. The Ministry of Labor and Human Welfare's community child well-being committees supported 4,426 street children with educational materials and cash stipends for uniforms and vocational training. 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 is not a party to the 2000 UN TIP Protocol.

ESTONIA (Tier 2)

Estonia is a source country and, to a lesser extent, a destination country for women subjected to trafficking in persons, specifically forced prostitution, and for men and women in conditions of forced labor. Women from Estonia are found in sex trafficking situations in Finland, the Netherlands, the United Kingdom, Italy, and within Estonia. Latvian women are subjected to forced prostitution in Estonia. Men and women from Estonia are subjected to conditions of forced labor in Spain, Norway, and Finland.

The Government of Estonia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the Estonian government took a number of important steps to bolster its anti-trafficking response. It provided training for government officials on the victim identification model adopted in January 2009 and increased its anti-trafficking budget from $200,000 to $242,000 – a significant amount of which was devoted to victim assistance. Estonia continued, however, to lack a trafficking-specific law, and existing laws do not adequately prohibit and punish all forms of human trafficking, including the transportation, harboring, obtaining, or recruitment of a trafficking victim and the use of coercion as a means to traffic a person.

Recommendations for Estonia: Draft a trafficking-specific criminal statute that incorporates a comprehensive definition of trafficking in persons, including the transportation, harboring, obtaining, or recruitment of a trafficking victim and the use of coercion as a prohibited means; increase efforts to investigate, prosecute, convict, and punish trafficking offenders; and continue to provide necessary funding for victim assistance.



Prosecution

The Government of Estonia demonstrated modest law enforcement efforts during the reporting period. Estonian law does not prohibit all forms of trafficking, though its criminal code prohibits some elements of human trafficking under Articles 133, 175, and 176 of the criminal code. The penalties prescribed for such acts range up to 12 years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as sexual assault. During the reporting period, authorities conducted 73 trafficking investigations under Articles 133, 175, and 176, compared with two investigations reported in 2008. Estonian authorities prosecuted 18 individuals and convicted three trafficking offenders in 2009, compared with two prosecutions and two convictions in 2008. One offender was sentenced to 53 months' imprisonment in 2009, and two convicted trafficking offenders were not sentenced to time in prison. The Estonian government extradited one trafficking suspect during the reporting period. Law enforcement authorities continued their important information exchange with counterparts in several European countries.

Protection

Estonia demonstrated strong victim assistance efforts during the reporting period. The government strengthened partnerships with anti-trafficking NGOs through which it conducted 40 training sessions and trained a total of 600 prosecutors, judges, social workers, and other officials on the victim identification model the

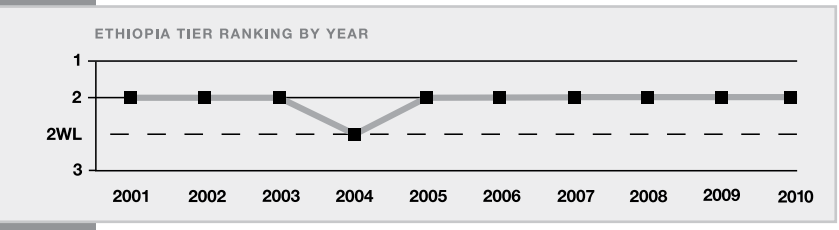
government adopted in January 2009. The government allocated $100,000 for two trafficking shelters and one victim rehabilitation center operated by NGOs; 78 trafficking victims received government-funded assistance from these NGOs – including some victims who were identified during previous reporting periods, compared with 55 victims assisted in 2008. At least six victims were also identified in 2009 through a government-funded hotline. In total, the government allocated $181,500 for victim assistance during the reporting period, up from approximately $150,000 provided for victim assistance in 2008. Although foreign victims are eligible to apply for temporary residency for the duration of criminal investigations and legal proceedings in which they participate, no victims applied for residency in 2009. Estonian authorities did not penalize victims for unlawful acts committed as a direct result of their being trafficked. The government encouraged trafficking victims to participate in trafficking investigations and prosecutions, though no victims chose to assist in the investigation and prosecution of their traffickers in 2009.

Prevention

The Government of Estonia demonstrated some trafficking prevention efforts in 2009. The government distributed trafficking awareness materials at the Tallinn airport and ship harbors. The Ministry of Foreign Affairs continued its dissemination of trafficking awareness materials to participants at Estonia's annual tourism fair, attended by more than 23,000 people. The government did not conduct any activities to reduce the demand for commercial sex acts. In October 2009, the Government of Estonia signed the Council of Europe's Convention on Action against Trafficking in Human Beings.

ETHIOPIA (Tier 2)

Ethiopia is a source country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. Girls from Ethiopia's rural areas are forced into domestic servitude and, less frequently, commercial sexual exploitation, while boys are subjected to forced labor in traditional weaving, agriculture, herding, and street vending. Small numbers of Ethiopian girls are forced into domestic servitude outside of Ethiopia, primarily in Djibouti and Sudan, while Ethiopian boys are subjected to forced labor in Djibouti as shop assistants and errand boys. Women from all parts of Ethiopia are subjected to involuntary domestic servitude throughout the Middle East and in Sudan, and many transit Djibouti, Egypt, Libya, Somalia, or Yemen as they migrate to labor destinations. Ethiopian women in the Middle East face severe abuses, including physical and sexual assault, denial of salary, sleep deprivation, confinement, incarceration, and murder. Many are driven to despair and mental illness, some commit suicide. Some women are exploited in the sex trade after arriving at their destinations, particularly in brothels and near oil fields in Sudan. Small numbers of low-skilled Ethiopian men migrate to Saudi Arabia, the Gulf States, and other African nations, where they are subjected to forced labor. During the year, the Somali Regional Security and Administration Office increased recruitment for Special Police Forces and local militias; it was reported that both government-supported forces and insurgent groups in the Degeharbur and Fik zones unlawfully recruited children, though these allegations could not be conclusively verified.



The Government of Ethiopia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made progress over the past year in addressing transnational trafficking through significantly increased law enforcement efforts. Due in part to the establishment of the Human Trafficking and Narcotics Section in the Organized Crime Investigation Unit of the Federal Police, there was an increased emphasis on investigation and prosecution of international trafficking crimes, although the continued lack of investigations and prosecutions of internal trafficking crimes remained a concern. The government maintained its efforts to provide assistance to child trafficking victims identified in the capital region.

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; use Articles 596, 597, and 635 of Ethiopia's Penal Code to prosecute cases of labor and sex trafficking; strengthen criminal code penalties for sex trafficking and amend Articles 597 and 635 to include men; institute trafficking awareness training for diplomats posted overseas; appropriate funding for the deployment of labor attachés to overseas diplomatic missions; engage Middle Eastern governments on improving protections for Ethiopian workers; partner with local NGOs to increase the level of services available to trafficking victims returning from overseas; and launch a campaign to increase awareness of internal trafficking at the local and regional levels.

Prosecution

While the Ethiopian government increased its efforts to prosecute and punish transnational trafficking offenders during the reporting period, prosecution of internal trafficking cases remained nonexistent. In addition, local law enforcement entities continued to exhibit an inability to properly distinguish human trafficking

from other crimes and they lacked capacity to collect and organize human trafficking data. Article 635 of Ethiopia's Criminal Code (Trafficking in Women and Minors) criminalizes sex trafficking and prescribes punishments not exceeding five years' imprisonment, penalties sufficiently stringent, though not commensurate with penalties prescribed for other serious crimes, such as rape. Articles 596 (Enslavement) and 597 (Trafficking in Women and Children) outlaw slavery and labor trafficking and prescribe punishments of five to 20 years' rigorous imprisonment, penalties which are sufficiently stringent. These articles, however, have rarely been used to prosecute trafficking offenses; instead, Articles 598 (Unlawful Sending of Ethiopians to Work Abroad) and 571 (Endangering the Life of Another) were regularly used to prosecute cases of transnational labor trafficking during the year. The Federal High Court's 11th Criminal Bench heard all cases of transnational trafficking, as well as internal trafficking cases discovered in the Addis Ababa jurisdiction. Between March and October 2009, the bench heard 15 cases related to transnational labor trafficking, resulting in five convictions, nine acquittals, and one withdrawal due to missing witnesses. Of the five convictions, three offenders received suspended sentences of five years' imprisonment, two co-defendants were fined, and one offender is serving a sentence of five years' imprisonment.

In November 2009, the Federal Police established a Human Trafficking and Narcotics Section in its Organized Crime Investigation Unit, resulting in increased investigations and prosecutions of trafficking offenses at the national level, and improvements in data collection, statistical reporting, and cooperation with the Prosecutor's office to move cases through the judicial system. In four months' time, this unit investigated 63 cases and referred 39 to the prosecutor's office; 31 cases remained pending before the court at the end of the reporting period, including one involving alleged internal trafficking. The court successfully concluded the other eight cases, securing eight convictions under Articles 598 and 571 and ordering punishments ranging from five to 12 years' imprisonment, with no suspended sentences. In 2009, the Supreme Court's Justice Professionals Training Center incorporated anti-trafficking training into its routine training programs.

Protection

Although the government lacked the resources to provide direct assistance to trafficking victims or to fund NGOs to provide victim care, police employed victim identification and referral procedures in the capital, regularly referring identified child victims to NGOs for care. During the year, Child Protection Units (CPUs) – joint police-NGO identification and referral teams operating in each of the 10 Addis Ababa police stations – rescued and referred children to the eleventh CPU in the central bus terminal, which is dedicated exclusively to identifying and obtaining care for trafficked children. In 2009, this unit identified 1,134 trafficked children, an increase of 235 victims over the previous year. It referred 116 trafficked children to NGO shelters for care and family tracing and reunified 757 children with parents or relatives in Addis Ababa and outlying regions. Local police and officials in the regional administrations assisted in the return of the children to their home areas; the Ethiopian Telecommunications Corporation provided free long-distance telephone service and the assistance of its employees across the country to enable the CPU to make contact with local officials. The Addis Ababa City Administration's Social and Civil Affairs Department reunified 26 trafficked children with their families in the regions and placed five in foster care. While police encouraged victims' participation in investigations and prosecutions, resource constraints prevented them from covering travel costs or providing other material resources to enable such testimony. There were no reports of trafficking victims detained, jailed, or prosecuted in 2009.

Limited consular services provided to Ethiopian workers abroad continued to be a weakness in the government's efforts. It did, however, increase the number of officers at some of its missions by as much as 300 percent in 2009, and its consulate in Beirut resumed limited victim services, including the operation of a small safe house, mediation with domestic workers' employers, and visitation of workers held in the detention center. In July and December 2009, the Ethiopian Consulate General secured the release and repatriation of 42 and 75 victims, respectively, who were being held in Lebanon for immigration violations. The government, however, showed only nascent signs of engaging destination country governments in an effort to improve protections for Ethiopian workers and obtain protective services for victims. Trafficked women returning to Ethiopia relied heavily on the few NGOs working with adult victims and psychological services provided by the government's Emmanuel Mental Health Hospital. In 2009, the Addis Ababa City Administration provided land for use by 10 female victims repatriated from Djibouti as a site for a self-help project. In addition, the Ministries of Foreign Affairs and Women's and Children's Affairs provided assistance to 75 victims repatriated from Lebanon in 2009, and assisted 12 victims repatriated from Israel with starting a cleaning business. The January 2009 Charities and Societies Proclamation prohibits, among other things, foreign-funded NGOs from informing victims of their rights under Ethiopian law or advocating on their behalf; these restrictions had a negative impact on the ability of NGOs to adequately provide protective services.

Prevention

Ethiopia's efforts to prevent international trafficking increased, while measures to heighten awareness of internal trafficking remained negligible. In November 2009, the Ministry of Labor and Social Affairs (MOLSA) convened the Inter-Ministerial Task Force on Trafficking for the first time in more than two years. As a result, MOLSA and the Ministry of Foreign Affairs hosted a "National Conference on Human Trafficking and

Illegal Migration" in March 2010, which undertook the drafting of a national action plan. The government continued to ban its citizens from traveling to Lebanon, Syria, and Qatar for labor purposes. In July 2009, the government signed a bilateral labor agreement with the Government of Kuwait, which included provisions for increased anti-trafficking law enforcement cooperation; the agreement will become binding once it is passed by the House of People's Representatives, signed by the President, and published in the Gazette. Between July and December 2009, MOLSA's two full-time counselors provided 5,355 migrating workers with three-hour pre-departure orientation sessions on the risks of labor migration and the conditions in receiving countries; data was not available for the first half of the year. MOLSA also partnered with IOM to establish a database to track employment agencies authorized to send workers abroad, as well as worker complaints. Private Employment Agency Proclamation 104/1998, which governs the work of labor recruitment agencies and protects migrant workers from fraudulent recruitment or excessive debt situations, which could contribute to forced labor, prescribes punishments of five to 10 years' imprisonment. In August 2009, the government passed an amendment to this proclamation, Employment Exchange Services Proclamation No. 632/2009, outlawing extraneous commission fees, requiring agencies or their local affiliates to maintain a shelter for abused workers in each destination country, increasing agencies' cash and bond deposits as collateral in the event the worker's contract is broken, and mandating the establishment of labor attaché positions in diplomatic missions abroad. To date, Parliament has not appropriated funds for MOLSA to establish these positions. During the year, the Southern Nations, Nationalities, and People's Region (SNNPR) regional government provided free radio time to a local NGO to air anti-trafficking outreach programming. The country's primary school textbooks include instruction on child labor and trafficking. The government did not undertake efforts to reduce demand for commercial sex acts or forced labor during the reporting period. Before deploying soldiers on international peacekeeping missions, the government trained them on human rights issues, including human trafficking. Ethiopia is not a party to the 2000 UN TIP Protocol.

FIJI (Tier 2 Watch List)

Fiji is a source country for children subjected to trafficking in persons, specifically forced prostitution within the country, as well as a destination country for women from China in forced prostitution. Family members, other Fijian citizens, foreign tourists, and sailors on foreign fishing vessels participate in the commercial sexual exploitation of Fijian children. Staff at smaller, local hotels procure underage girls and boys for commercial sexual exploitation by foreign guests, while taxi drivers, nightclub employees, and relatives frequently act as prostitution facilitators. NGOs report caring for child victims of prostitution who claim facilitators took them to private boats anchored offshore near Fiji where they were sexually abused or raped by foreign adult men. Reports indicate that some transnational traffickers are members of Chinese organized crime groups that recruit women from China and arrange for them to enter Fiji on tourist or student visas. After their arrival, brothel owners confiscate their passports and force the women to engage in prostitution. Some Fijian children whose families follow a traditional practice of sending children to live with and do light work for relatives or families living in cities or near schools become trafficking victims. These children are subjected to involuntary domestic servitude or are coerced to engage in sexual activity in exchange for food, clothing, shelter, or school fees.

The Government of Fiji does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the last year, the Fijian government enacted a comprehensive anti-trafficking law, the Crimes Decree, which defines trafficking as a crime of compelled service which does not necessarily involve crossing a border or otherwise moving a victim, and includes several innovative provisions to protect both adult and child trafficking victims. The government conducted anti-trafficking conferences and training for law enforcement personnel, where high-level officials spoke out strongly against trafficking and committed themselves to fighting this crime in Fiji. It also actively engaged with the media to raise public awareness and is in the process of developing procedural guidelines for suspected trafficking cases. Despite these significant efforts, no trafficking offenders have ever been investigated or convicted under any relevant laws in Fiji, and the government has not proactively identified trafficking victims or developed a formal system for referring victims to NGOs for assistance; therefore, Fiji is placed on Tier 2 Watch List.

Recommendations for Fiji: Prosecute, convict, and sentence trafficking offenders under the provisions of the new Crimes Decree; develop a long-term, national anti-trafficking action plan; use existing partnerships with civil society and relevant organizations to combat the sex trafficking of children; increase training for law enforcement officers on victim identification and protection; develop and institute a formal procedure to proactively identify victims of trafficking, especially among vulnerable groups such as prostituted or homeless children and women; implement a visible anti-trafficking awareness campaign directed at clients of children in commercial sexual exploitation; develop internal procedures to routinely evaluate and improve upon government anti-trafficking efforts; and expand partnerships with international law enforcement entities to identify and prosecute Fijian residents, foreign visitors, and travel industry personnel involved in child sex trafficking and child sex tourism.

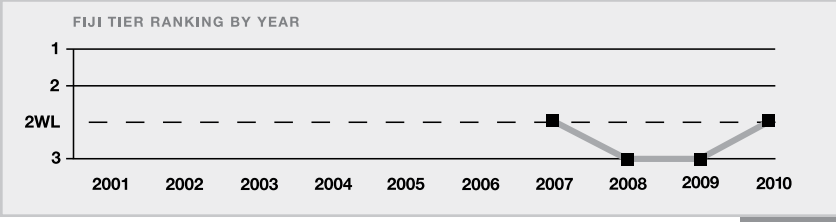
Prosecution

The Government of Fiji increased its anti-trafficking law enforcement efforts during the year. The government was limited in its ability to focus on combating trafficking in persons by an ongoing political and economic crisis. While no trafficking offenders were investigated, arrested, prosecuted, or convicted during the reporting period, the government took some steps to strengthen its capacity for future law enforcement action. On February 1, 2010, the government enacted a new Crimes Decree, which repealed the archaic Penal Code. Comprehensive anti-trafficking provisions in the Crimes Decree fill anti-trafficking gaps in the Immigration Act of 2003 which prohibited transnational human trafficking, but did not differentiate between labor and sex trafficking. The prescribed penalties of up to 25 years' imprisonment and in some cases fines of over $400,000 under the new Crimes Decree are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. A new Sentencing and Penalties Decree designed to bring about more uniform judgments in the courts may ensure that minimum sentences for convicted trafficking offenders are also sufficiently stringent. The Crimes Decree also prohibits actions not previously covered by earlier laws, and prohibits using threats or fraud, or administering drugs to procure prostitution, and holds householders or landlords liable for permitting the defilement of a child under 16 on their premises. Law enforcement officials began to receive training from the government on the new Crimes Decree, including the new trafficking offenses, in January 2010. A Combined Law Agencies Group (CLAG) continued to meet 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 began to improve its efforts to protect trafficking victims over the last year. Due to severe resource constraints, the government primarily relied on NGOs or international organizations to provide most protective services to victims. The government did not identify any trafficking victims during the year. Law enforcement, immigration, and social service agencies did not develop or use formal procedures to proactively identify victims of trafficking among vulnerable populations with which they had contact, such as women and girls in prostitution and undocumented migrants. The government did not operate any victim care facilities specifically for trafficking victims, but provided limited services to child sex trafficking victims at shelters for child victims of any crime or abuse. Courts granted custody of child victims to the Department of Social Welfare, which operates four homes, with separate facilities for boys and girls. At present, however, both child victims of sexual abuse and accused child offenders are placed in the home for boys.

The government provided no shelter facilities for adult trafficking victims, and it did not refer possible adult trafficking victims to shelters and drop-in centers run by NGOs for assistance. One NGO provided assistance to seven victims of human trafficking. Authorities undertook no investigation into the circumstances of suspected victims of trafficking and deported five Chinese women arrested for engaging in prostitution in August 2009. Anti-trafficking laws include provisions to ensure that sex trafficking victims are not penalized for unlawful acts committed as a direct result of their being trafficked. The new Crimes Decree contains significant protection provisions for children, making it an offense to buy, hire, or otherwise obtain possession of any child under the age of 18 years with the intent that the minor shall at any age be employed or used for the purpose of exploitation, and authorizing the court to divest authority from a parent or guardian over a minor under 21 years if the court believes the parent or guardian is responsible for the seduction, prostitution or unlawful detention of that minor.



Prevention

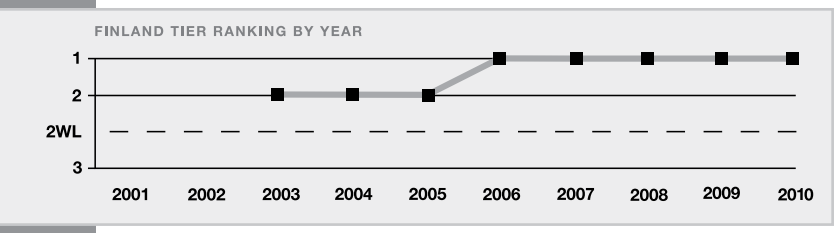
The Government of Fiji increased its efforts to raise awareness about trafficking during the year, although it had no national plan of action to address trafficking during the reporting period. The government acted to raise both public and official awareness of trafficking. It developed and provided internal training for police and court personnel on the new Crimes Decree's trafficking provisions. The government worked with the media to raise awareness of trafficking. High-level officials condemned trafficking and announced their commitment to fight this crime during press conferences. Relevant ministries and agencies provided information to media outlets and encouraged them to release news stories on trafficking. The CLAG, the National Coordinating Committee on Children (NCCC), and representatives from various ministries met regularly to discuss legislative and policy issues concerning children, including child sexual abuse which may be linked to trafficking. The new Crimes Decree nullified earlier law, which allowed for sex trafficking victims to be treated as criminals. The Crimes Decree criminalizes the clients of prostituted persons, whereas the older Penal Code had criminalized only prostituted persons and pimps. In addition, Fiji's new sexual abuse laws have extraterritorial coverage to allow the prosecution of suspected Fijian sex tourists for crimes committed abroad. Anti-trafficking laws apply to Fijians

deployed abroad as part of peacekeeping missions, and the Fijian government provided anti-trafficking training for troops prior to their deployment on international peacekeeping missions. Fiji is not a party to the 2000 UN TIP Protocol.

FINLAND (Tier 1)

Finland is a transit and destination for women and girls from Russia, the Baltic countries, the Caucasus, Asia, Africa and the Caribbean subjected to trafficking in persons, specifically forced prostitution, as well as Indian, Chinese, Pakistani and Bangladeshi men and women in forced labor. Forced labor victims are exploited in the construction industry, restaurants, agriculture and as cleaners and domestic servants. There were indications that forced begging was also a problem. Officials believed that most labor trafficking was tied to non-Finnish businesses and speculated there are likely small numbers of trafficked workers in most Finnish cities. NGOs suspected foreign wives involved in arranged marriages were vulnerable to trafficking. Finnish teenagers in prostitution may also be vulnerable to human trafficking. The government estimates that there may be hundreds of trafficking victims in Finland every year.

The Government of Finland fully complies with the minimum standards for the elimination of trafficking. Although victim identification numbers remained low, the government initiated new forced labor prosecutions and drafted an in-depth assessment of the government's anti-trafficking efforts, which will be made public later in 2010. The government's efforts to monitor and scrutinize its anti-trafficking actions reflected a high level of political will to address human trafficking.



Recommendations for Finland: Encourage prosecutors to make greater use of the trafficking statute; ensure traffickers receive sentences commensurate with the gravity of this human rights abuse; consider establishment of a specialized anti-trafficking police unit; encourage officials to proactively identify potential sex and labor trafficking victims and refer them to services to which they are entitled under Finnish law; expand victim identification and referral training to judges, labor inspectors, and other officials with investigative authority; and explore ways to streamline government funding and other support for anti-trafficking NGOs.

Prosecution

The Government of Finland made limited progress in prosecuting and punishing trafficking offenders during the reporting period. Law 1889-39 of the Finnish penal code prohibits all severe forms of trafficking and prescribes up to 10 years' imprisonment for convicted offenders, penalties sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Other criminal statutes – such as pandering, which prescribe lower penalties – were exclusively used to prosecute sex trafficking offenders; one official suggested amending the pandering provision to encourage prosecutors to use the penal code's trafficking statute for sex trafficking. Police reported conducting 59 human trafficking investigations during 2009. In 2009, authorities prosecuted at least five people for sex trafficking offenses and two for labor trafficking compared with nine prosecutions for sex trafficking in 2008. In 2009, two people were convicted for trafficking offenses, down from nine in 2008. Since 2006, sentences have ranged from 1.5 to 5.5 years imprisonment; there were no reports of suspended sentences. There were no known reports of government complicity in trafficking during the reporting period. Although the government does not have a specialized anti-trafficking law enforcement unit, it integrated formal anti-trafficking awareness into police and border guard training curricula for new recruits and in-service personnel. The government has also provided anti-trafficking training to its prosecutors for the past four years.

Protection

The Finnish government sustained victim assistance efforts during the reporting period. It continued to provide direct shelter, trafficking-specific rehabilitative assistance, and medical care to adult and child victims in addition to its provision of funding for NGO-run shelters. Police and border guard officials used a series of written guidelines on victim referral and treatment developed by the Finnish Immigration Service to proactively identify victims of trafficking; however, one official raised concerns that the threshold for referral to services was too high. During the reporting period, officials referred 13 victims to service providers, raising concerns about the low number of potential victims identified and the effectiveness of victim identification procedures. The government encouraged victims to assist in the investigation and prosecution of trafficking offenders. Under the Act on Compensation for Crime Damage, victims of crime could receive government compensation for personal injury, damage to property, or other financial loss caused by a crime. Finnish authorities provided identified trafficking victims with a six-month reflection period, a time for victims to receive immediate care and assistance while they consider whether to assist law enforcement. There were no indications, however, that the reflection period was used extensively. Victims of trafficking wishing to stay longer than six months were eligible to apply for an extended residence permit or asylum as an alternative to deportation. The government granted permanent residence permits to seven victims during the reporting period. The government made some effort to ensure victims were not penalized for unlawful

acts committed as a direct result of being trafficked. The government provided anti-trafficking awareness training for labor inspectors, diplomatic personnel, public health workers, immigration adjudication staff and Finnair flight attendants.

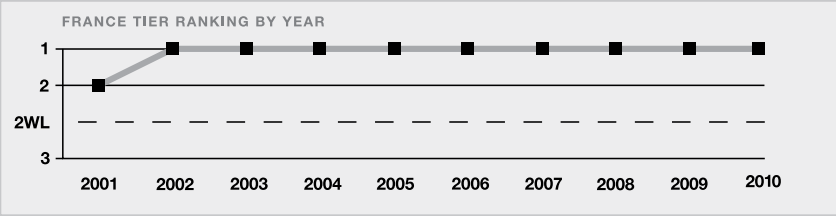
Prevention

The government made progress in its efforts to prevent human trafficking. The national anti-trafficking rapporteur, an independent entity within the government, drafted an extensive assessment of the government's anti-trafficking efforts and included recommendations for improvement applicable to a global audience; the report will be made public later in 2010. The government's efforts to monitor and scrutinize its anti-trafficking actions reflected a high level of political will to address human trafficking. Officials targeted women in Finland's commercial sex trade for distribution of pamphlets on trafficking indicators and their rights in source country languages. Through ongoing partnerships with civil society, the government funded a series of NGO-operated hotlines servicing victims of trafficking and domestic violence. In an effort to reduce the demand for commercial sex, the government prosecuted 35 people for buying sexual services from a victim of human trafficking. The Finish government bolstered an anti-trafficking partnership with the Government of Nigeria by providing approximately $1.1 million toward Nigeria's anti-trafficking agency. For another consecutive year, the government distributed brochures to thousands of visitors at a major annual travel fair warning that child sex tourism is a crime. Finland's laws provide extraterritorial jurisdiction over child sex tourism offenses perpetrated overseas by Finnish nationals. The government did not prosecute any persons for suspected child sex tourism offenses in 2009. The Ministry of Defense provided Finnish troops assigned to international peacekeeping missions with 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 2009.

FRANCE (Tier 1)

France is a destination country for men, women, and children from Eastern Europe, West Africa, and Asia, as well as the Caribbean and Brazil, subjected to trafficking in persons, specifically forced prostitution and forced labor. Women and children, many from Africa, continued to be subjected to forced domestic servitude. Often their "employers" are diplomats who enjoy diplomatic immunity from prosecution, including those from Saudi Arabia. Reportedly men from North Africa are subjected to forced labor in the agricultural and construction sectors in southern France. The Government of France estimates that the majority of the 18,000 women in France's commercial sex trade are likely forced into prostitution. It also estimates a significant number of children in France are victims of forced prostitution, primarily from Romania, West Africa, and North Africa. Romani and other unaccompanied minors in France continued to be vulnerable to forced begging. There were reportedly six French women subjected to forced prostitution in Luxembourg in 2009.

Women and children from Brazil were subjected to forced labor and forced prostitution in the French overseas territory of French Guiana. There are also a number of young women in prostitution from Haiti, Suriname, and the Dominican Republic in French Guiana, some of whom may be vulnerable to trafficking. The French government investigated the existence of forced labor and forced prostitution occurring in gold mining sites in French Guiana in 2009, initiating 17 legal proceedings and arresting two trafficking offenders in French Guiana during the reporting period.



The Government of France fully complies with the minimum standards for the elimination of trafficking. The government continued to train prosecutors and judges to make better use of France's anti-trafficking law, continued to prosecute forced prostitution and forced labor offenders, and increased public-private partnerships to prevent trafficking. The government reported identifying a significant number of trafficking victims in 2009. While the government concluded that all identified victims were referred for care and assistance, it reported it did not officially collect or monitor this data in 2009.

Recommendations for France: Increase implementation of France's anti-trafficking statute; improve protections for all unaccompanied minors in France who are potentially victims of trafficking; improve implementation of proactive identification procedures and referral for potential trafficking victims; enhance collection and compilation of law enforcement and victim assistance data, including a breakdown of types of involuntary servitude and prosecutions for forced labor trafficking; ensure trafficking victims are not inappropriately penalized solely for unlawful acts committed as a result of being trafficked; continue to establish a more victim-centered approach to trafficking in France, including measures to ensure victims who denounce their traffickers are provided with adequate safety and support; and report on assistance provided to identified victims of trafficking in mainland France and in French Guiana.

Prosecution

The Government of France sustained progress in its law enforcement efforts to combat trafficking. France

prohibits trafficking for sexual exploitation through Article 225 of its penal code, which prescribes penalties that are sufficiently stringent and commensurate with those prescribed for rape. In January 2009, the government amended its anti-trafficking law to include a specific definition of forced labor. The government reported convicting 19 trafficking offenders under its anti-trafficking statute in 2008, the most recent year for which data was available, compared with 33 convicted trafficking offenders in 2007. The government did not provide an average sentence for these 19 traffickers, but reported the maximum sentence was up to seven years imprisonment. In addition, the government reported convicting an additional 26 trafficking offenders for the forced prostitution of children, with sentences up to seven years. French officials continued to rely largely on anti-pimping provisions of the country's penal code to prosecute suspected sex trafficking offenses. The government reported 523 prosecutions under its anti-pimping statute in 2008; approximately 16 percent of the original arrests were for trafficking-specific offenses. The Government of France successfully dismantled 40 trafficking rings in France in 2009 and cooperated to dismantle 14 international networks with bilateral partners through joint investigation teams aimed at investigating and prosecuting cases across borders.

Protection

The national government and city of Paris continued to partner with NGOs in order to provide trafficking victims with a network of services and shelters during the reporting period. The government provided some indirect funding for victims' care in 2009; however, it did not report overall funding allocations to NGOs for victims of trafficking. One NGO reported it received 20 percent of its budget from the government in 2009 but had to seek private funding in order to provide temporary housing for trafficking victims. Another NGO reported it worked with pro-bono medical and social service providers in order to assist victims of forced labor. A third NGO working with unaccompanied minors who are at risk of becoming victims of trafficking in France reported that it received 98 percent of its budget from the government in 2009. The government reported police and other authorities identified and referred 799 trafficking victims to NGOs for assistance in 2009; however, it reported that it did not officially collect or track data on the actual number or percentage of these identified victims that it referred for shelter and assistance. The NGO Committee Against Modern Slavery (CCEM) reported 216 cases of forced labor in France in 2008; 120 of these victims were reportedly placed in protective custody. The government increased its partnership with the Romanian government in order to improve the protection, return, and reintegration of Romani unaccompanied minors. The French government provided witness protection services and issued one-year residency permits, which can be renewed every six months, to victims of trafficking who cooperated with authorities in the investigation and prosecution of traffickers; the government also provided identified victims with assistance and a 30-day reflection period to decide whether to cooperate with law enforcement. A trafficking victim may receive a permanent residency card though only if the defendant is successfully convicted by the government. The government did not report the number of victims that received residence permits or cards in 2009. One NGO continued to express frustration with the fees required for the residency permit and renewal of the permit. NGOs continued to provide monthly stipends to trafficking victims, with some of these stipends provided by the government. The government formally assists trafficking victims seeking return to their countries of origin, though fewer than five percent usually decide to do so. Although the border police reportedly used indicator cards to proactively identify victims, French border police do not have any systematic procedures in place to identify trafficking victims, according to a 2009 report by Human Rights Watch. Some local observers continued to criticize the government's lack of a proactive approach to identifying trafficking victims and reported that some women in prostitution are arrested and fined for solicitation without being screened to determine if they are trafficking victims. To address this deficiency, the government reported it continued to provide mandatory training to all law enforcement personnel to increase their identification and awareness of potential trafficking victims in 2009.

A 2009 Human Rights Watch Report cited the French government for alleged abusive police treatment and the forced removal of unaccompanied minors from Roissy Charles de Gaulle Airport. The report described French authorities' policy of detaining unaccompanied minors, including potential trafficking victims, in a designated "transit zone" at the airport. French authorities failed to screen these children for indications of trafficking, treating them as irregular migrants, which resulted in their deportation and which could make them vulnerable to re-trafficking or persecution in their home countries. The report documented two cases in which the government failed to adequately identify two children from Nigeria and Guinea as trafficking victims, in one case the victim's trafficker visited her in detention to collect money. Reportedly, the French Red Cross regularly alerts French authorities about the need to improve the response to children who appear to be trafficking victims.

Prevention

The Government of France sustained strong prevention efforts in 2009 and led European efforts to prevent human trafficking on the Internet. Its multi-disciplinary group met throughout 2009 to improve national coordination and ensure a victim-centered approach. The government launched a national campaign in 2010 combating violence against women in all forms; the campaign highlighted trafficking in persons as part of this broader campaign. In January 2010, the government sponsored a nationwide conference that brought together law enforcement, magistrates, and NGOs to improve partnerships in order to better protect victims and

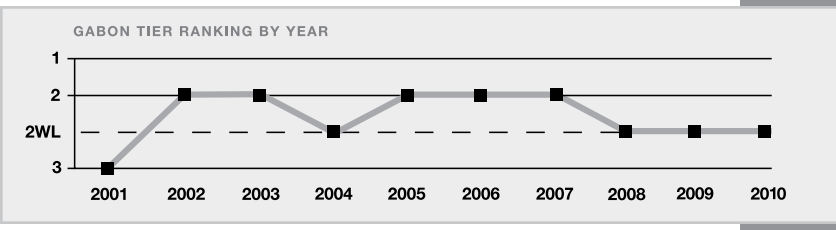
prevent trafficking. The government, in partnership with the hotel industry, provided training for managers and employees of major hotel groups on identification techniques for potential victims of trafficking and how to report potential trafficking. As a law enforcement activity that could serve to prevent human trafficking, the government reported convicting 149 offenders for "crimes related to modern day slavery," including 117 convictions for "subjecting vulnerable individuals to indecent accommodations and working conditions" and 32 convictions for "withholding wages of vulnerable individuals." In October 2009, the government announced the creation of a public-private partnership to address child sports trafficking and committed $2.74 million towards the initiative. In 2009, ECPAT France launched a progressive public awareness campaign in cooperation with Air France, over which the government exercises considerable influence, to target French child sex tourists; the campaign stressed the legal consequences of such sexual exploitation crimes committed abroad and the government's commitment to prosecute these crimes in French courts, imposing strong prison sentences for convicted offenders. The government did not conduct or fund any demand-reduction awareness campaigns aimed at raising awareness among potential clients of victims in France. The government provided all French military and law enforcement 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.

In March 2009, the government convicted two French nationals for aggravated sex tourism offenses they committed in Southeast Asia; both received the maximum sentences of seven years. In September 2009, French Police dismantled a makeshift camp for undocumented migrants near the port of Calais, known colloquially as "the jungle," and rounded up almost 300 Afghans, Pakistanis, and others who had hoped to cross the English Channel into Britain. Although media reports indicated that French officials hailed the demolition as a prevention measure for trafficking, it is unclear as to whether the action was explicitly intended to be an anti-trafficking measure. Local observers and international experts criticized the government's response, citing it increased these migrants vulnerability to trafficking.

GABON (Tier 2 Watch List)

Gabon is primarily a destination and transit country for children from Benin, Nigeria, Togo, Mali, Guinea, and other West African countries who are subjected to trafficking in persons, specifically forced labor and forced prostitution. Some victims transit Gabon *en route* to exploitation in Equatorial Guinea. According to UNICEF, the majority of victims are boys who are forced to work as street hawkers or mechanics. Girls generally are subjected to conditions of involuntary domestic servitude, or forced labor in markets or roadside restaurants. Stepped-up coastal surveillance over the past year – especially following the October 2009 arrival in Gabonese waters of a sea vessel, the M/S *Sharon*, carrying 34 child trafficking victims, some of whom were destined for Equatorial Guinea – caused traffickers to change their routes, including utilizing estuaries and rivers to transport children. The majority of victims were young girls, a departure from previous patterns of trafficking in the region. Trafficking offenders appear to operate in loose ethnic-based crime networks. Most child traffickers are women, who serve as intermediaries in their countries of origin. In some cases, child victims report that their parents had turned them over to intermediaries promising employment opportunities in Gabon. The government has no reports of international organized crime syndicates, employment agencies, marriage brokers, or travel services facilitating trafficking in Gabon. In 2009, the government began tracking a new trend of young adults between ages 18 and 25 being forced into domestic servitude or prostitution in Gabon.

The Government of Gabon does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts – most notably the arrests of seven suspected traffickers and the expansion of protection services for child victims of trafficking – the government did not show evidence of increasing efforts to address trafficking; therefore, Gabon is placed on Tier 2 Watch List for the third consecutive year. Specifically, the government did not, for another consecutive year, provide information on prosecutions or convictions of traffickers, despite its arrest of over 30 suspected offenders between 2003 and 2008.



Recommendations for Gabon: Greatly increase efforts to prosecute, convict, and punish human trafficking offenders; ratify the 2000 UN TIP Protocol; harmonize the penal code with the ratified protocol, including the enactment of provisions prohibiting the trafficking of adults; strengthen cooperation between law enforcement, immigration, and gendarmerie to jointly address trafficking cases; and develop a system to track trafficking cases and provide relevant statistics.

Prosecution

The Government of Gabon demonstrated limited progress in anti-human trafficking law enforcement efforts during the reporting period. Gabon does not prohibit all forms of human trafficking. Law 09/04 enacted in September 2004, is used to protect children against sex or labor trafficking

in Gabon, and prescribes penalties of five to 15 years' imprisonment, along with fines of $20,000 to $40,000; these penalties are sufficiently stringent. The procurement of a child 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. Forced prostitution of adults is prohibited by law 21/63-94, which prescribes two to 10 years' imprisonment, a penalty that is sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In the reporting period, the government reported seven arrests for trafficking, but did not provide details of the cases. The government did not report any trafficking prosecutions or convictions during the year. In February 2010, three suspected traffickers were arrested on the border trying to bring 18 young adults from Cameroon, Mali, Burkina Faso, and Guinea into Gabon. The suspects remain jailed as the investigation continues. As the Criminal Court maintained its calendar providing for only one meeting per year, and for one week, suspected trafficking offenders typically waited in jail for trials, and received credit for time served.

Protection

The Government of Gabon showed progress in its efforts to ensure that victims of trafficking received access to necessary protective services during the reporting season. Government personnel employed procedures to identify victims of trafficking among vulnerable groups, such as migrant children, and referred them systematically to government or NGO shelters. In responding to the M/S *Sharon*, authorities identified the 34 children aboard the vessel (among 285 others) as trafficking victims and took steps to provide them with assistance. The government coordinated the repatriation of the vessel's victims to their countries of origin with the concerned governments, guided by the Gabonese Procedural Manual for the Treatment of Trafficking Victims.

In direct support of victim protection measures, the government spent approximately $270,000 to support three centers offering foster care to child victims of trafficking, in Libreville and Port Gentil. One of the centers is completely government-funded, while the other two are financed partly by the government through material donations and social worker access. These centers provided shelter, medical care, education, and rehabilitation services, as well as psychosocial services to educate victims on asserting their rights. The government provided temporary de facto resident status for trafficking victims, and refrained from deporting them. The government also began rehabilitation of the government's Agondje Welcome Center and another center in Port Gentil, and it opened child protection centers in Franceville, Moanda and Tchibanga. The government also opened six centers for street children and the Ministry of Interior operated two transit centers for illegal immigrants – an alternative to jail.

During 2009, 34 child trafficking victims were handled in the government- and NGO-run shelters. In cases where adult victims of trafficking were identified, the government ceased sheltering them in jails or prisons. Security forces attempted to identify trafficking victims among high-risk populations they encountered, and sent them to government shelters when appropriate as law enforcement officials ascertained their status. Security forces routinely took testimony at the time of arrest of the trafficker or recovery of the victim, though in many cases victims were repatriated before prosecutors could depose them. In the M/S *Sharon* case, the government formed a team in partnership with the government of Benin, UNICEF, and an international NGO to trace the families of the child trafficking victims on this vessel and arrange for their safe return to Benin. During the year, the government developed and published a National Procedural Manual for Assisting Trafficking Victims. The Ministry of Family and Social Services trained 30 sets of trainers and over 100 social workers in a six-week curriculum on government procedures for handling victims.

Prevention

The Gabonese government made modest efforts to prevent human trafficking over the last year. In 2009, as the first step in its effort to improve targeting of its prevention messages, it surveyed 2,500 residents to examine the public's understanding of violence against children, including trafficking. In accordance with the survey findings, an outreach campaign aimed at identifying child victims of violence will begin. In his effort to increase awareness, the country's President raised the topic of trafficking in Council of Ministers meetings. Also in 2009, the government monitored migration patterns for evidence of trafficking to Gabon. The government stepped up its efforts to enhance maritime security through aerial surveillance. An inter-Ministerial Committee to Combat Child Trafficking was created by Law 09/04. The inter-ministerial committee published and distributed leaflets and posters entitled "STOP child exploitation" to highlight forms and consequences of trafficking and its hotline number. Heavy government press coverage of anti-trafficking training sponsored by a foreign government helped raise awareness of victim identification and law enforcement responses. The government did not take action during the reporting period to reduce the demand for commercial sex acts; however, the commercial sex trade is not a widespread problem in Gabon. Gabon is not a party to the 2000 UN TIP Protocol.

THE GAMBIA (Tier 2)

The Gambia is a source, transit, and destination country for children and women subjected to trafficking in persons, specifically forced labor and forced prostitution. Within The Gambia, women and girls and, to a lesser

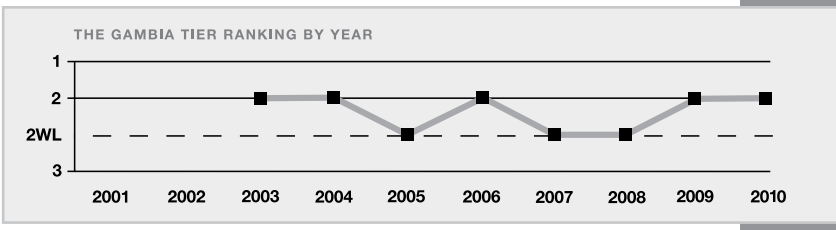
extent, boys are trafficked for commercial sexual exploitation, as well as for domestic servitude. For generations, parents sent their sons to live with Koranic teachers or *marabouts*, who more often forced children to beg than ensured their progress in religious studies. However, this practice is declining as the security forces now routinely interrogate the *marabout* of any beggar they find in the streets. Some observers noted only a small number of trafficking victims, but others see The Gambia's porous borders as an active transit zone for women, girls, and boys from West African countries – mainly Senegal, Sierra Leone, Liberia, Ghana, Nigeria, Guinea, Guinea Bissau, and Benin – who are recruited for exploitation in the sex trade, in particular to meet the demands of European tourists seeking sex with children. Most trafficking offenders in The Gambia are probably individuals who operate independently of international syndicates. The government's Department of Social Welfare and Tourism Security Unit are compiling electronic databases and conventional lists of trafficking cases, offenders, and victims, which may soon provide a clearer picture of how traffickers operate and how they differ from the migrant smugglers whose cases are now filling the country's courts.

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. At the highest level, the government acknowledges that trafficking exists in the country. The Gambian government lacks funding and resources to fight trafficking, though it continued to monitor and evaluate the trafficking problem in the country. Every law enforcement agency has anti-trafficking or child protection units. In July 2009, the government took an important step to increase efficiency in law enforcement by adopting a biometric national identity card system called GAMBIS.

Recommendations for The Gambia: Increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; develop a central police database of anti-trafficking law enforcement activities, including arrests and prosecutions; develop an educational module for police and government officials that will assist them in distinguishing trafficking from smuggling, and traffickers from smugglers; and develop formal procedures for identifying trafficking victims among women and girls in prostitution.

Prosecution

The Government of The Gambia demonstrated limited progress in its anti-human trafficking law enforcement efforts, resulting in one conviction of a trafficking offender during the reporting period. The Gambia prohibits all forms of trafficking through its October 2007 Trafficking in Persons Act. The law does not differentiate between sexual exploitation and labor exploitation, and prescribes penalties of from 15 years' to life imprisonment, penalties which are sufficiently stringent and commensurate with those prescribed for other serious 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. In July 2009, a Banjul court convicted a Gambian man of trafficking two children and sentenced him to two years' imprisonment. In June 2009, authorities investigated reports that a group of girls from Ghana had been trafficked to a fishing settlement called "Ghana Town" for exploitation in prostitution. An interagency team of investigators visited the site and found the reports to be inaccurate. The government did not provide specialized anti-trafficking training for law enforcement and immigration officials during the reporting period.



Protection

The government improved its victim protection efforts during the reporting period. It did not undertake proactive efforts to identify foreign trafficking victims. The government continued to operate a 24-hour shelter, made up of three units with accommodations for 48 victims. The shelter did not receive any trafficked children during 2009. The government maintained and funded a 24-hour hotline number that directly connected callers with two dedicated officers of the Department of Social Welfare. The line was created as a family assistance tool, but was also advertised as an available resource for victims of trafficking. The government maintained a drop-in center for street children, including victims of trafficking, and it provided both the shelter and the drop-in center with an annual budget of about $11,500, in addition to contributions from UNICEF and a faith-based NGO. The government also provided food, medical care, and counseling to all trafficking victims, whether nationals or foreigners. Victims could obtain emergency temporary residence visas under the Trafficking in Persons Act, though none did so during the year. The government did not identify or assist with the repatriation of any Gambian victims of transnational trafficking during the year. Under the law, however, repatriated nationals were eligible for government-provided care and rehabilitation measures. Gambian authorities identified at least three people as trafficking victims during the reporting period – two young girls, whose trafficker was prosecuted and imprisoned in July 2009, and a Nigerian girl who reported her trafficking plight to the Child Protection Alliance and the Police Child Welfare Officer in October. The two children were returned to their parents, but the Nigerian girl disappeared. There was no formal system

for proactively identifying victims of trafficking, but law enforcement and border control officers who were alert to trafficking situations more intensively questioned adults who arrived at the border with children. There were not enough active trafficking cases to make an assessment about respect for victims' rights, but if trafficking was suspected or identified, Social Welfare would likely have interceded and no victim would have been prosecuted or fined. Training conducted throughout the year attempted to give security officers the ability to identify and assist potential trafficking victims. There was only one reported case of a victim assisting the authorities in investigation. The government undertook efforts to train and further educate officials in recognizing human trafficking situations and victims. During the year, the government designated officers within each major police station to be responsible for assisting and counseling any potential trafficking victims. However, the government provided no information on such training for The Gambia's embassies and consulates in foreign countries.

Prevention

The Government of The Gambia sustained moderate efforts to prevent trafficking through awareness-raising during the reporting period. The government previously supported anti-trafficking and information campaigns, most conducted by NGOs, but reported few such campaigns in 2009. Government-controlled media continued to publicize the dangers of trafficking. There was no comprehensive analysis of emigration and immigration patterns for evidence of trafficking. In December 2009, the government dissolved its multi-agency National Task Force for Combating Trafficking in Persons and allocated approximately $111,000 to finance the establishment of the new National Agency to Combat Trafficking in Persons, which was designated to implement the national anti-trafficking plan of action. The government's Tourism Security Unit (TSU) effectively patrolled the Tourism Development Area – the zone most frequented by tourists – to combat child sex tourism and reduce the demand for commercial sex acts. The TSU continued to enforce a 2005 ban on unattended children visiting the tourist resort areas and remitted them to the custody of the Department of Social Welfare. Police sometimes arrested persons suspected of engaging in prostitution. However, these measures were not strong deterrents, and reflected the common perception that prostitution was meeting the needs of tourists who drove a major part of the country's economy. In March 2009, the government convicted a New Zealand national of child pornography and sentenced him to one year's imprisonment; he was acquitted of child defilement charges. Child sex tourism was a problem in The Gambia, but the authorities did not report any prosecution or convictions of child sex tourists during the reporting period.

The Gambian government provided its troops with anti-human trafficking training, including warnings against committing any immoral behavior that may bring their force into disrepute, prior to their deployment abroad on international peacekeeping missions.

GEORGIA (Tier 1)

Georgia is primarily a source country for women and girls subjected to trafficking in persons, specifically conditions of forced prostitution, and for men and women in conditions of forced labor. In 2009, women and girls from Georgia were subjected to forced prostitution within the country and also in Turkey, the United Arab Emirates, and Greece. In recent years, cases of forced prostitution of Georgian victims were also documented in Russia, Germany, and Austria. Men and women are subjected to conditions of forced labor within Georgia and also in Libya and Turkey. Men from Turkey are subjected to conditions of forced labor in the breakaway region of Abkhazia, which was outside of the Georgian government's control.

The Government of Georgia fully complies with the minimum standards for the elimination of trafficking. The government demonstrated strong efforts to identify and assist victims of trafficking and again increased its victim assistance funding to $312,000. The government also demonstrated impressive law enforcement success, significantly increasing the number of individuals convicted of trafficking, and again ensuring all convicted trafficking offenders served some time in prison. The Georgian government also demonstrated strong prevention efforts and continued its close partnership with anti-trafficking NGOs in both victim assistance and prevention efforts.

Recommendations for Georgia: Continue strong funding for victim assistance programs; continue to increase the number of victims identified and referred for assistance; continue to ensure victims are not fined or otherwise penalized for unlawful acts 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 increased law enforcement efforts during the reporting period. Georgia prohibits all forms of trafficking in persons through Article 143 of its criminal code, which prescribes penalties ranging from seven to 20 years' imprisonment. These penalties are sufficiently stringent and are commensurate with those for other serious crimes, such as rape. In 2009, the government investigated 33 trafficking cases, compared with 14 investigations in 2008. Authorities prosecuted 40 individuals for trafficking – including three individuals for forced labor – compared with 10 individuals prosecuted for sex trafficking in 2008.

Thirty-seven trafficking offenders were convicted in 2009, a significant increase from 10 convicted

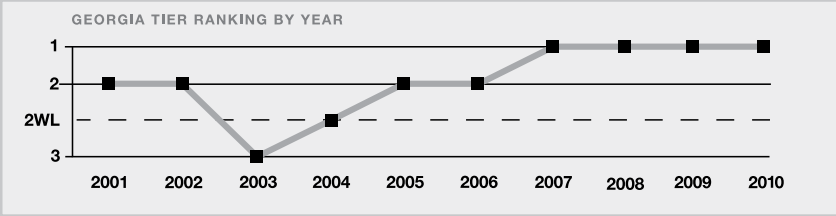
offenders in 2008. All 37 convicted trafficking offenders were sentenced to time in prison; none received a suspended sentence. The average sentence was 21 years' imprisonment. There were no reports of trafficking-related complicity of law enforcement personnel from either NGOs or the government. In 2009, the government relied on partnerships with local NGOs and international organizations to provide trafficking training to approximately 170 prosecutors and judges. The training concentrated on mechanisms for proactive victim identification, special methods for investigation and the collection of evidence, and prosecution techniques, and highlighted the importance of partnerships with NGOs, social workers, and psychologists during victim interviews.

Protection

The Georgian government maintained its significant victim assistance efforts over the reporting period. The government allocated a total of $312,000 for victim assistance during the reporting period; of that, it provided $150,000 to fully fund two government-run trafficking shelters, the same amount as funded in 2008. These shelters provided comprehensive 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 identified 48 victims in 2009 and referred 15 victims for assistance, an increase from 21 trafficking victims identified in 2008. The government provided shelter and comprehensive assistance to 15 victims, compared with 10 victims in 2008. The government also made available one-time compensation payments of $650 to trafficking victims in 2009. However, no victims applied for the funds during the reporting period. Five victims were given $600 each in 2008. Georgian authorities provided foreign victims legal alternatives to their removal to countries where they would face hardship or retribution; the Law on Legal Status of Foreigners provided a foreign person suspected of being a victim of trafficking the right to a residence permit even if authorities could not prove beyond a reasonable doubt that the person was a victim. In 2009, no foreign victims requested a residence permit. The government cooperated with IOM and fully funded the repatriation of one foreign victim during the reporting period. Victims were encouraged to assist law enforcement with trafficking investigations and prosecutions; 18 victims assisted law enforcement during the reporting period. There were no reports that victims were penalized for unlawful acts committed as a direct result of being trafficked.

Prevention

The Government of Georgia sustained its efforts to prevent trafficking during the reporting period. The government produced and broadcast during the first six months of 2009 a short television public service announcement explaining the nature and danger of human trafficking. The Ministry of Education and Science produced a short television announcement targeting school-age children entitled "Do Not Trade Freedom for Slavery," which was regularly aired on television. The government reportedly distributed 20,000 informational pamphlets to four regions of the country and at the Tbilisi international airport. The regions targeted were high risk areas for migration and thus vulnerable to trafficking: Imereti (near the Russian border and the Georgian separatist region of Abkhazia), Ajara (bordering Turkey), Rustavi (near Azerbaijan), and Guria (near Turkey). The pamphlets were distributed through the Offices of the Civil Registry Agency of the Ministry of Justice, and through a program involving students in a public awareness campaign. The government sustained close partnerships with NGOs to jointly conduct several trafficking awareness and prevention campaigns during the year. The government demonstrated efforts to reduce the demand for both commercial sex acts and forced labor by informing the public through television ads and media interviews with government officials of Georgia's law punishing "clients" who benefit from the services of trafficking victims.



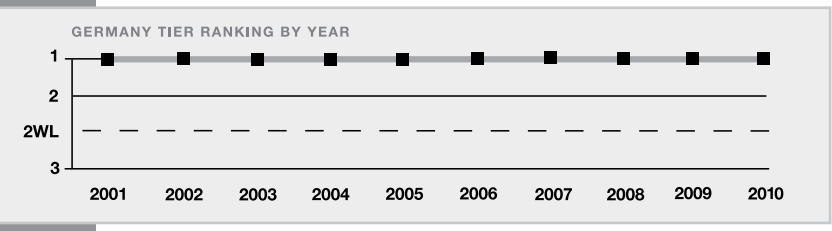
GERMANY (Tier 1)

Germany is a source, transit, and destination country for women, children, and men subjected to trafficking in persons, specifically forced prostitution and forced labor. Ninety percent of identified victims of trafficking for commercial sexual exploitation came from Europe, including 28 percent from Germany, 20 percent from Romania, and 18 percent from Bulgaria. Non-European victims originated in Nigeria, other parts of Africa, Asia and the Western Hemisphere. Almost one-quarter of identified trafficking victims were children. The majority of identified sex trafficking victims have been exploited in bars, brothels, and apartments – approximately one third of identified sex trafficking victims reported that they had agreed initially to engage in prostitution. Victims of forced labor have been identified in hotels, domestic service, construction sites, and restaurants. Police estimate that gangs brought around 1,000 Chinese people to Germany over the past decade and forced them to work in restaurants under exploitative conditions. Members of ethnic minorities, such as Roma, as well as foreign

unaccompanied minors who arrived in Germany, were particularly vulnerable to human trafficking.

The Government of Germany fully complies with the minimum standards for the elimination of trafficking. The government made substantial progress in addressing forced labor. However, available statistics indicate the majority of convicted labor and sex trafficking offenders were not required to serve time in prison, raising concerns that punishments were inadequate to deter traffickers or did not reflect the heinous nature of the offense.

Recommendations for Germany: Explore ways to increase the number of convicted traffickers who receive sentences commensurate with the gravity of this human rights abuse; establish a national anti-trafficking rapporteur to draft critical assessments on Germany's efforts to punish traffickers, protect victims, and prevent 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; and consider creating a mechanism to coordinate German efforts to address forced labor.



Prosecution

The Government of Germany made clear progress in the conviction of sex and labor trafficking offenders, but most convicted traffickers were not required to serve time in prison. Germany prohibits all forms of trafficking; trafficking for commercial sexual exploitation is criminalized in Section 232 of its Penal Code, and forced labor is criminalized under Section 233. Prescribed punishments in these statutes range from six months' to 10 years' imprisonment and are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. It is common practice for judges in Germany to suspend prison sentences of two years or less for all crimes, including trafficking. Authorities prosecuted 173 persons for sex trafficking in 2008, the last year for which statistics were available. Of those, 138 were convicted, including seven juveniles, up from 123 convictions for sex trafficking in 2007. Of the 131 adults convicted, 92 – or 70 percent – received either a fine or a suspended sentence. Prison sentences for the remainder ranged from two to 10 years imprisonment. Authorities prosecuted 25 persons for labor trafficking in 2008; 16 were convicted, including seven juveniles, up from eight labor trafficking convictions in 2007. Of the nine adult labor trafficking offenders, one received a sentence of between three to five years imprisonment and the remaining eight received suspended sentences or fines. Police boosted efforts against labor trafficking in 2008—more than 1,300 police officers and customs officials took part in raids in several cities. There were no reports of trafficking-related complicity of government officials during the reporting period. The government, in partnership with NGOs, provided a range of specialized anti-trafficking training to judges, prosecutors, and police. The federal criminal police countertrafficking office coordinated international trafficking cases and promoted partnership with other countries by offering training programs for foreign law enforcement.

Protection

The German government sustained its victim protection efforts during the reporting period. The Federal Family Ministry fully funded the umbrella organization representing 39 NGOs and counseling centers that provided or facilitated shelter, medical and psychological care, legal assistance, and other services for victims. The majority of these NGOs focused on adult, female victims; however, a number of NGOs, in cooperation with local governmental youth welfare services, also attended to child victims. Some of these NGOs also made their services available to male victims. The government continued to distribute formal guidelines on victim identification techniques to police, counseling centers, prosecutors and judges. According to the federal police, authorities proactively identified 38 percent of all victims registered by the government in 2008. Authorities registered 676 sex trafficking victims and 96 forced labor victims in 2008, down from 689 sex trafficking victims and 101 forced labor victims identified in 2007. Formal victim referral mechanisms existed in 12 out of 16 German states. The government encouraged victims to cooperate in anti-trafficking investigations; however, police and NGOs reported that victims were often reluctant to assist law enforcement officials due to fear of retribution from traffickers. The government provided legal alternatives to foreign victims' removal to countries where they may face hardship or retribution. Trafficking victims were provided a 30-day reflection period to decide whether to cooperate with investigators. Victims who agreed to act as witnesses were provided temporary residence permits for the duration of trial proceedings as well as long-term residence permits in certain circumstances, such as when the victim faced severe threats in the country of origin. The government reportedly did not penalize victims for unlawful acts committed as a direct result of being trafficked. The governmental German Institute for Human Rights in July 2009 began a $800,000 project to assist trafficking victims in claiming their financial rights in German

courts, as few victims had made claims for financial compensation.

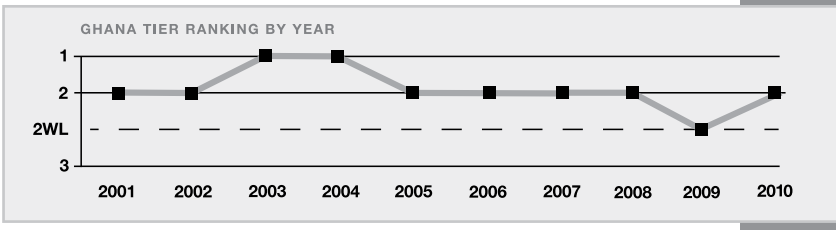
Prevention

The government made some progress in trafficking prevention activities during the reporting period. The government sustained funding for NGOs that produced public awareness campaigns in Germany and abroad through websites, postcards, telephone hotlines, pamphlets, and speaking engagements. The government did not take measures to reduce the demand for commercial sex acts or focus public awareness on potential clients in some of Germany's best known red light districts, such as the one in Hamburg. A Berlin NGO, funded largely by the Berlin Senate, operated a trafficking awareness website directed at clients of the sex trade. The German Federal Police published an annual report containing statistics about its anti-trafficking activities. The Labor Ministry commissioned a study in 2009 to assess the extent of and government response to labor trafficking. The Federal Family Ministry, which has the responsibility for implementing the national anti-trafficking action plan, chaired a federal-state interagency working group on female sex trafficking. The Ministry of Foreign Affairs contributed approximately $297,000 toward anti-trafficking projects in Ukraine, Moldova, and the Mekong region. The government sustained a partnership with ECPAT to promote awareness of the child sex tourism problem; there were no reports of new prosecutions for child sex tourism by German citizens abroad during the reporting period. The government provided trafficking awareness training to commanders of German military units prior to their deployment abroad on international peacekeeping missions; the training focused on how the commanders could sensitize subordinates to human trafficking.

GHANA (Tier 2)

Ghana is a country of origin, transit, and destination for women and children subjected to trafficking in persons, specifically forced labor and forced prostitution. The nonconsensual exploitation of Ghanaian citizens, particularly children, is more common than the trafficking of foreign migrants. The movement of internally trafficked children is either from rural to urban areas, or from one rural area to another, as from farming to fishing communities. Ghanaian boys and girls are subjected to conditions of forced labor within the country in fishing, domestic servitude, street hawking, begging, portering, and agriculture. Ghanaian girls, and to a lesser extent boys, are subjected to commercial sexual exploitation within Ghana. Internal labor traffickers are commonly freelance operators, and may be known to members of the source community. Uninformed parents may not understand that by cooperating with trafficking offenders, they may expose their children to bonded placement, coercion, or outright sale. Media reports during the year cited 50 Ghanaian women recruited for work in Russia and subsequently forced into prostitution. Women and girls from China, Nigeria, Cote d'Ivoire, and Burkina Faso are subjected to forced prostitution after arriving in Ghana. Citizens from other West African countries are subjected to forced labor in Ghana in agriculture or involuntary domestic servitude. Trafficking victims endure extremes of harsh treatment, including long hours, debt bondage, lack of pay, physical risks, and sexual abuse.

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. Ghana increased its law enforcement efforts by prosecuting and convicting an increased number of traffickers, including the first convictions relating to forced child labor in the Lake Volta fishing industry. The Ghanaian Police partnered with Interpol to host regional training for law enforcement officials from Anglophone Africa, and the government took steps to establish four regional anti-trafficking units to manage cases more effectively at the regional level. In August 2009, the president appointed new members to the Human Trafficking Management Board, which had been disbanded when the previous government left office in January 2009. However, the government did not demonstrate increased efforts to ensure that victims receive adequate protection, such as funding a shelter for trafficking victims, or increasing assistance to NGOs or international organizations to provide trafficking victim care.



Recommendations for Ghana: Increase efforts to ensure that all victims of trafficking have access to essential services, including increased funding for government shelters and establishing formal referral procedures implemented in partnership with NGOs and international organizations; improve data collection and reporting on victims identified and assisted; provide more training for police, prosecutors, and judges on implementation of the 2005 anti-trafficking law; and undertake more vigorous investigations and prosecutions of human trafficking offenses, and convictions and punishments of trafficking offenders.

Prosecution

The Government of Ghana demonstrated improved anti-human trafficking law enforcement efforts during the last year. Ghana prohibits all forms of trafficking through

its 2005 Human Trafficking Act (HTA), 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 other serious offenses, such as rape. In July 2009, the Ghanaian parliament passed a law amending the definition of trafficking to give the HTA uniformity with the language of the 2000 UN TIP Protocol. The Ghana Police Service (GPS) maintains an Anti-Human Trafficking Unit (AHTU) in its Criminal Investigation Division, which opened 31 trafficking investigations in 2009. The government initiated 15 trafficking prosecutions during the year, an increase over five prosecutions in 2008, and convicted six traffickers in 2009, an increase over the one conviction obtained in 2008. The AHTU claimed credit for repatriating 20 child victims of trafficking to neighboring countries. According to the AHTU, 61 percent of all trafficking cases reported in Ghana were labor-related, while 39 percent were sexual exploitation cases.

In June 2009, the government convicted three Chinese nationals of trafficking eight Chinese women to Ghana for exploitation in prostitution. The Accra Circuit Court sentenced the primary trafficking offender to 17 years' imprisonment, including 10 years for human trafficking and two years for conspiracy. His brother received a 12-year sentence – 10 years for abetment and two years for conspiracy. In a second case, an offender received a jail sentence of eight years' imprisonment for trafficking three Ghanaian children to Cote d'Ivoire. These sentences were well above the mandatory five year minimum. In January 2010, the Agona Swedru Circuit Court convicted a Ghanaian woman for enslaving two boys, ages six and eight, from the Central Region to fish on Lake Volta. The woman was sentenced to nine years' imprisonment – the first ever prosecution of a domestic trafficking offender in Ghana. The government joined with neighboring countries, as well as international organizations and foreign embassies, to prosecute transnational cases, most recently in a successful bid to break up a trafficking and prostitution ring that sent at least 50 Ghanaian women to Russia for the sex trade.

Protection

The government demonstrated overall improved victim protection efforts during the year. The government did not employ formal procedures for the identification of victims among vulnerable groups, such as women in prostitution or children at work sites, though it did show increased efforts at *ad hoc* identification of such victims. The government continued to operate dedicated trafficking shelters for victims of forced labor – in Osu and Medina in the greater Accra region and in the Atebubu Amant District Assembly in the Brong Ahafo region – but lacked shelter facilities for victims of sex trafficking. The government provided an unknown amount of funding for these shelters. Ghanaian authorities referred most identified victims to shelters operated by NGOs. According to the AHTU, victims received protective support during and after trials, and prosecutors took their statements behind closed doors to ensure their safety and conceal their identity. With the Interior Minister's approval, a trafficking victim may remain permanently in Ghana if deemed to be in the victim's best interest, though no victims were given such residency during the last year. There was no formal referral process to transfer victims in protective custody to other facilities. The government provided some training to law enforcement officials on identification of trafficking victims. The government encouraged victims to assist in the investigation and prosecution of traffickers, though many victims were children afraid to provide testimony. The government provided assistance to its nationals who may have been trafficked, with an eye to rehabilitation and reintegration into the life of the country. Some victims were given capital to start businesses and others were supported to continue schooling or learn a trade. The government sustained partnerships with local and international NGOs to rescue and rehabilitate forced child laborers in fishing or mining during the reporting period.

Prevention

The Government of Ghana demonstrated renewed efforts to prevent trafficking over the last year. It conducted anti-trafficking education campaigns and workshops to prevent trafficking during the reporting period. Counter-trafficking officials spoke regularly with anti-trafficking messages on radio talk shows and on television. The Ghana Immigration Service maintained a task force responsible for patrolling the borders and ports to expose crimes related to human trafficking. The government developed a draft for a national plan of action covering human trafficking. The Accra Metropolitan Assembly demolished Soldier Bar, a brothel in Accra known to have employed children in prostitution. Ghana is not a party to the 2000 UN TIP Protocol.

GREECE (Tier 2)

Greece is a transit and destination country for women and children who are subjected to trafficking in persons, specifically forced prostitution and for children, men, and women who are in conditions of forced labor. The government and NGOs report that female sex trafficking victims originate primarily in Eastern Europe, the Balkans, and Nigeria. One NGO reported that teenage males, typically unaccompanied minors from Afghanistan and sub-Saharan Africa, are forced into prostitution in Greece. Greek police reported the trend of traffickers increasingly using emotional abuse and financial harm as tools of coercion, instead of physical force, in attempts to evade law enforcement prosecution. Forced labor victims found in Greece originated primarily in Albania, Romania, Bulgaria, Moldova, Afghanistan, Pakistan, India, and Bangladesh, and many were forced to work in the agriculture or construction sectors in debt bondage. Greek police estimated that there are likely hundreds

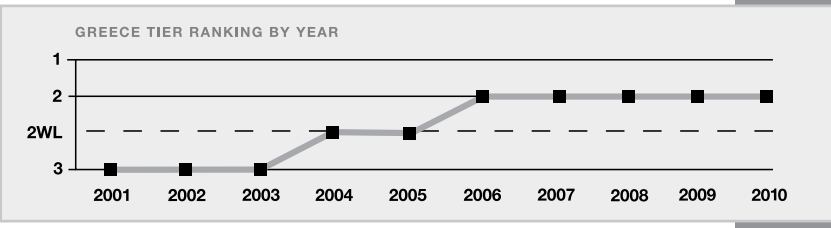
of forced labor victims in Greece. NGOs reported that children, mainly Roma from Albania, Bulgaria, and Romania, were forced to sell small items, beg, or steal. The approximately 1,000 unaccompanied foreign minors who enter Greece yearly are highly vulnerable to human trafficking.

The Government of Greece does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made clear progress in prosecuting labor and sex trafficking offenses, identifying victims, implementing a child victim protection agreement with Albania, and in advancing prevention activities. Concerns remained about a trafficking-related police complicity case, inadequate victim identification among coast guard, border police, and vice police as well as inadequate funding for anti-trafficking NGOs.

Recommendations for Greece: Vigorously prosecute officials complicit in trafficking; continue efforts to equip and train officials most likely to encounter trafficking victims, such as the coast guard and border police, in trafficking victim identification and assistance procedures; encourage the sustainability of funding for anti-trafficking NGOs; ensure potential victims are offered assistance and deportation relief available under Greek law and not penalized for crimes committed as a direct result of being trafficked; ensure specialized assistance for child victims and adequate protection for male victims; establish a central authority to coordinate and monitor anti-trafficking efforts; and continue public awareness campaigns targeted toward a Greek audience, including potential clients of the sex trade and beneficiaries of forced labor.

Prosecution

The government demonstrated clear progress in its prosecution of trafficking offenders, though a high-profile case of trafficking-related complicity remained pending in court. Greek law 3064/2002 and Presidential Decree 233/2003 prohibit trafficking for both sexual and labor exploitation, and prescribe 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 serious crimes such as rape. The police conducted 66 human trafficking investigations in 2009, a 65 percent increase over the 40 investigations in 2008. Fourteen of the new investigations involved forced labor, compared with only two in 2008. The government reported 32 new convictions of trafficking offenders, 12 cases acquitted, and 42 ongoing prosecutions in 2009, compared with 21 convictions, 17 acquittals, and 41 ongoing prosecutions in 2008. The average sentence for trafficking offenders was approximately 11 years with fines. The Ministry of Justice reported two suspended sentences in 2009. Some convicted trafficking offenders continued to be granted bail pending their lengthy appeals, though one NGO reported improvement in this area. The media continued to allege that trafficking-related complicity existed among some local police and vice squad officers. In a case cited in last year's TIP Report, in which a trafficking victim was allegedly raped while in police custody in 2006, the three police officers suspected of the crime remained free on bail as their court case continued. In a positive development in 2009, one active and one retired officer were held without bail pending prosecution for alleged involvement in sex trafficking. The government, in partnership with IOM and NGOs, provided anti-trafficking training for police recruits and commanders, police from neighboring countries, and over 100 judges and prosecutors. In 2009, the Greek police reported cooperation with counterparts in Italy, Romania, Russia, Albania, and Bulgaria on trafficking cases.



Protection

The government demonstrated some progress in ensuring that victims of trafficking were provided access to essential services. According to NGOs, however, victim identification continued to be the government's greatest anti-trafficking weakness. The government officially identified 125 victims in 2009, an improvement over the 78 victims identified in 2008. NGOs, some of whom received government funding, reported assisting at least 3,376 trafficking victims in 2009. A formal mechanism exists between police and NGOs to identify and refer victims. The Ministry of Health trained nurses, medical admissions staff, psychologists, psychiatrists, and social workers on the identification of trafficking victims. Similarly, experienced anti-trafficking police continued to provide training to border police, vice police, and the coast guard on victim identification. Greece provided officially-identified trafficking victims with access to legal and medical services through government-run shelters, public healthcare, and intermittent funding to NGOs. NGOs reported that government grant disbursement delays, onerous reporting requirements, and deteriorating public finances have created financial difficulty for trafficking victim service providers dependent on government funding. The government continued to operate a short-term shelter, which could accommodate children, in addition to two long-term shelters for women. The government also referred child victims to orphanages or detention centers that did not have specialized facilities for trafficking victims. One NGO reported that authorities released unaccompanied foreign minors onto the street with little support after detention. The government encouraged victims to

participate in prosecutions by offering a 30-day reflection period, a time for victims to receive immediate care while they consider whether to assist law enforcement, but according to NGOs, authorities did not always provide the reflection period consistently during the reporting period. Victims who assisted with law enforcement prosecutions qualified for temporary, renewable residence permits as a legal alternative to removal. NGOs reported excellent cooperation with specialized anti-trafficking police units. Overall, the government did not penalize victims for unlawful acts that may have been committed as a direct result of being trafficked. However, some NGOs reported that the coast guard and border police, overwhelmed with processing refugees and undocumented migrants, had little time to use victim identification procedures. As a result, they sent many potential victims, including vulnerable unaccompanied minors, to migrant detention centers, where they often faced poor conditions. In a positive development, the government implemented a child repatriation agreement with Albania, repatriating six Albanian child victims in cooperation with NGOs.

Prevention

The government demonstrated steady progress in the prevention of trafficking during the reporting period. A state television station aired a special on human trafficking in Greece in addition to other programs on the topic in 2009. The foreign minister spoke out against trafficking, and since October 2009, anti-trafficking NGOs have reported stronger partnerships with high-level officials. The foreign ministry provided $155,100 toward a UNICEF campaign on child trafficking as a global phenomenon and funded an IOM-produced public awareness campaign acknowledging trafficking as a problem in Greece. The government did not run any new campaigns targeting the clients of prostitution or beneficiaries of forced labor. The government implemented a law enforcement-focused national plan of anti-trafficking action; however, the government lacked a central authority to coordinate ministries' anti-trafficking efforts and monitor anti-trafficking results. Coordination of data between agencies remained *ad hoc*. The Greek government facilitated anti-trafficking partnerships by funding initiatives in neighboring countries. Greek law provide extraterritorial jurisdiction over child sex tourism offenses by its nationals; the government did not report any prosecutions of Greek citizens for child sex tourism during the reporting period. The government gave its peacekeeping troops anti-trafficking training before deploying them abroad. The government gave its peacekeeping troops anti-trafficking training before deploying them abroad. Greece is not a party to the 2000 UN TIP Protocol.

GUATEMALA (Tier 2 Watch List)

Guatemala is a source, transit, and destination country for men, women and children subjected to trafficking in persons, specifically sexual servitude and forced labor. Guatemalan women and children are found in forced prostitution within the country, as well as in Mexico and the United States. Guatemalan men, women, and children are subjected to forced labor within the country, often in agriculture or domestic service, and particularly near the border with Mexico and in the highland region. Guatemalan men, women, and children are also found in conditions of forced labor in Mexico and the United States in agriculture and the garment industry. Indigenous Guatemalans are particularly vulnerable to labor exploitation. In the Mexican border area, Guatemalan children are exploited for forced begging on streets and forced labor in municipal dumps. Guatemala is a destination country for women and girls from El Salvador, Honduras, and Nicaragua, in forced prostitution. Migrants from these Central American countries transit through Guatemala *en route* to Mexico and the United States; some may become human trafficking victims. Child sex tourism is a problem in certain tourist areas such as Antigua and Lake Atitlan, and child sex tourists predominately come from Canada, Germany, Spain, and the United States. The border with Mexico remains a top concern due to the heavy flow of irregular migrants, some of whom are trafficked.

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. Despite these significant efforts, including prosecuting its first trafficking cases under the recent anti-trafficking law and establishing a new anti-trafficking office, the government did not show overall evidence of increasing efforts to address human trafficking through providing adequate victim services or addressing official complicity in trafficking; therefore, Guatemala is placed on Tier 2 Watch List, for the fourth consecutive year. Despite the significant number of foreign trafficking victims identified by the government, foreign victims were not generally offered asylum or temporary residency, although the anti-trafficking law provides that authority. As such, most foreign trafficking victims were deported or required to remain in locked migrant detention facilities with no access to specialized victim services.

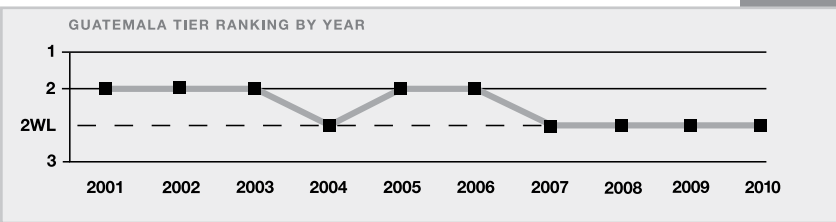
Recommendations for Guatemala: Vigorously implement the anti-trafficking law; continue efforts to investigate and prosecute trafficking offenses, especially suspected cases of forced labor and domestic servitude, and convict and punish trafficking offenders; pursue suspected cases of official complicity with trafficking activity; conduct anti-trafficking training for judges, police, immigration officers, and other government officials; enhance victims services; provide foreign adult victims housed in migration detention centers with freedom of movement and specialized services, and create a plan, with identified funding, to eliminate reliance on migration detention centers to house foreign victims; and increase funding for anti-trafficking efforts, particularly for the country's dedicated prosecutorial and police units.

Prosecution

The government maintained anti-human trafficking law enforcement efforts during the last year and achieved its first convictions under its new anti-trafficking law. Article 202 of the Guatemalan penal code, which came into force in early 2009, prohibits the transport, transfer, retention, harboring, or reception of persons for the purposes of exploitation, including forced prostitution, sexual exploitation, forced labor or services, begging, slavery, illegal adoptions, or forced marriage, in addition to other prohibited purposes. Penalties prescribed under Article 202 are from eight to 18 years' imprisonment; under aggravated circumstances, such as when the crime involves kidnapping, threats, violence, weapons, or a public official, penalties increase by one-third. Such penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes such as rape. Many trafficking cases, however, continued to be prosecuted under other statutes, such as corruption of minors or pandering, that carry lesser sentences. The government maintained a small prosecutorial unit to investigate and prosecute human trafficking cases; approximately 60 percent of this unit's investigations focused on illegal adoptions, which do not fall within the international definition of human trafficking. During the reporting period, authorities achieved seven convictions for human trafficking offenses, four of which were charged under the new anti-trafficking law, and one of which related to forced labor; sentences ranged from three to eight years' imprisonment. In comparison, during the previous year, the Guatemalan government reported no convictions for human trafficking offenses. Anti-trafficking police and prosecutors suffered from a lack of funding, resources, and training. Credible reports from international organizations, NGOs, and several government officials indicated that corrupt public officials continued to impede anti-trafficking law enforcement efforts and facilitated trafficking activity by accepting or extorting bribes, falsifying identity documents, leaking information about impending police raids to suspected traffickers, and ignoring trafficking activity in commercial sex sites. The government did not report prosecuting or convicting any officials complicit in human trafficking, although one congressman accused of corruption of children was stripped of his immunity. Guatemalan authorities collaborated with foreign governments on several trafficking investigations.

Protection

Although Guatemalan authorities reported rescuing 387 suspected trafficking victims during the reporting period, the government made insufficient efforts to protect trafficking victims, relying largely on NGOs and international organizations to provide the bulk of victim services. In spite of existing protocols for identifying trafficking victims among vulnerable populations, such as prostituted women in brothels, there was no evidence that these were implemented systematically or proactively. Government-funded services dedicated to trafficking victims remained virtually non-existent, and authorities provided no funding or subsidies to organizations that provided these services. Child victims were referred to one NGO-operated shelter dedicated for girl trafficking victims, or placed in state-run group homes designed for orphans or homeless children. The government sought to place adult victims in shelters for victims of domestic violence operated by NGOs or religious groups, but these shelters were overburdened and underfunded. Of the 387 trafficking victims identified, 326 were adult women, and most foreign adult victims were placed in migration detention centers without freedom of movement or access to specialized victim services. Although Guatemalan authorities encouraged victims to assist with the investigation and prosecution of their traffickers, most victims did not file complaints due to fear of violence or reprisals and the inadequacy of the government's limited witness protection program. A recent advisory opinion issued by the Supreme Court allowing for victim testimony via video could improve low rates of victim participation in prosecutions. The government did not detain, fine, or otherwise penalize victims for unlawful acts committed as a direct result of being trafficked. Many foreign trafficking victims, however, may not have had their victim status recognized by Guatemalan authorities before being deported as undocumented migrants. Guatemalan law establishes legal alternatives to removal of foreign victims who may face hardship or retribution upon repatriation. The authorities offered these alternatives on a case by case basis, but provided no evidence that any victims had accepted. In practice, any victim choosing to remain in Guatemala under an alternative legal status must stay in the closed migration detention center. Guatemalan consular officials in the United States and Mexico received training sessions on trafficking legislation and victim services. The government assisted in the repatriation of 14 Guatemalan trafficking victims from abroad and provided some care services to these victims, 12 of whom were children.



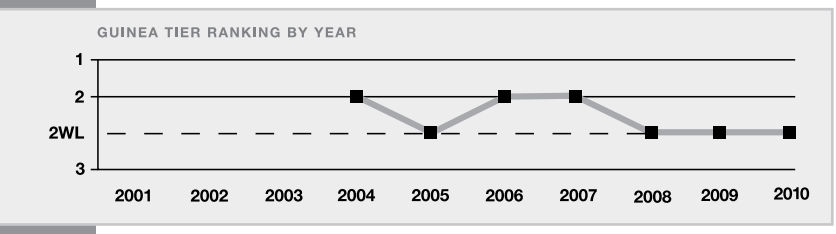
Prevention

The government sustained efforts to prevent trafficking during the reporting period. In collaboration with an international organization, the government carried out a public awareness campaign using radio announcements about trafficking in persons in seven departments near the Mexican border. The government conducted workshops on the commercial sexual exploitation of

children in 20 public schools. During the reporting period the government established the Secretariat Against Sexual Violence, Exploitation and Trafficking in Persons to coordinate the government's anti-trafficking efforts; however, this office received under five percent of the designated funding and subsequently took no discernible actions beyond evaluating current government efforts. Despite reports of child sex tourism, there were no reported prosecutions of child sex tourists. The government made no discernible efforts to reduce demand for forced labor or commercial sexual acts. Authorities provided training on human trafficking to Guatemalan troops prior to their deployment 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 subjected to trafficking in persons, specifically forced labor and forced prostitution. The majority of victims are children, and these incidents of trafficking are more prevalent among Guinean citizens than among foreign migrants living in Guinea. Within the country, girls are largely subjected to involuntary domestic servitude and commercial sexual exploitation, while boys are subjected to forced begging and forced labor as street vendors, shoe shiners, and laborers in gold and diamond mines. Some Guinean men are also subjected to forced agricultural labor within Guinea. Smaller numbers of girls from Mali, Sierra Leone, Nigeria, Ghana, Liberia, Senegal, Burkina Faso, and Guinea-Bissau migrate to Guinea, where they are subjected to involuntary domestic servitude and likely also commercial sexual exploitation. Some Guinean boys and girls are subjected to forced labor in gold mining operations in Senegal, Mali, and possibly other African countries. Guinean women and girls are subjected to involuntary domestic servitude and forced prostitution in Nigeria, Cote d'Ivoire, Benin, Senegal, Greece, and Spain. 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 and onward to Europe, notably Italy, Ukraine, Switzerland, and France for forced prostitution and involuntary 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. The government sustained its efforts to investigate alleged trafficking crimes and detain suspected trafficking offenders during the reporting period. The junta, however, has made minimal progress toward combating human trafficking in Guinea since coming to power in a coup d'etat in December 2008. While Guinea has an adequate anti-trafficking legal framework, which it had strengthened by enacting the Child Code of 2008, the junta did not report any trafficking prosecutions or convictions for the second year in a row, and protection and prevention efforts remained weak. Therefore, Guinea is placed on Tier 2 Watch List for the third consecutive year. In February 2009, the head of government issued a declaration giving security forces the right to shoot anyone apprehended while trafficking a human being, raising significant human rights concerns. In the same month, the National Committee to Combat Human Trafficking met to evaluate the 2005-2006 National Action Plan and to outline an updated version for 2009-2011, but released no such document to the public. Many ministries claimed involvement in efforts to address trafficking, but the country was severely limited in its ability to address the problem due to budget constraints, capacity limitations, and unclear allocation of law enforcement and social welfare responsibilities.

Recommendations for Guinea: Increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; finalize and adopt the implementing text for the new Child Code; increase prescribed penalties for the sex trafficking of adults and children; develop stronger partnerships with NGOs and international organizations, where possible, to care for victims; and increase efforts to raise awareness about trafficking.

Prosecution

The Government of Guinea did not show progress in its anti-trafficking law enforcement efforts during the reporting period. Guinea prohibits all forms of trafficking in persons through separate statutes. The Child Code of 2008 includes provisions prohibiting all forms of child trafficking, specifically criminalizing child domestic servitude, and allowing NGOs to bring cases to court on behalf of victims. The government, in partnership with NGOs and international organizations, has yet to complete 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 serious crimes, such as rape. The government did not prosecute any human trafficking cases during the reporting period, though the Ministry of Justice reported

that there were 13 new cases that involved the arrest of at least 40 suspected trafficking offenders during 2009. Of the alleged traffickers, 30 remain in detention. Another 17 trafficking cases from the previous reporting period continue to await prosecution. The government provided only limited specialized training to its officials on the recognition, investigation, and prosecution of human trafficking, due to budget constraints.

Protection

The government demonstrated weak efforts to protect trafficking victims during the reporting period. The government reportedly referred an unknown number of potential victims to NGOs and international organizations for assistance, though government officials did not demonstrate use of systematic referral procedures or proactive measures to identify victims among vulnerable groups, such as foreign children at worksites. The Ministry of Social Affairs continued to provide assistance to a few hundred children, a small number of whom may be trafficking victims. The government did not offer shelter for trafficking victims, but frequently assisted victims by contacting local and international NGOs directly to coordinate shelter and family reunification cases. The government did not provide trafficking victims with access to legal, medical, or psychological services, and did not subsidize services provided by foreign or domestic NGOs. Foreign trafficking victims do not benefit from permanent residency status or relief from deportation. The government reported that 106 trafficked children were identified by various entities in 2009, but offered no additional data on these children. The government occasionally provided victims refuge in jails when no alternative was available. The government encouraged trafficking victims to assist in the investigation and prosecution of their traffickers, as long as the victim was at least 12 years of age. At the government's invitation, two such victims, one of whom was a child, separately discussed their cases on national television in April and June 2009, though their traffickers had not been brought to justice; this raises concerns for the security and well-being of the victims.

Prevention

The Government of Guinea demonstrated minimal efforts to conduct anti-trafficking or educational campaigns during the reporting period. The head of the junta, however, gave several speeches highlighting the importance of combating human trafficking. The government did not monitor immigration or emigration patterns for evidence of trafficking. The government did not take steps to reduce the demand for commercial sex acts.

GUINEA-BISSAU (Tier 2 Watch List)

Guinea-Bissau is a source country for children subjected to trafficking in persons, specifically forced labor, principally begging, and forced prostitution. Boys are sent to Senegal, and to a lesser extent Mali and Guinea, under the care of Koranic teachers called *marabouts*, or their intermediaries, to receive religious education. These teachers, however, routinely beat and subject the children, called *talibé*, to force them to beg, and subject them to other harsh treatment, sometimes separating them permanently from their families. UNICEF estimates that 200 children are taken from Guinea-Bissau each month for this purpose, and in 2008 a study found that 30 percent of the 8,000 religious students begging on the streets of Dakar are from Guinea-Bissau. Men, often former *talibé*s from the regions of Bafata and Gabu, are the principal traffickers. In most cases they operate in the open, protected by their stature in the Muslim community. Some observers believe girls are also targets, and may be subjected to domestic labor in Guinea-Bissau or Senegal.

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. Despite these efforts, the government demonstrated weak overall progress in combating trafficking during the reporting period, particularly its lack of any effective law enforcement action; therefore, Guinea-Bissau is placed on Tier 2 Watch List for the third consecutive year.

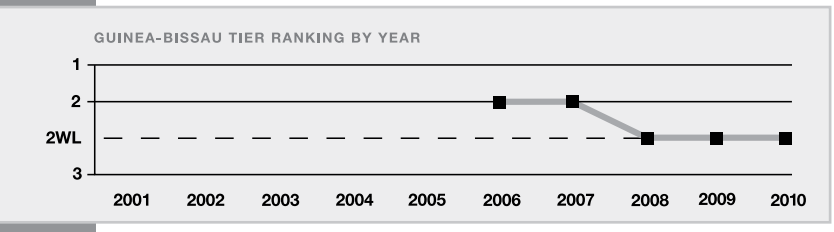
Recommendations for Guinea-Bissau: Enact the draft law prohibiting trafficking in persons; increase efforts to prosecute and punish trafficking offenders under forced labor and trafficking-related laws; investigate whether girls are trafficked internally and to Senegal for involuntary domestic servitude; implement the draft anti-trafficking national action plan; and undertake greater trafficking prevention efforts, such as public awareness campaigns targeting families of prospective *talibés* – perhaps in partnership with NGOs.

Prosecution

The Government of Guinea-Bissau did not increase efforts to prosecute and punish trafficking offenders during the reporting period. Bissau-Guinean law does not prohibit all forms of human trafficking, though it prohibits forced labor under article 37 of the country's penal code, which prescribes a sufficiently stringent penalty of life imprisonment. In the previous reporting period, the National Assembly drafted legislation prohibiting child trafficking, though it was not adopted before the legislature was dissolved in August 2008. Guinea-Bissau does not specifically prohibit forced prostitution. The government could use existing laws to punish trafficking cases, such as the laws against removing children, sexual exploitation, abuse, and kidnapping of children, but did not do so during the reporting period. The government neither investigated nor prosecuted human trafficking offenses during the reporting period, due largely to systemic failures that pervaded the judicial system, such as lack of institutional capacity and corruption.

Protection

The Government of Guinea-Bissau continued to demonstrate efforts to protect and repatriate victims. The government did not demonstrate proactive efforts to identify trafficking victims. While the government did not operate victim shelters or provide other victims services directly, it continued to fund an NGO shelter for child trafficking victims in Gabu, providing about $16,000 to the annual operating budget of the facility. Police continued to refer victims to that NGO shelter, as well as a shelter operated by a separate NGO in Bafata. The government continued efforts, as allowed under Guinea-Bissau law, to intercept and return victims domestically and repatriate victims from abroad. The government, together with the Government of Senegal and the Bissau-Guinean Embassy in Dakar, repatriated 43 children during the reporting period. As part of the repatriation process for *talibés,* parents must sign a contract with the regional court accepting responsibility for the safety of their children, and can be subject to criminal sanction should the children be trafficked again. The government held some child victims in transition shelters until it could successfully reunite them with family and ensure that the family would not be involved in the child's re-trafficking. No special protections are afforded to witnesses. Police coordinated their repatriation efforts with NGOs, in the last year referring 160 victims to NGO providers of victim services. Victims were frequently too young to contribute meaningfully to any prosecution. However, the government encouraged family members of the victim to assist in any investigation or prosecution of trafficking offenders. Given the widespread cultural acceptance of sending young boys away from home for a religious education, family members often were reluctant to support law enforcement efforts against traffickers.



Prevention

The Government of Guinea-Bissau continued to make minimal efforts to raise awareness about trafficking during the reporting period. A government-supported NGO trained border guards to identify potential trafficking offenders. Guards detained male adults who could not prove they were the fathers of children trying to cross the border and arranged for their transportation to police headquarters in Gabu. Border guards did not refer these cases to police for investigation, and suspected traffickers were generally released while guards contacted parents to collect their children. National anti-trafficking coordination efforts were hampered by the government's failure to implement new programs in 2009 or adopt a previously drafted national action plan. An inter-ministerial committee, chaired by the president of the Institute of Women and Children, met regularly in an effort to coordinate the government and civil society response to human trafficking, but undertook little action. The government did not take measures to reduce the demand for commercial sex acts or forced labor during the year. Guinea-Bissau is not a party to the 2000 UN TIP Protocol.

GUYANA (Tier 2 Watch List)

Guyana is a source country for men, women, and children subjected to trafficking in persons, specifically conditions of forced prostitution and forced labor. Guyanese trafficking victim cases have been identified in the country, as well as in other countries in the region. Identified foreign victims have come from Venezuela and Brazil. Forced prostitution occurs in brothels on the coast and around mining camps as well as in rum shops and Chinese restaurants. The common Guyanese practice of poor, rural families sending children to live with higher income family members or acquaintances in more populated areas has the potential to evolve into forced domestic servitude. Trafficking victims in Guyana may not self-identify to authorities due to fear of retribution from trafficking offenders, fear of resettlement to abusive home situations, and lack of awareness that human trafficking is a crime. Groups particularly vulnerable to human trafficking in Guyana include Amerindian females, foreign women (such as Brazilians) in prostitution, and children. During the reporting period the U.S. Department of Labor reported results of a project that withdrew 984 children from exploitive child labor in logging and saw-milling, fishing, hazardous farming, factory work, mining, and freight handling from 2005 to 2009.

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 efforts, the government did not initiate any new prosecutions of trafficking offenses during the reporting period and has yet to convict or punish any trafficking offenders under its five-year old anti-human trafficking law. Therefore, Guyana is placed on Tier 2 Watch List for the fourth consecutive year. During the reporting period, the government and NGOs identified four victims of trafficking, two of whom prison officials proactively identified. The government provided some resources toward victim protection and local anti-trafficking groups. No suspected traffickers were charged, limiting the level of safety and protection that could be provided to victims. While the government took some tangible steps to raise awareness of human trafficking, including the establishment of focal point groups and an anti-trafficking task force, some local observers felt that the government discouraged discussions on developing effective strategies for combating this phenomenon of modern-day slavery.

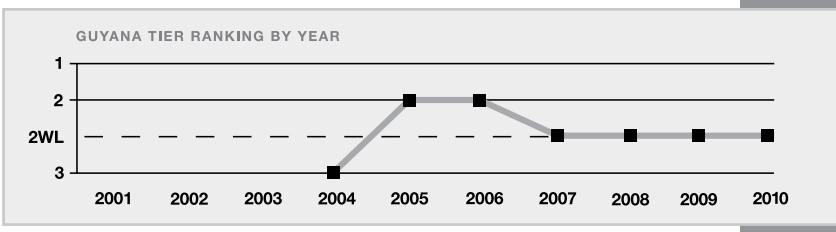
Recommendations for Guyana: Greatly increase efforts to prosecute, convict, and punish trafficking offenders in Guyana, including any government officials complicit in human trafficking; offer legal alternatives to removal for foreign trafficking victims; encourage law enforcement and other officials as well as NGOs to identify trafficking victims and refer them for assistance; and encourage police, the Ministry of Labor, and the Forest Service to employ formalized procedures, based on recognized trafficking indicators, as part of routine inspections to identify additional victims; ensure trafficking-specific shelter and care is offered to identified victims of trafficking; foster a climate of open discussion about the scope and magnitude of Guyana's human trafficking problem; enhance partnerships with NGOs to boost the trust of trafficking victims in law enforcement personnel; and raise awareness among the general population about all forms of human trafficking.

Prosecution

The government made no discernible progress in prosecuting, convicting, and sentencing human trafficking offenders in Guyana during the reporting period. The Combating Trafficking of Persons Act of 2005 prohibits all forms of trafficking and prescribes sufficiently stringent penalties, ranging from three years to life imprisonment, and which are commensurate with those for rape. The government reported four new trafficking investigations during the reporting period, none of which led to prosecutions. The government's four prosecutions from previous reporting periods remained ongoing, with no significant progress. To date, the government has not convicted any trafficking offenders. Progress on the prosecution of criminal cases is perpetually delayed by judicial backlogs, incorrectly filed paperwork or the failure of key parties to appear at hearings. NGOs and one government official expressed concern that trafficking-related official complicity was a problem. It is reportedly common for defendants to bribe court officials for favorable rulings. The Ministry of Home Affairs conducted two anti-trafficking training programs, one in partnership with IOM, for 120 police, prosecutors, and investigators during the reporting period.

Protection

The government made some efforts to protect victims during the reporting period, but the number of identified victims was low, and the fact that the government charged no trafficking offenders and has yet to convict a trafficking offender undermined the effectiveness of those protections. The government, in partnership with IOM, developed a series of anti-trafficking focal point community groups around the country to help identify and refer possible trafficking victims to assistance organizations. While NGOs reported overall good working-level relations with anti-trafficking officials, some local observers expressed concern that pressure from senior officials may have prompted some lower-level officials to suppress information in order to avoid drawing attention to trafficking in Guyana. The Ministry tried to encourage identified victims to participate in prosecutions of traffickers by paying for travel costs associated with their testifying in court. In one instance, the Ministry hired a private lawyer for a victim. Nevertheless, none of the four victims identified during the reporting period elected to participate in prosecutions. In a positive step during the reporting period, Guyanese prison officials identified two foreign victims of trafficking in detention and referred them to the Human Services Ministry for assistance. The government later dropped pending charges against the two victims. The government did not provide legal alternatives to the removal of foreign victims to their home countries where they may face hardship or retribution.



Prevention

The government made limited progress in the prevention of trafficking during the reporting period. The focal point groups conducted some public outreach activities in rural communities, including trafficking awareness programs targeting parents in Mahdia and Moruka, and distributing leaflets in Letherm to 440 local community leaders. The Ministry of Human Services continued to distribute IOM-funded posters, leaflets, and bumper stickers nationwide at large public gatherings throughout the year. The Ministry of Amerindian Affairs began a campaign for the issuance of birth certificates, which may have a positive effect on preventing trafficking in Guyana, though one senior official indicated that Amerindians were not as vulnerable to trafficking as other government sources have indicated. There were no campaigns directly aimed at reducing the demand for commercial sex acts during the reporting period.

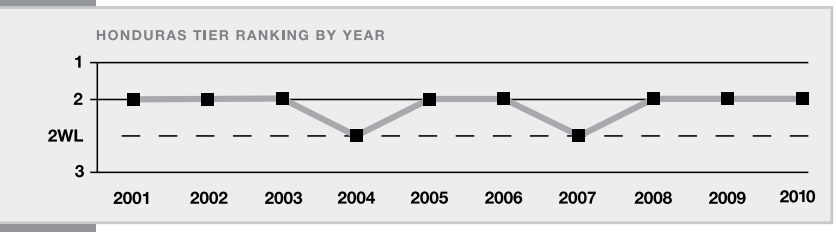
HONDURAS (Tier 2)

Honduras is principally a source and transit country for women and children subjected to trafficking in persons, specifically forced prostitution. Honduran victims are typically recruited from rural areas with promises of employment and trafficked into commercial sexual exploitation in urban and tourist centers, such as Tegucigalpa, San Pedro Sula, and the Bay Islands. Honduran women and children are found in conditions of forced prostitution in Guatemala, El Salvador, Mexico, Belize, and the United States. In one case, 18 Hondurans were subjected to forced labor in Romania after being lured there by fraudulent job offers. To a lesser extent, women and girls from neighboring countries, including Guatemala and Mexico, are subjected to commercial

sexual exploitation in Honduras. In addition to incidents of child sex tourism in the Bay Islands, there have been reports of parents selling their daughters to foreign or local men. The IOM reported incidents of forced labor in Honduras' agricultural and garment sectors.

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, authorities continued to take law enforcement actions against sex trafficking offenders and effectively used partnerships with international organizations to provide training to government officials and members of civil society. Despite these significant efforts, government services for trafficking victims remained virtually non-existent, laws failed to prohibit trafficking for the purposes of forced labor, and the number of trafficking-related convictions decreased.

Recommendations for Honduras: Amend anti-trafficking laws to prohibit labor trafficking; increase efforts to investigate and prosecute all trafficking offenses, and convict and sentence trafficking offenders, including corrupt officials who may facilitate trafficking activity; improve victims' access to shelter aid and essential services; develop formal procedures for identifying victims among potential trafficking populations; and initiate efforts to raise awareness of human trafficking, including anti-trafficking public awareness campaigns.



Prosecution

The Honduran government sustained its efforts to investigate and punish human trafficking crimes over the reporting period. Honduras prohibits sex trafficking through aggravated circumstances contained in Article 149 of its penal code, enacted in 2006, but does not specifically prohibit labor trafficking. For sex trafficking offenses, Article 149 prescribes penalties of 12 to 19.5 years' imprisonment. Such punishments are commensurate with those prescribed for other serious crimes, such as rape. In 2009, the government consolidated two separate offices to create one unit that investigates all human trafficking and commercial sexual exploitation crimes. There were 83 pending investigations into allegations of trafficking and commercial sexual exploitation of children at the end of 2009, and all eight trafficking cases opened during the year involved underage girls. During the reporting period, authorities prosecuted 26 cases of human trafficking or commercial sexual exploitation of children, and obtained five convictions, with convicted offenders given sentences ranging six to 10 years' imprisonment. The government reported no investigations or prosecutions for forced labor crimes. No confirmed allegations of trafficking-related corruption were investigated or prosecuted, though some local immigration officials were reportedly complicit in human trafficking. Honduran authorities collaborated with foreign governments on a number of trafficking cases, and officials trained police, members of the judiciary, and NGO staff on anti-trafficking legislation and victim services.

Protection

The Honduran government provided minimal services to trafficking victims last year. There remained no formal procedures employed by law enforcement personnel to identify trafficking victims among vulnerable populations, such as women and girls in prostitution. The government operated no dedicated shelters or services for trafficking victims, though it referred child trafficking victims to NGOs, and provided medical services through public hospitals. NGOs report that referrals in practice are unorganized and uneven. One NGO provided the majority of victim care and received no direct funding from the government; this organization provided victim services to 73 girls who were victims of sex trafficking. Despite a 2009 report by an international organization highlighting the need for increased services for adult female victims of trafficking in Honduras, few resources, public or private, were available for adult trafficking victims. There are plans to train staff of shelters that currently serve vulnerable populations to care for trafficking victims and to create a system of integrated care for adult victims of trafficking; this initiative will be operated by NGOs and funded by a foreign government. Victims were encouraged to assist in the investigation and prosecution of trafficking offenders, and 14 did so during the reporting period. Some trafficking victims declined to cooperate due to distrust in the judicial system, particularly its ability to ensure their personal safety. There were no reports of victims being penalized for unlawful acts committed as a result of their being trafficked. One Colombian victim of trafficking requested and was granted special status to remain in Honduras. Though the government did not report systematically offering foreign victims legal alternatives to their removal to countries where they may face hardship or retribution, there were no known cases of trafficking victims being deported. During the reporting period, the government designated an official at the border post of Corinto to provide care to unaccompanied minors entering the country and to screen for potential trafficking cases. There was no reported training of Honduran diplomats on human trafficking issues.

Prevention

The government sustained efforts to prevent human trafficking during the reporting period, forging partnerships with NGOs and international organizations on several anti-trafficking initiatives. In partnership with the ILO, the government hosted 17 education

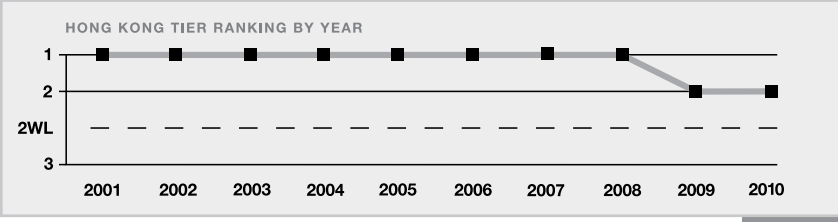
workshops on commercial sexual exploitation and human trafficking for approximately 1,500 university students, government officials, and journalists. During the reporting period, the national anti-trafficking committee, which is compromised of government agencies, NGOs, and international organizations, solicited signatures from hotels and other businesses on a code of conduct prohibiting the commercial sexual exploitation of children, and 36 hotel owners have signed, as well as two rental car agencies. The government reported no prosecutions or convictions of child sex tourists during the past year.

HONG KONG (Tier 2)

The Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China is a destination and transit territory for men and women from mainland China, the Philippines, Indonesia, Thailand, and elsewhere in Southeast Asia, some of whom are subjected to trafficking in persons, specifically conditions of domestic servitude and forced prostitution. Some migrants are lured by criminal syndicates or acquaintances with promises of financial rewards and deceived about the nature of their future jobs. Upon arrival in Hong Kong, these migrants are forced into prostitution to repay money owed for their passage to 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 workers earn minimum wage or less, and some have entered into contracts requiring them to repay their Indonesian recruitment agencies as much as $350 within their first seven months of employment, amounting to roughly 90 percent of a worker's monthly salary if the worker is making minimum wage. Some Hong Kong-licensed employment agencies are suspected of colluding with Indonesian agencies to profit from the debt scheme. Some Hong Kong agencies confiscate passports, employment contracts, and ATM cards of domestic workers and withhold them until their debt has been repaid – factors that could facilitate labor trafficking in the territory. One NGO reported that employers of Indonesian domestic workers compel their employees to work seven days a week and forbid them to leave the residence of work for non-work-related reasons, effectively preventing them from reporting exploitation to authorities.

The Government of Hong Kong does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government convicted two sex trafficking offenders during the year and sustained some anti-trafficking prevention efforts among foreign domestic workers, but it needs to make greater efforts to proactively identify and criminally prosecute cases of both sex and labor trafficking. Punishments for labor violations were not stringent enough to carry a deterrent value.

Recommendations for Hong Kong: Through training and revision of standard procedures, significantly increase efforts to integrate trafficking in persons concerns into investigations of illegal immigration and labor violations to increase trafficking prosecutions, including in particular acts of domestic servitude and debt bondage; investigate and criminally prosecute Hong Kong employment agencies cooperating with foreign recruitment agencies who require domestic workers to assume significant amounts of debt; define the term "trafficking in persons" in Hong Kong law in a manner that is consistent with international norms; strengthen implementation of victim identification procedures for identifying trafficking victims among vulnerable groups to identify a greater number of sex and labor trafficking victims; provide incentives for foreign workers to pursue cases against abusive employers, such as allowing workers to work while participating in court proceedings; increase efforts to enforce existing criminal laws on holding travel documents and other identification as collateral on debts; conduct a visible public awareness campaign aimed at reducing the demand for commercial sex acts; and formalize interagency cooperation to address and plan anti-trafficking efforts.



Prosecution

The Hong Kong government made some progress in anti-trafficking law enforcement efforts during the reporting period. Hong Kong does not have specific anti-trafficking laws, but the Immigration Ordinance, Crimes Ordinance, and other relevant laws prohibit some trafficking-related offenses. Hong Kong authorities' limited interpretation of trafficking that focuses on movement for prostitution is inconsistent with international norms and hinders the government's anti-trafficking response. Authorities investigated two cases of sex trafficking for forced prostitution, and in one case, convicted two Filipina offenders of luring three women from the Philippines with the promise of waitressing jobs in Macau. They were then lured to Hong Kong and forced into prostitution. The victims escaped and sought help from the Philippines Consulate, which notified Hong Kong authorities. The offenders were sentenced to 21 and 18 months' imprisonment, respectively. Hong Kong authorities did not report investigating or prosecuting any cases of labor trafficking during the reporting period. The Labor Department revoked the licenses of two employment agencies for overcharging foreign domestic workers, and

sentenced one employer to three months' imprisonment for underpayment of wages. More than 120 other employers were fined for underpayment or non-payment of wages. Employers and employment agencies who illegally withhold a foreign domestic worker's passport can be prosecuted under the Theft Ordinance, punishable with imprisonment up to 10 years, but authorities did not prosecute any such cases during the reporting period.

Protection

The Hong Kong government made limited progress in identifying and protecting trafficking victims during the reporting period. The government identified three victims in two trafficking cases in 2009, all whom were foreign victims of forced prostitution. In both cases, victims approached authorities requesting assistance and were referred to government-subsidized shelters. Contrary to international standards, Hong Kong authorities continued to consider whether potential victims knew they would engage in prostitution before travel as a factor that excludes them from being identified as victims. Victims who were recognized by Hong Kong authorities were not penalized for unlawful acts committed as a direct result of their being trafficked. However, due to the government's limited definition of sex trafficking and uneven implementation of victim identification procedures, some victims may have been deported for immigration violations. During the reporting period, 1,588 women in prostitution were arrested and deported for illegal immigration. The government did not identify any trafficking victims in this vulnerable population. The three victims recognized by authorities were provided government-sponsored assistance, including shelter, financial and legal assistance, counseling, and psychological support. Victims are legally required to assist in the investigation and prosecution of their traffickers and are provided with a stipend, but are not allowed to work while in Hong Kong. Victims, however, are allowed to leave Hong Kong pending trial proceedings. Victims can apply for legal alternatives to their removal to countries where they may face hardship or retribution, but no foreign victim has requested or been granted such assistance; there are some concerns that victims are not made aware that this option is available. Some victims, however, likely are reluctant to assist in long trials while not allowed to work in Hong Kong, and as a result, are not willing to be identified by Hong Kong authorities. Workers who filed labor complaints were not allowed to work during the legal proceedings, and it often took several weeks to schedule a conciliation meeting. While victims have the ability to file civil charges for compensation from their traffickers, there were no such cases during the year.

Prevention

Hong Kong continued modest efforts to prevent trafficking in persons during the reporting period. During the past year, Hong Kong authorities reached out to NGOs and showed a greater willingness to engage with them on anti-trafficking efforts. The Labor Department continued to publish "guidebooks" for foreign domestic workers in several languages that explain workers' rights and services provided by the government. Although an NGO distributed the guidebooks to foreign domestic workers upon arrival at Hong Kong's airport, the guidebooks reportedly continue to be taken away from some workers by Hong Kong employment agencies shortly after receiving them. Information kiosks and exhibitions were set up at locations frequented by foreign domestic workers to inform them of their rights. Authorities participated in training seminars conducted by outside donors during the reporting period. The Hong Kong government did not take any measures to reduce the demand for commercial sex acts during the reporting period. Hong Kong is not a party to the 2000 UN TIP Protocol.

HUNGARY (Tier 2)

Hungary is a source, transit, and destination country for women and girls subjected to trafficking in persons, specifically forced prostitution and a source country for men and women in conditions of forced labor. Women from Hungary are forced into prostitution in the Netherlands, Switzerland, the United Kingdom, Denmark, Germany, Austria, Italy, Spain, Ireland, Greece, and the United States. Women from eastern Hungary are subjected to forced prostitution in Budapest and areas in Hungary along the Austrian border. Roma women and girls who grow up in Hungarian orphanages are highly vulnerable to internal forced prostitution. Men from Western Europe travel to Budapest for the purpose of adult sex tourism, some of which may involve the exploitation of trafficking victims. Men and women are subjected to conditions of forced labor within Hungary. Women from Romania and Ukraine are transported through Hungary to the Netherlands, the United Kingdom, Denmark, Germany, Austria, Italy, Switzerland, France, and the United Arab Emirates where they are subsequently subjected to forced prostitution; some of these victims may be exploited in Hungary before they reach their final destination country.

The Government of Hungary does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated law enforcement progress in 2009, including amending Paragraph 175/b of its criminal code to increase penalties for cases involving child victims of human trafficking under the age of 12 as well as an increase in the number of traffickers convicted and sentenced to time in prison, though it did not prosecute or convict any labor trafficking offenders. The government demonstrated mixed progress in improving victim assistance during the reporting period; while it allocated funding for a new NGO-run shelter that opened in March 2010 and guaranteed funding through June 2011, the shelter did not assist any victims during the reporting period. Moreover, the shelter is permitted only to assist Hungarian victims, excluding the assistance of any potential foreign victims. More should be done to

ensure all victims have access to assistance. The lack of victim assistance funding by the government in 2008 and most of 2009 may have resulted in a decrease in victims assisted in 2009.

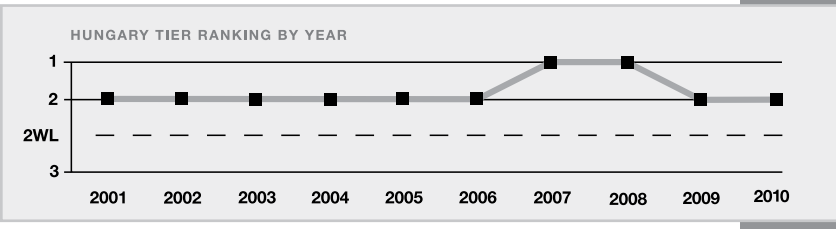
Recommendations for Hungary: Ensure that foreign victims have the same access to government-funded assistance as do Hungarian victims, including shelter; continue to ensure government funding for trafficking victim assistance is sustained and renewable; increase the number of victims referred by police for assistance; consider amending Paragraph 175/b of the criminal code to remove language requiring proof that a victim is bought or sold – this change may increase the number of trafficking offenders successfully prosecuted and convicted under Paragraph 175/b and also the number of victims identified by authorities and referred for assistance; improve awareness among law enforcement and NGOs of what government-provided and privately-provided services are available to victims of trafficking; increase trafficking training for law enforcement outside of Budapest; and conduct a general trafficking awareness campaign about both sex and labor trafficking, targeting both potential victims as well as the general public.

Prosecution

The Government of Hungary's anti-human trafficking law enforcement efforts improved 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. During the reporting period, the government amended Paragraph 175/b to increase penalties for cases involving child victims under the age of 12. Penalties prescribed in Paragraph 175/b now range from one year up to life imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Authorities note that because of a ruling by the Hungarian Supreme Court, prosecutors must meet strict evidentiary requirements for proving the crime of human trafficking under Paragraph 175/b, specifically that the prosecutor must prove that a victim of human trafficking is either bought or sold by another person; because of this standard, prosecutors generally use other statues to prosecute trafficking offenders. Police and border guards conducted 27 trafficking investigations, compared with 21 investigations in 2008. Authorities prosecuted 16 traffickers in 2009, compared with 18 in 2008. Convictions were obtained against 23 sex trafficking offenders in 2009, compared with 16 sex trafficking and two labor trafficking convictions in 2008. During the last year, the government did not report any prosecutions or convictions for labor trafficking offenses. In 2009, twenty of 23 convicted offenders were sentenced to time in prison, an improvement from 2008 when 11 out of 18 convicted offenders were sentenced to time in prison. Of those sentenced to prison in 2009, 12 convicted offenders received sentences of up to three years' imprisonment, three offenders received sentences ranging from three to four years' imprisonment, and five offenders received sentences of five years' imprisonment. During the reporting period, 55 law enforcement officials received victim sensitivity training and victim identification training. The government also conducted three joint trafficking investigations with law enforcement authorities from the Netherlands, Germany, and Austria.

Protection

The Hungarian government undertook modest steps to provide victim assistance during the reporting period; however, more should be done to ensure more victims have access to assistance. A total of 94 victims were identified by NGOs and government officials in 2009, compared with 88 reportedly identified in 2008. The government allocated approximately $61,000 to an NGO to establish a trafficking shelter that will operate through June 2010. Although this is an improvement from 2008, when the government did not provide funding for NGOs providing victim assistance including shelter, medical care, legal assistance, and psychological counseling, the government-funded shelter will only provide assistance to Hungarian victims; no victims were provided assistance in this shelter during the reporting period. Additionally, only 45 trafficking victims were provided assistance, including shelter, by one privately-funded NGO during the reporting period, compared with 88 victims assisted in 2008. The lack of victim assistance funding by the government in 2008 and most of 2009 and the subsequent closure of one shelter in mid-2008 that had been provided free facility space by the government may have resulted in a decrease in the number of victims assisted in 2009. The government may have assisted some victims of trafficking through general crime victim programs in 2009, though the government was unable to provide the specific number of victims assisted by these programs.



The government-run trafficking hotline referred nine victims to NGOs for assistance last year, a decrease from 50 victims referred by the hotline in 2008. Law enforcement and consular officials identified approximately 30 victims domestically and abroad in 2009, compared with 26 in 2008. Both law enforcement and NGOs were often unaware or uncertain about what services victims of trafficking were eligible to receive; this lack of awareness may have limited the number of victims assisted during the reporting period. Victims were not penalized for unlawful 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

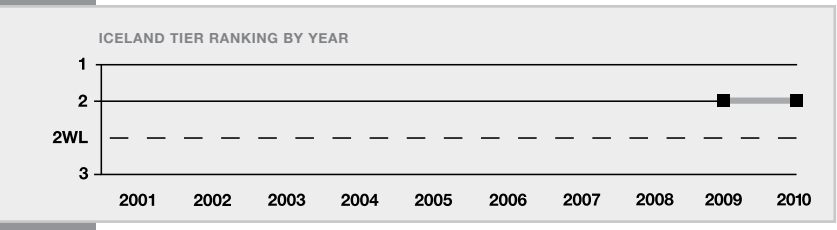
investigations and prosecutions; in 2009, twenty-seven victims assisted in the investigation and prosecution of trafficking cases. The government offered foreign victims a 30-day reflection period to decide whether to assist law enforcement; however, no foreign victims applied for or received the 30-day temporary residency permits in 2009. NGOs expressed concern that Hungarian victims were not provided with a reflection period to receive assistance and decide whether or not to assist law enforcement; instead, Hungarian victims were required to decide upon identification whether or not they wanted to assist law enforcement. Foreign victims may apply for a six-month temporary residency permit if they choose to cooperate with law enforcement.

Prevention

The Hungarian government demonstrated modest efforts to raise awareness during the reporting period. The government again did not conduct any general anti-trafficking awareness campaigns focused on the general public or potential victims of trafficking; however, it did allocate $15,800 for a campaign targeted at potential consumers of prostitution in order to reduce demand for commercial sex acts. As reported in the 2009 Report, the three-month campaign started in March 2009 and consisted of radio advertisements, posters placed in 100 gas stations throughout Hungary, and information posted on the Ministry of Justice's website that reportedly received 4,000 download requests. The Hungarian government actively monitored immigration and emigration patterns for evidence of trafficking. Additionally, the government of Hungary provided $17,200 to an NGO to train employees on trafficking risks at a shelter for unaccompanied minors.

ICELAND (Tier 2)

Iceland is a destination and transit country for women subjected to trafficking in persons, specifically forced prostitution. Some reports maintain Iceland also may be a destination country for men and women who are subjected to conditions of forced labor in the restaurant and construction industries. A 2009 Icelandic Red Cross report claimed that there were at least 59 and possibly as many as 128 cases of human trafficking in Iceland over the previous three years; female victims of human trafficking in Iceland came from Eastern Europe, Russia, Africa, South America and Southeast Asia. During the reporting period, foreign women working in Iceland's strip clubs or in prostitution were vulnerable to sex trafficking. According to the Red Cross report, undocumented foreign workers – mostly from Eastern Europe and Baltic states – in Iceland's manufacturing and construction industries were vulnerable to forced labor. During the reporting period, local authorities were unable to document cases of forced labor but did acknowledge violations of immigration or employment law.



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 and has shown a great deal of political will to deal with the problem. Iceland made substantial progress in investigating and prosecuting trafficking offenses during the reporting period, though victim assistance remained *ad hoc*. The government has yet to establish a national anti-trafficking public awareness campaign, although the amount of information available to the public about trafficking increased dramatically due to several high profile trafficking cases and a government-sponsored anti-trafficking symposium in October 2009. In a further effort to prevent sex trafficking, the government made the purchase of sex illegal and outlawed strip clubs.

Recommendations for Iceland: Consider amending the criminal code to ensure penalties prescribed for sex trafficking are commensurate with penalties prescribed for rape; develop a formal mechanism to guide officials in victim identification and referral to services; expand training on identification and referral of victims to prosecutors, labor inspectors, health officials and a broad law enforcement population; develop legal alternatives to the removal of foreign victims to countries where they face retribution or hardship; ensure the protection of victims' confidentiality and they are not penalized for unlawful 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; consider establishing a hotline for reporting suspected instances of human trafficking.

Prosecution

The government made clear progress in its law enforcement efforts against human trafficking during the reporting period. Iceland prohibits trafficking for both sexual exploitation and forced labor through Section 227 of its criminal code. In December 2009, parliament amended the definition of trafficking in the code to align it with the international definition under the 2000 UN TIP Protocol. Punishments prescribed for trafficking under Section 227 range up to eight years' imprisonment, which are sufficiently stringent though not commensurate with penalties prescribed for other serious crimes such as rape. Actual sentences for trafficking offenders have been commensurate with rape sentences. Police conducted three investigations during the reporting period, and the government initiated eight prosecutions during the reporting period, compared with no prosecutions the previous year. Five trafficking offenders were convicted under Section 227; each was sentenced to five years in prison. One alleged trafficking offender was acquitted

of a human trafficking charge but convicted on other charges and sentenced to two years in prison. She has since been arrested on trafficking charges relating to a different case and remains in prison. There were no known reports of trafficking-related complicity. Icelandic officials strengthened partnerships with Spanish and Lithuanian authorities on trafficking cases during the reporting period. The government funded formal anti-trafficking training (including some training abroad) for all employees of the Ministry for Foreign Affairs and some police and airport officials.

Protection

The government made some progress in ensuring that trafficking victims received access to protective services. It did not provide specific legal protections for trafficking victims, though in practice the government provided services to three victims, including 24-hour police protection for one victim. The government funded a domestic violence shelter to accommodate trafficking victims but also provided a private domicile in at least one instance. Icelandic authorities provided no trafficking-specific care for male victims; however all victims, regardless of age or gender, are entitled to free, government-supported health care, legal services and counseling services. The government encouraged victims to assist in the investigation and prosecution of trafficking offenders. The government did not employ a temporary or longer term residence permit system to offer relief from deportation to foreign trafficking victims but on at least one occasion granted a temporary residence permit to one victim. Although lacking a formal system to proactively identify victims of trafficking, the government effectively monitored immigration and emigration patterns for evidence of trafficking and potential trafficking victims at the country's only international airport. Law enforcement officials identified at least one victim during the reporting period. Iceland did not employ a victim referral process, though NGOs reported some law enforcement officers referred victims for assistance on a case-by-case basis. The lack of systematic, proactive victim identification and referral procedures increased the risk victims could be prosecuted, jailed, and deported for unlawful acts, such as immigration violations, committed as a direct result of being trafficked.

Prevention

The government made some progress on prevention initiatives. Although there were no specific anti-trafficking awareness campaigns in Iceland during the reporting period, public awareness of trafficking increased a great deal due to media reports about trafficking cases and anti-trafficking training. In addition, the government sponsored a symposium in October on human trafficking, during which the foreign minister said combating trafficking was a top priority for the government. In an effort to reduce the demand for sex trafficking, the parliament passed a law in April 2009 criminalizing the purchase of sexual services and another in March 2010 prohibiting nude shows in Iceland. The government did not have a systematic mechanism to monitor its anti-trafficking efforts, but the Minister of Justice established a team to coordinate interagency anti-trafficking activities in November 2009. Iceland's national anti-trafficking action plan adopted in March 2009 outlined next steps to improve prevention measures and formal provisions for victim assistance. In partnership with the OSCE, the Icelandic government funded an anti-trafficking project in Azerbaijan. The Ministry for Foreign Affairs imposed a code of conduct banning involvement in human trafficking or the purchase of sexual services while abroad for Icelandic civilian personnel deployed to UN and NATO operations as peacekeepers. There were no measures taken to prevent the participation of Icelandic nationals in international child sex tourism, though there were no cases during the reporting period in which Icelandic nationals were alleged to have participated in child sex tourism. Iceland is not a party to the 2000 UN TIP Protocol.

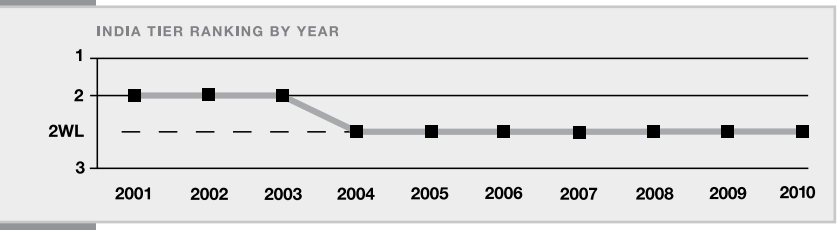
INDIA (Tier 2 Watch List)

India is a source, destination, and transit country for men, women, and children subjected to trafficking in persons, specifically forced labor and commercial sexual exploitation. In late 2009, the Indian Ministry of Home Affairs assessed India's human trafficking problem as including commercial sexual exploitation, forced labor, and bonded labor. The forced labor within the country of millions of citizens constitutes India's largest trafficking problem; men, women, and children in debt bondage are forced to work in industries such as brick kilns, rice mills, agriculture, and embroidery factories. Ninety percent of trafficking in India is internal, and those from India's most disadvantaged social economic strata are particularly vulnerable to forced or bonded labor and sex trafficking. Children are also subjected to forced labor as factory workers, domestic servants, beggars, and agricultural workers. Forced domestic work is a problem in Jharkhand, Madhya Pradesh, Chhattisgarh, and Orissa.

Women and girls are trafficked within the country for the purposes of commercial sexual exploitation. Major cities and towns with tourist attractions continue to be hubs of child sex tourism, and this phenomenon also takes place in religious pilgrim centers such as Tirupati, Guruvayoor, and Puri. Indian nationals engage in child sex tourism within the country and, to a lesser extent, in Nepal.NGO reports indicate that an increasing number of girls from the northeast – including those with education – are duped with promises of well-paid employment in large cities and then forced into prostitution, or forced into marriage in Haryana and Punjab. Women and girls from Nepal and Bangladesh are also subjected to forced prostitution in India. Maoist armed groups known as the Naxalites forcibly recruited children into their ranks.

There are also victims of labor trafficking among the hundreds of thousands of Indians who migrate willingly

every year to the Middle East and, to a lesser extent, 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 leading them directly to situations of forced labor, including debt bondage; in other cases, high debts incurred to pay recruitment fees leave them vulnerable to exploitation by unscrupulous employers in the destination countries, where some are subjected to conditions of involuntary servitude, including nonpayment of wages, restrictions on movement, unlawful withholding of passports, and physical or sexual abuse. An NGO reported that fishermen in Tamil Nadu appear to be increasingly migrating to the Gulf and subsequently falling victim to forced labor on fishing boats. Men and women from Bangladesh and Nepal are trafficked through India for forced labor and commercial sexual exploitation in the Middle East.



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, particularly with regard to the law enforcement response to sex trafficking. Despite these efforts, the Indian government has not demonstrated sufficient progress in its law enforcement, protection, or prevention efforts to address labor trafficking, particularly bonded labor; therefore India is placed on Tier 2 Watch List for the seventh consecutive year. There were few criminal convictions of forced labor during the reporting period. Police raids of brick kilns, rice mills, factories, brothels, and other places of human trafficking were usually prompted by NGO activists, as were efforts to provide rehabilitation and protective services to the victims removed from human trafficking. National and state government anti-trafficking infrastructure, and the implementation of the Bonded Labor (System) Abolition Act (BLSA), remained weak. The number of government shelters increased but some continued to be of poor quality. Some public officials' complicity in trafficking remained a major problem. During the reporting period, the Maharashtra and Andhra Pradesh state governments dramatically improved law enforcement efforts against sex trafficking. The central government encouraged the expansion of the number of Anti-Human Trafficking Units (AHTUs) at the state and district levels; these units, if dedicated exclusively to combating all forms of human trafficking, have the potential to substantially increase law enforcement activities. Kerala, Andhra Pradesh, and the Indian embassy in Oman began to address the issue of migrant workers subjected to forced labor in other countries.

Recommendations for India: Strengthen central and state government law enforcement capacity to conduct intrastate and interstate law enforcement activities against labor trafficking (including bonded labor) and sex trafficking; encourage state and district governments to file bonded labor cases under the appropriate criminal statutes to facilitate speedier justice and limit traffickers' opportunities for bail; encourage other states to establish Immoral Trafficking Prevention Act courts like the one in Mumbai; significantly increase law enforcement efforts to decrease official complicity in trafficking, including prosecuting, convicting, and punishing complicit officials with imprisonment; improve distribution of state and central government rehabilitation funds to victims under the BLSA; empower AHTUs through full financing and encourage them to address labor trafficking; 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; target welfare schemes and laws – such as the National Rural Employment Guarantee Scheme and the new primary education law – to communities that are specifically vulnerable to trafficking and to rescued victims; increase the quantity and breadth of public awareness and related programs to prevent both trafficking for labor and commercial sex; ensure that migrant worker centers in Kerala and Andhra Pradesh adequately address recruitment fees levied by both legal recruitment agencies and illegal sub-agents; and work with the UN Special Rapporteur for Contemporary Forms of Slavery.

Prosecution

Government authorities made little progress in obtaining convictions in bonded labor cases, though government authorities in Maharashtra and Andhra Pradesh made significant progress against sex trafficking during the year. The government prohibits forms of sex trafficking through the Immoral Trafficking Prevention Act (ITPA). Prescribed penalties under the ITPA, ranging from seven years' to life imprisonment, are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. India also prohibits bonded and forced labor through the BLSA, 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. Moreover, these criminal penalties were rarely imposed on offenders. Indian authorities also used Sections 366(A) and 372 of the Indian Penal Code, which prohibit kidnapping and selling children into prostitution, respectively, to arrest and prosecute sex

traffickers. Penalties prescribed under these provisions are a maximum of ten years' imprisonment and a fine. Section 8 of the ITPA prohibits the act of solicitation for prostitution, and this was used in some states to detain and penalize women in prostitution, including trafficking victims, though several state governments – such as Andhra Pradesh and Tamil Nadu – discouraged its use. The Indian cabinet continued to debate proposed amendments to the ITPA to give trafficking victims greater protections and eliminate Section 8. The state of Goa has its own laws prohibiting child trafficking; prescribed penalties under the 2003 Goa Children's Act include imprisonment of no less than three months and/or a fine for child labor trafficking, and imprisonment for one year and a fine for child sex trafficking.

In 2009, an NGO reported it worked with police to facilitate the conviction of five bonded labor offenders under the BLSA. Sentences for these five traffickers, however, were only one or two days' imprisonment and a fine of the equivalent of $45. Another NGO reported that it assisted local government officials in Uttar Pradesh and Bihar to prosecute 17 bonded labor cases. The Indian government's law enforcement raids were largely due to proactive efforts by NGOs. Police and NGO officials in New Delhi and Tamil Nadu rescued 161 bonded child laborers, mainly under the BLSA. While all of these children were sent to shelters for rehabilitation, and some of them received part of their statutory rehabilitation packages, there were no convictions of the labor traffickers. The Delhi High Court issued a judgment in July 2009 resulting in the investigation, rescue, and rehabilitation of 66 bonded child laborers. The children were awarded release certificates under the BSLA though it was not clear if the children were awarded rehabilitation funds as mandated under the BLSA and, while traffickers were arrested, they were not prosecuted. Police and NGO officials rescued 364 bonded laborers in Uttar Pradesh and Bihar during the reporting period. One hundred eighty-five received or are in the process of receiving their rehabilitation packages, totaling approximately $78,000 in government rehabilitation funds. None of these traffickers were convicted by the end of the reporting period. The police and NGOs rescued a number of child laborers in the reporting period. Some of these children may have been trafficking victims. However, it is unclear whether any offenders were prosecuted or convicted.

The city of Mumbai and the state of Andhra Pradesh made significant law enforcement strides against sex trafficking, but prosecutions and convictions of sex trafficking offenders in other parts of India were minimal. In Mumbai, the special anti-trafficking court recorded convictions in at least 81 cases under the ITPA, many of which had multiple defendants. This court was additionally remarkable in eliminating the backlog of old cases. Some of these 81 cases included convictions of "clients" as well as sex trafficking victims. Sentences ranged from $2 fines under the solicitation provision of the ITPA to three-year prison terms for traffickers and clients. Mumbai police, working with an NGO, rescued 22 children and eight adults in 2009, and helped secure the convictions of eight sex traffickers in the Mumbai Sessions Court under the ITPA and the IPC. One sex trafficker received a sentence of three years' imprisonment; four received sentences of five-years' imprisonment, and three each received a one year sentence. From October 2008 to February 2010, the Andhra Pradesh court convicted 55 convicted sex traffickers and "clients" and sentenced them to four to 14 years' imprisonment. These convictions were under Penal Code 366A, 372, 273, and 376(2).

The states of Maharashtra and Andhra Pradesh convicted a significant number of sex trafficking offenders; in other states, there were substantially fewer convictions of sex trafficking offenders.

In May 2009, a Delhi court sentenced a sex trafficker to nine years' imprisonment, and ordered the trafficker to pay approximately $24,000 to the underage victim. Obtaining convictions in most parts of India was difficult due to many causes, including overburdened courts and a lack of commitment by some local authorities. Numerous sources indicated that some states continued to charge and prosecute significant numbers of females in prostitution, including trafficking victims, under section 8 of the ITPA – which prohibits solicitation for prostitution. Delhi and Sikkim police and NGO officials rescued three girls forced into prostitution. One investigation started, but there were no prosecutions. From February to October 2009, Chennai police rescued seven Bangladeshi women, and they were sent to a shelter. The police arrested several customers during the raid at the brothel but they were released on bail after a few days. Implementation of the BLSA remained weak during the year. The BLSA mandates the creation of vigilance committees in each of India's 626 districts, though the ILO has publicly noted that committees in many states are not operational and the BLSA remains largely unimplemented in spite of a large bonded labor problem throughout the nation. Additionally, law enforcement efforts against bonded labor were hampered by instances of police complicity, traffickers escaping during raids or on bail, or cases dropped by officials for a variety of reasons, including insufficient evidence and intimidation by traffickers.

The Government of India established 38 AHTUs in police departments, compared with nine existing at the start of the reporting period, and made an initial investment of approximately $19 million for the purpose of expanding the number of these units. AHTUs are task forces created within local law enforcement agencies. They are responsible for investigating human trafficking cases, and are meant to be comprised of specially-trained police officers. In practice, the units are likely more focused on sex trafficking, as opposed to the more significant problem of labor trafficking. It is unclear whether any AHTU has yet contributed to a labor trafficking prosecution. The Assam, Bihar, West Bengal, Andhra Pradesh, and Tamil Nadu police have established AHTUs,

but their effectiveness is not yet clear. A few NGOs claim that some AHTUs lack support personnel and funding.

The Central Bureau of Investigation (CBI), the Bureau of Police Research and Development (BPRD), and other government agencies led training courses, seminars, workshops, and "training of trainers" trafficking awareness programs for at least 300 law enforcement officials during the reporting period. At least some of these training programs emphasized sex trafficking. The BPRD also prepared a syllabus and training manual on sex trafficking, which is being used in police training colleges and institutes. The impact of anti-trafficking law enforcement training, which remained largely confined to training related to sex trafficking, was difficult to measure – the quality of training varied from state to state. While NGOs in West Bengal and Andhra Pradesh saw law enforcement progress, NGOs in other states perceived little tangible results from law enforcement training.

The involvement of some public officials in human trafficking remained a significant problem, which went 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. Some owners of brothels, rice mills, brick kilns, and stone quarries are reportedly politically connected. Rehabilitation funds under the BLSA were sometimes embezzled by public officials who denied the funds to needy victims. One NGO indicated that in six to seven recent cases, lawyers representing pimps, brothel managers, and corrupt police officers successfully petitioned for the release of child sex trafficking victims from shelters. The girls were subsequently re-trafficked, and their debts owed to traffickers increased due to the petitioners' fees. India reported no convictions or sentences of government officials for trafficking-related offenses during the reporting period. In November 2009, a team from the National Commission for Women exposed a large trafficking ring in Uttar Pradesh, through which traffickers sent women from areas along the border of Nepal to the Middle East, with the collusion of corrupt police officials. There were no prosecutions under this case. Under the Indian constitution, states have the primary responsibility for law enforcement, and state-level authorities are limited in their abilities to effectively confront interstate and transnational trafficking crimes.

Protection

India made limited and uneven efforts to ensure that all identified victims of human trafficking received access to necessary services during the reporting period. Indian law enforcement and immigration officials continued to lack formal procedures for proactively identifying victims of trafficking among vulnerable populations, such as children at work sites, females in prostitution, or members of low and "scheduled" castes in rural industries. In general, however, NGOs helped ensure sex trafficking victims from these raids were assisted in NGO or government shelters; there were no shelters reportedly available for adult male victims of trafficking. The Ministry of Women and Child Development (MWCD) funded 314 "Swadhar" projects – which covers female victims of violence, including sex trafficking – 96 projects under the Ujjuwala scheme – which is meant to protect and rehabilitate female trafficking victims – and 210 women's helplines. Some NGOs have cited difficulty in receiving timely disbursements of national government funding of their shelters under the Ujjuwala scheme. India does not have specialized care for adult male trafficking victims. Foreign victims can access these shelters.

Conditions of government shelter homes under the MWCD varied from state to state. Many shelters functioned beyond capacity, were unhygienic, offered poor food, and provided limited, if any, psychiatric and medical services, although NGOs provided some of those services. Some shelters did not permit child victims to leave the shelters – including for school – to prevent their re-trafficking. An NGO reported some government shelters did not proactively repatriate sex trafficking victims either to their home state or country. In previous years, traffickers re-trafficked victims by approaching shelter managers and pretending to be family members in order to have the victims released to them. While this declined due to government-run awareness programs and the Juvenile Justice Act, it was still a problem.

On the state level, both Tamil Nadu and Andhra Pradesh made comparatively better efforts to protect sex trafficking victims. Tamil Nadu's Department of Social Welfare provided some in-kind contributions for UNODC-funded programs on capacity building, counseling, and vocational training for livelihood programs, primarily for trafficking victims. Tamil Nadu also provided free legal aid and substance abuse counseling services in state shelters, some of which included sex trafficking victims. In 2009, the Andhra Pradesh state's Department of Women and Child Development disbursed $10,435 in interim relief to 48 sex trafficking victims for travel, clothing, medicine, and other necessities. Many Indian diplomatic missions in destination countries, especially those in the Middle East, provided services, including temporary shelters to Indian migrant laborers, some of whome were victims of trafficking.

Although each government-recognized victim of bonded labor is entitled to 20,000 rupees (about $450) under the BLSA from the state and central government, disbursement of rehabilitation funds was sporadic. NGOs generally identified bonded laborers and then helped local authorities rescue them. A modest number of bonded labor release certificates issued by some state governments to victims of bonded labor were often done after the encouragement of NGO activists. An NGO indicated the central government had not released any

rehabilitation funding to the state of Karnataka since 2007 due to the failure of that state government to submit required documentation to the central government. State governments were more willing to issue release certificates if the victims were from another state, since a victim's state of origin was responsible for providing the rehabilitation assistance. Weak coordination among government officials at all levels, capacity constraints, cumbersome government procedures, and vacancies in some vigilance committees contributed to these problems. In many cases, NGOs' efforts continued to be necessary for bonded laborers to receive their release certificates and release funds. However, the NGOs had difficulties securing rehabilitation funds except in a few districts with proactive government officials. NGOs also provided the bulk of protection services to bonded labor victims. When disbursed, funds were distributed so slowly – usually in tranches – that they may not provide for effective rehabilitation. NGOs reported some corrupt local officials took unlawful "commissions" from the rehabilitation packages.

The level to which government officials encouraged victims to cooperate with law enforcement investigations and prosecutions of traffickers was inconsistent and depended on the quality of governance in individual states and local jurisdictions. NGOs often filled the crucial role of assisting rescued victims to provide evidence to prosecute traffickers. Many victims declined to testify against their traffickers due to the fear of retribution by traffickers and India's sluggish and overburdened judicial system. Victims have historically been unnecessarily detained and sometimes prosecuted for violations of other laws. While this may have declined slightly, it was still a significant problem in the reporting period. Reports indicated foreign victims continued to be charged under the Foreigners' Act for undocumented status, and then pushed back across the border at night without protective services. During the reporting period, seven rescued Bangladeshi sex trafficking victims remained in a shelter in Chennai – some for as long as a year – while awaiting for the Bangladesh government to give permission for repatriation.

After these women reportedly became frustrated at their situation and violently protested in the shelter, authorities subsequently imprisoned them. However, a state official was trying to release them from the prison and return them to the shelter. NGOs asserted that Andhra Pradesh, Maharashtra, Goa, Bihar, Delhi, Tamil Nadu, and West Bengal continued to make progress in not criminalizing sex trafficking victims; however, Section 8 of the ITPA (solicitation) and Section 294 of IPC (obscenity in public places) continued to be widely used in other states. In many cases, police could not differentiate between victims and traffickers, due in part to a lack of awareness and training; identification efforts were often NGO-driven. One NGO indicated it faced this problem when working in new areas and cited an example in rural Maharashtra where police officers stopped charging adult women with solicitation or obscenity in public places in collaboration with that NGO.

Foreign trafficking victims were not offered special immigration benefits such as temporary or permanent residency status. The government reported it worked in conjunction with NGOs to place victims in a shelter in their home country in the case of deportation; however, there were no reports this happened in practice. Foreign victims are not offered legal alternatives to their removal to countries where they may face hardship or retribution.

Prevention

The Government of India made efforts to prevent human trafficking, although the effect of many of these efforts is unclear. The Ministry of Home Affairs expanded its Anti-Human Trafficking Cell (AHTC) from a staff of six officials to ten. During the reporting period, the AHTC drafted and disseminated an advisory on human trafficking – including forced and bonded labor – to raise awareness of, and give guidance on, all forms of human trafficking to Indian states and union territories. States were required to submit quarterly reports to the AHTC; some states complied with this requirement. Through the Ujjawala scheme, the MWCD held quarterly stakeholder meetings with representatives from other ministries and outside NGOs to discuss its efforts against trafficking. The MWCD chaired quarterly Central Advisory Committee meetings, whichinclude officials from the federal and state governments, NGOs, and international organizations. However, an NGO who is a part of the committee raised questions about the usefulness of these meetings. The MHA provided $73,300 to fund a conference for SAARC member countries about strengthening trafficking-related law enforcement. In February 2010, in response to a complaint about bonded labor, the National Human Rights Commission (NHRC) censured a district administration in Uttar Pradesh for its slow approach in monitoring working conditions in approximately 425 brick kilns. Following this intervention, the district administration admitted 113 of the brick kilns violated various laws, including the BLSA, filed charges against 24 brick kiln owners, and fined 30 others. It is unclear how many, if any, people were rescued from these government efforts. The central government reported that it released $100,000 to fund a survey of bonded laborers in 23 districts of Madhya Pradesh. The NHRC conducted four workshops on bonded labor in Patna, Raipur, Bhubaneshwar, and Ahmedabad reaching a total audience of 400 state officials. In December 2009, the Minister of Home Affairs launched a new book written by a counter-trafficking expert on trafficking and strongly urged states to set up AHTUs in each district. He stated: "The scale of human trafficking in India is not clear, but it is a fair assumption that it is on a very large scale …. It is the most grievous and pernicious of crimes. The victims are mostly women and children. There are a variety of reasons for human trafficking but mostly it is sex trade. It is a crime against humanity."

State governments undertook prevention efforts, but the impact of these efforts were difficult to determine. Tamil Nadu directed district collectors to inspect and register child care homes – some of which have been known to traffic children – and launched pilot anti-TIP drives in select districts; results of these initiatives were not confirmed. The Bihar state government published newspaper ads asking migrant laborers to approach state offices if "they are being used as forced or bonded labor, anywhere in the country," and assured them of transport home under government expense. Illiteracy and lack of freedom of movement may have hindered this initiative's effectiveness. Bihar also hired an NGO to educate villagers about the dangers of sex trafficking through community theater, and to train local women's groups. The Delhi government marked "Global Day Against Child Trafficking" on December 12 with meetings and seminars.

The government took efforts to prevent transnational trafficking, but the impact of these efforts was difficult to determine. The Indian embassy in Muscat introduced several measures to improve the welfare of Indian workers in Oman, including free legal counseling sessions, and the requirement that passports for migrant workers be issued only for one year; the effects of this measure are not yet known. The Migrant Resource Center in Kerala counseled more than 2,900 potential migrants on legal, organized, and humane migration in 2009. In December 2009, the Andhra Pradesh state government, in collaboration with IOM, launched the country's second center in Hyderabad. The central government increased application fees and security deposits for labor recruitment agents in an attempt to discourage illegitimate recruiters from applying for registration; however, the results of this measure are not yet known. According to a Ministry of Overseas Indian Affairs (MOIA) official, India holds joint working groups on labor once a year to review complaints received by Indian embassies. The NHRC conducted four workshops on bonded labor, reaching a total audience of 400 state officials. The government does not permit its female nationals under the age of 40 to engage in domestic work in the Middle East due to the high incidence of physical abuse; evidence suggests such restrictions on migration do not have a positive effect on preventing human trafficking. According to the government, the MOIA blacklisted 400 Middle Eastern companies – it was unclear, however, how this blacklist was enforced and advertised. According to an NGO, the government blacklisted only two or three recruitment agencies. Indian embassies in the Middle East housed Indian Worker Resource Centers. During a February 2010 visit by Prime Minister Singh to Riyadh, India and Saudi Arabia agreed to enhance cooperation and information exchange on transnational crimes, including human trafficking; details of the agreement are not known.

The government reduced the demand for commercial sex acts in the reporting period by convicting clients of prostitution. However, while India does not have a major problem of its nationals participating in child sex tourism abroad, there are no known efforts to curtail Indians from participating in local child sex tourism. Despite a 1969 law mandating the registration of the birth of a child, this does not often happen in practice. Data from India's last social survey indicates approximately 60 percent of births were unregistered; such a lack of identify documentation contributes to vulnerability to trafficking. The 2010 federal budget set aside $413 million to the Unique Identification Authority of India to issue a single, unique identification number to each resident of India within the next few years. According to a counter-trafficking expert, training for Indian soldiers deployed in peacekeeping missions included awareness about trafficking. The Congolese government, who accused Indian peacekeepers of paying girls for sex in 2008, withdrew its protest from the UN and apologized to the Indian government after an internal UN investigation cleared approximately 100 soldiers of all charges. India is not a party to the 2000 UN TIP Protocol.

INDONESIA (Tier 2)

Indonesia is a major source country, and to a much lesser extent a destination and transit country for women, children, and men who are subjected to trafficking in persons, specifically forced prostitution and forced labor. Each of Indonesia's 33 provinces is a source and destination of trafficking, with the most significant source areas being Java, West Kalimantan, Lampung, North Sumatra, and South Sumatra. A significant number of Indonesian migrant workers face conditions of forced labor and debt bondage in more developed Asian countries and the Middle East – particularly Malaysia, Saudi Arabia, Singapore, Japan, Kuwait, Syria, and Iraq. During the year, the number of Indonesians seeking work abroad hit an all time high. There are an estimated 6.5 million to 9 million Indonesian migrant workers worldwide, including 2.6 million in Malaysia and 1.8 million in the Middle East. An estimated 69 percent of all overseas Indonesia workers are female and over half of all overseas workers are children. Indonesian NGO Migrant Care estimates that 43 percent – or some 3 million – of Indonesia's expatriate workforce are victims of trafficking conditions. Another respected Indonesian NGO notes that the number of Indonesian women who are raped while working as domestic workers in the Middle East is on the rise. According to IOM, labor recruiters, both legal and illegal, are responsible for more than 50 percent of the Indonesian female workers who experience trafficking conditions in destination countries. Some recruiters work independently, others for recruitment labor companies called PJTKIs (which include both legal and illegal companies). Some PJTKIs operate similar to trafficking rings, leading both male and female workers into debt bondage and other trafficking situations. These recruitment brokers often operate outside the law with impunity, and some PJTKIs use ties to government officials or police to escape punishment. Workers

recruited for overseas work by PJTKIs are often confined involuntarily for months in compounds – ostensibly for training and processing – prior to their deployment. Licensed and unlicensed companies used debt bondage, withholding of documents, threats of violence, and confinement in locked premises for extended periods to traffic Indonesian migrants.

Indonesian women and migrate to Malaysia, Singapore, and the Middle East and are subsequently subjected to forced prostitution; they are also subjected to both forced prostitution and forced labor within Indonesia. Children are trafficked internally and abroad primarily for domestic servitude, forced prostitution, and cottage industries. Many of these trafficked girls work 14-16 hours a day at very low wages, often under perpetual debt due to pay advances given to their families by Indonesian brokers. Debt bondage is particularly pronounced among sex trafficking victims, with an initial debt of some $600 to $1,200 imposed on victims; given an accumulation of additional fees and debts, women and girls are often unable to escape this indebted servitude, even after years in the sex trade. Sixty percent of children under five years old do not have official birth certificates, putting them at higher risk for trafficking. Traffickers employ a variety of means to attract and control victims, including promises of well-paying jobs, debt bondage, community and family pressures, threats of violence, rape, false marriages, and confiscation of passports. In a continued trend, some traffickers' kidnap victims for forced prostitution in the sex trade in Malaysia and the Middle East. A new trend identified by Indonesian police is the recruitment of Indonesian migrant workers in Malaysia for Umrah, a religious pilgrimage to Mecca; once in the Saudi Kingdom they are trafficked to other points in the Middle East. During the year, traffickers were also found to use various Internet social networking media to recruit victims, particularly children, for sex trafficking. Some foreign women from mainland China, Thailand, Central Asia, and Eastern Europe were victims of sex trafficking in Indonesia.

Internal trafficking is also a significant problem in Indonesia, with women and girls exploited in domestic servitude, commercial sexual exploitation, rural agriculture, mining, and fishing. Many victims were originally recruited with offers of jobs in restaurants, factories, or as domestic workers before they were forced into prostitution. Child sex tourism is prevalent in most urban areas and tourist destinations, such as Bali and Riau Island. Some traffickers continued to forge partnerships with school officials to recruit young men and women in vocational programs for forced labor on fishing boats through fraudulent "internship" opportunities.

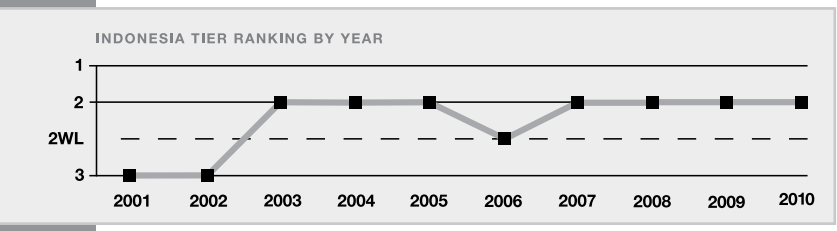
The Government of Indonesia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government increased the number of both sex and labor trafficking offenders convicted and passed a new five-year anti-trafficking action plan. However, some Indonesian police continue to be passive in combating trafficking absent specific complaints, and corruption among officials involved both directly and indirectly in trafficking crimes remained rampant. During the year, greater civil society and government attention focused on the dearth of adequate protections and preventative measures confronting the forced labor of Indonesian citizens – the country's largest form of human trafficking – particularly the weak structures of the 2004 migrant labor law (Law No.39) and its offspring, the National Agency for Placement and Protection of Indonesia Overseas Workers (BNP2TKI). The BNP2TKI is an independent joint agency consisting of 11 ministries tasked to protect workers, but its overlap with the pre-existing Manpower Ministry's roles sometimes hampers its effectiveness. The government needs to make greater efforts to both combat trafficking-related complicity and greatly increase regulation and oversight of Indonesian labor recruitment companies exploiting workers in order to make more meaningful strides to combat trafficking.

Recommendations for Indonesia: Reform the legal labor export system, particularly the 2004 Overseas Labor Placement and Protection Law and its weak enforcement body – the BNP2TKI – to reduce the vulnerabilities to human trafficking now facing Indonesian migrant workers; criminally prosecute and punish labor recruitment agencies involved in trafficking and fraudulent recruitment, including the charging of recruitment fees that are grossly disproportionate to the services that recruiters provide; undertake efforts to prosecute and punish those who obtain commercial sexual services from children in prostitution; increase government funding at all levels of government for law enforcement efforts against trafficking and the rescue, recovery, and reintegration of trafficking victims; increase efforts to protect domestic workers within Indonesia, particularly children, through law enforcement, public awareness and assistance to families; improve the collection, analysis, and public reporting of comprehensive data on law enforcement actions taken under the 2007 law; complete a revised Memorandum of Understanding (MOU) with Malaysia and other destination countries on Indonesian domestic workers, providing them with internationally recognized protections; increase efforts to prosecute and convict public officials – particularly law enforcement and manpower officials who are involved in trafficking; and increase efforts to combat trafficking through awareness campaigns targeted at the public and law enforcement personnel at all levels of government in main trafficking source regions.

Prosecution

The Indonesian government continued efforts to prosecute and convict trafficking offenders during the year. 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 serious crimes, such as rape. Police and prosecutors, many of whom are still unfamiliar with the legislation, are often reluctant or unsure of how to effectively use it to punish traffickers. While police reportedly used the 2007 law to prepare cases for prosecutors, prosecutors and judges are still frequently using other laws to prosecute traffickers. This year prosecutors used the 2007 law in 56 percent of the cases they prosecuted; they should increase efforts to apply this law more consistently. The government prosecuted 139 suspected trafficking offenders in 2009 - an increase from 129 in 2008. At least 72 of the 139 prosecutions were for labor trafficking. The Indonesian government obtained the convictions of 84 trafficking offenders in 2009, and at least 29 of these convictions were for labor trafficking; this is an increase of the overall 55 offenders convicted in 2008, nine of whom were convicted for labor trafficking. Indonesian officials and local NGOs continued to criticize the police as being too passive in combating trafficking absent specific complaints. NGOs also reported that in cases where police rescued trafficking victims, they often failed to pursue their traffickers, who fled to other regions or left the country. While police were often aware of children in prostitution or other trafficking situations, they frequently failed to intervene to arrest probable traffickers or to protect victims without specific reports from third parties. Police 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. The government continued to work with foreign partners and NGOs to train law enforcement officials on trafficking.



Corruption remains endemic in Indonesia, and members of the security forces continued to be involved both directly and indirectly in trafficking. Police and military officials were sometimes associated with brothels and fronts for prostitution, most frequently through the collection of protection money, which was a widespread practice. Some security force members were also brothel owners, including allegedly in the "Dolly" prostitution complex in Surabaya, one of Southeast Asia's largest brothel areas. Fraudulent recruitment brokers involved in trafficking often operate outside the law with impunity. Some Ministry of Manpower (MOM) officials reportedly licensed and protected international labor recruiting agencies involved in human trafficking, despite the officials' knowledge of the agencies' involvement in trafficking. Some fraudulent recruitment agencies tied to families or friends of government officials or police make deals when caught, and then continue to operate. Government passport services remained the object of widespread corruption, and recruitment agencies routinely falsified birth dates, including for children, in order to apply for passports and migrant worker documents.

The Manpower Ministry publicly stated that it is identifying and punishing these companies, and the media frequently reports arrests of labor company recruiters. For example, in July 2009, the National Police arrested the manager of a labor recruiting company for allegedly trafficking women to the Middle East and Malaysia to work as maids. However, the Ministry has not yet provided any statistics on such activities. Some local officials facilitated trafficking by certifying false information in the production of national identity cards and family data cards for children, allowing them to be recruited for work as adults abroad and within the country. In return for bribes, some Immigration officials turned a blind eye to potential trafficking victims, failing to screen or act with due diligence in processing passports and immigration control. In April 2009, four consular officials from Indonesia's Consulate General in Kota Kinabalu, Malaysia, were sentenced to two years' imprisonment for charging inflated fees to Indonesian migrant workers seeking visa services. In October 2009, Indonesian police arrested a Ministry of Trade official involved in a visa scam for a tour company which served as a front for human trafficking. Twelve victims were rescued from the tour company's "safe house" in Banten.

Protection

The Indonesian government continued to protect victims of trafficking during the year, although these efforts remained uneven and inadequate in comparison with the scope of the country's trafficking problem. The Social Welfare Ministry operated 22 shelters and trauma clinics for victims of sex and labor trafficking and the National Police operated several "integrated service centers," which provided medical services to victims of violence they were also accessible to victims of trafficking. The government continued to operate more than 500 district-level women's help desks to assist women and child victims of violence, including trafficking. The government relied significantly on international organizations and NGOs for the provision of services to victims, such as IOM assistance in running the police integrated service centers, and provided some limited funding to domestic NGOs and civil society groups that supported services for populations which included trafficking victims. Most security personnel did not employ formal procedures for the identification and referral of victims among vulnerable groups, such as females in prostitution, children migrating within the country, and workers

returning from abroad, but did refer some victims to service providers on an *ad hoc* basis.

During the year, the government increased overall funding for anti-trafficking protection efforts in its inter-Ministry task force by 16 percent. Much of the government's funding in 2010 was allotted to the Ministry of Women's Empowerment and Child Protection ($500,000), a shift in funding from the Ministry of Social Welfare reflecting the transfer of coordination of the national anti-trafficking task force from the latter to the former in 2009. Nonetheless, the Social Welfare Ministry continued programs that included operating trauma centers, providing more psychosocial workers and trauma experts, and training on trauma treatment. The Women's Ministry's new funding was directed to coordination meetings, awareness trainings throughout the country and operational costs for trainers.

Screening of migrants at Terminal Four of Jakarta International Airport remained inadequate, and authorities do not appear to identify many trafficking victims that travel through the terminal. Both the BNP2TKI and MOM were largely ineffective in protecting migrant workers from trafficking. Some trafficking victims were detained and arrested by police, including through raids on prostitution establishments; some anti-prostitution raids were carried out by police in order to extract bribes from managers and owners of these establishments. There were reports that some police refused to receive trafficking complaints from victims, instead urging the victims to reach informal settlements with their traffickers. Some government personnel encouraged victims to assist in the investigation and prosecution of trafficking cases, while others were less solicitous of victims' cooperation. The prolonged nature of court cases often led victims to avoid cooperating with the prosecution of their traffickers; additionally, the government does not provide adequate funds for victim witnesses to travel to trials. Authorities continued to round up and deport a small number of women in prostitution without determining whether they were victims of trafficking. Indonesia's Foreign Ministry continued to operate shelters for trafficking victims and migrant workers at some of its embassies and consulates abroad. These diplomatic shelters sheltered thousands of Indonesian citizens in distress, including trafficking victims. In January 2010, an inter-ministerial working group, in partnership with IOM, rescued and repatriated 425 female Indonesian workers from Indonesian embassy shelters in Riyadh and Jeddah, Saudi Arabia, and Amman, Jordan, as well as 199 workers from the Indonesian embassy's shelter in Kuwait.

Prevention

The Indonesian government made inadequate efforts to prevent human trafficking during the reporting period. The government continued efforts to coordinate anti-trafficking programs and policies through a national task force on trafficking, which includes working group sub-units on coordination, policy, and other areas. The chair of the task force was transferred from the Ministry of Social Welfare to the Ministry of Women's Empowerment and Child Protection. The national task force continued to lack sufficient funding and a full-time secretariat, limiting its effectiveness. Additionally, 16 provinces and 27 districts and municipalities coordinated anti-trafficking efforts at local levels during the reporting period. The government continued partnerships with NGOs and international organizations to increase public awareness of trafficking.

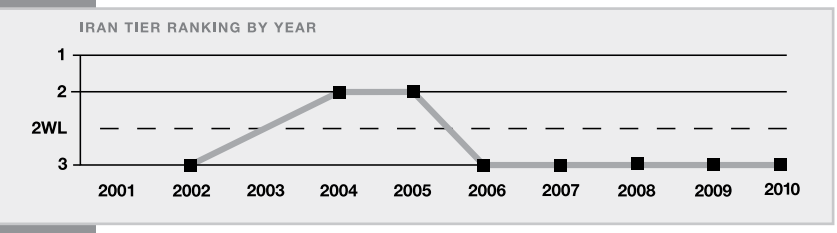
During the year, the government increased funding to four ministries for anti-trafficking efforts. In November 2009, the Coordinating Ministry of Social Welfare issued a new anti-trafficking action plan for 2009-2014. This was the result of coordination amongst members of joint task force against trafficking. The government continued, but was not able to conclude during the reporting period, negotiations with the Malaysian government on amendments to a 2006 MOU covering Indonesian domestic workers. The 2006 MOU ceded the rights of Indonesian domestic workers to hold their passports while working in Malaysia. The BNP2TKI and the law that established it– the 2004 Labor Placement and Protection Law (Law No. 39) – are widely regarded as ineffective in preventing labor trafficking, and NGOs have called for its abolishment or overhaul; the legislature has agreed it needs revising. The Ministry of Manpower reportedly fined some labor recruiting companies (PJTKIs) and cancelled the licenses of others for fraudulent recruitment practices that may have contributed to forced labor, though data on these actions were not provided by the government. The government did not effectively monitor immigration and emigration patterns for evidence of trafficking, with some limited exceptions. The government did not report efforts to reduce the demand for forced labor or the demand for commercial sex acts during the year.

IRAN (Tier 3)

Iran is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Iranian women are trafficked internally for forced prostitution and forced marriage. Iranian and Afghan children living in Iran are trafficked internally for commercial sexual exploitation – sometimes through forced marriages, in which their new "husbands" force them into prostitution and involuntary servitude as beggars or laborers to pay debts, provide income, or support drug addiction of their families. Young men and Afghan boys are forced into prostitution in male brothels in southern Iran. Iranian women and girls are also subjected to forced prostitution in Pakistan, Turkey, Qatar, Kuwait, the United Arab Emirates, Iraq, France, Germany, and the United

Kingdom. 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, Bangladesh, and Iraq migrate voluntarily or are smuggled to Iran, or through Iran, to other Gulf states, Greece, and Turkey seeking employment. Some subsequently are subjected to conditions of forced labor or debt bondage, including through the use of such practices as restriction of movement, non-payment of wages, and physical or sexual abuse. In Iran, reports indicate victims primarily work in the construction and agricultural sectors, although this type of forced labor may have declined over the past year due to the economic crisis. There are reports that women from Azerbaijan and Tajikistan travel to Iran to find employment and subsequently fall victim to forced prostitution. Tajik women transit Iran and are forced into prostitution in the UAE. Press reports indicate criminal organizations, sometimes politically connected, play a significant role in human trafficking to and from Iran, particularly across the borders with Afghanistan and Pakistan in connection with smuggling of migrants, drugs, and arms. There are nearly one million Afghans living in Iran, some as refugees and others as economic migrants, who are vulnerable to conditions of human trafficking.



The Government of Iran does not fully comply with the minimum standards for the elimination of trafficking, and is not making significant efforts to do so. Lack of access to Iran by U.S. government officials impedes the collection of information on the country's human trafficking problem and the government's efforts to curb it. The government did not share information on its anti-trafficking efforts with the international community during the reporting period. Publicly available information from NGOs, the press, international organizations, and other governments nonetheless 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. In international fora, the Iranian government has objected to the principle that victims of trafficking should not be punished for crimes committed as a result of being trafficked.

Recommendations for Iran: Share with the international community efforts made to investigate trafficking offenses and prosecute and punish trafficking offenders; investigate trafficking offenses and prosecute and punish trafficking offenders, including officials who are complicit in trafficking; 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 for unlawful acts committed as a result of being trafficked.

Prosecution

No reliable information was available on human trafficking investigations, prosecutions, convictions or punishments during the past year. A 2004 law prohibits trafficking in persons by means of the threat or use of force, coercion, abuse of power or of a position of vulnerability of the victim for purposes of prostitution, removal of organs, slavery or forced marriage. Reports indicate, however, the law remains unenforced. The Constitution and Labor Code both prohibit forced labor and debt bondage; the prescribed penalty of a fine and up to one year's imprisonment is not sufficient to deter these crimes and is not commensurate with prescribed penalties for serious 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 legal process to coerce women into prostitution; there are reports of Iranian women subjected to forced prostitution through fixed-term marriages to men from Pakistan and Gulf states. Law enforcement data is unknown; there were reports of some prosecutions for traffickers who forced Iranian girls into prostitution in the Gulf. Investigations, prosecutions, and convictions of trafficking offenders were not priorities in the country. It was extremely difficult for women forcibly held in commercial 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. Official complicity may be a problem; human traffickers were reported to have very close links to some authorities and security agencies.

Protection

There were no reported efforts by the Government of Iran to improve its protection of trafficking victims this year. Iran did not have a process to identify trafficking victims from the vulnerable populations found in the country, and officials did not differentiate between victims of trafficking and undocumented migrants. 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. In the February 2010 Trafficking in Persons Working Group in Vienna, the government stated it would not accept any recommendations calling for the absolution of trafficking victims for their crimes; the Iranian delegate said while the victim status of a woman in prostitution might be taken into account by the judge, he opposed the idea that such a woman should not be prosecuted. Most foreign trafficking victims are detained for a short period of time and then deported. Some welfare organizations may help Iranian trafficking victims. 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 for abuse, including human trafficking; there were no known efforts to identify trafficking victims among this group. In the reporting period, Iran deported very large numbers of undocumented Afghans without screening them for victimization. Previous reports indicate the government does not encourage victims to assist law enforcement authorities as they investigate and prosecute trafficking cases.

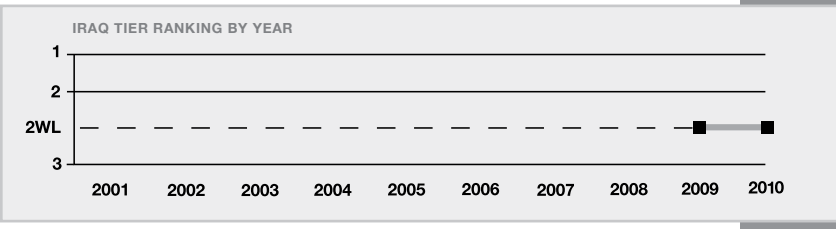
Prevention

There were no reports of efforts by the Government of Iran to prevent trafficking during the past year, such as campaigns to raise public awareness of trafficking, to reduce demand for commercial sex acts, or to reduce demand for child sex tourism by Iranians traveling abroad. Iran is not a party to the 2000 UN TIP Protocol.

IRAQ (Tier 2 Watch List)

Iraq is both a source and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Iraqi women and girls, some as young as 11 years old, are subjected to conditions of human trafficking within the country and in Syria, Lebanon, Jordan, Kuwait, the United Arab Emirates, Turkey, Iran, and possibly Yemen for forced prostitution and sexual exploitation within households. In some cases, women are lured into forced sexual exploitation through false promises of work. The more prevalent means of human trafficking is through sale or forced marriage. Family members have coerced girls and women into prostitution to escape desperate economic circumstances, to pay debts, or to 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. Iraqi males have also taken advantage of *muta'a* to traffic multiple women into other Iraqi provinces or neighboring countries, especially Syria, for the purposes of forced 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. The large population of internally displaced persons and refugees moving within Iraq and across its borders are particularly at risk of being trafficked.

Iraq is a destination country for men and women who migrate from Bangladesh, India, Indonesia, Nepal, Philippines, Sri Lanka, Thailand, Pakistan, Georgia, Jordan, and Uganda and are subsequently subjected



to conditions of forced labor as construction workers, security guards, cleaners, handymen, and domestic workers. Such men and women often reported their employers seized workers' passports and official documents, refused to honor employment contracts, and made threats of deportation as a means to keep them in a situation of forced labor. Some governments ban their nationals from working in Iraq. These bans are not effective, however, as many migrating laborers and labor brokers circumvent the law. Some of these foreign migrants were recruited for work in other countries such as Jordan or the Gulf States but were forced or coerced to travel to Iraq, where their passports were confiscated and their wages withheld, ostensibly to repay labor brokers for the costs of recruitment, transport, and food and lodging. Other foreign migrants were aware they were destined for Iraq but once in-country, found the terms of employment were not what they expected or the jobs they were promised did not exist, and they faced coercion and serious harm, financial or otherwise, if they attempted to leave. In one case that came to light last year, 14 Ugandan women were subjected to forced labor in Iraq. These women were told they would work on U.S. military bases as domestic workers, although no U.S. contractors or sub-contractors were involved in bringing them to Iraq. Upon arrival, the women were sent to work as domestic workers for private Iraqi families and received significantly lower wages. Some of the women were locked in rooms, had their passports stolen, and were physically or sexually abused by either the recruitment agent or the employer, practices potentially used to keep them in compelled service.

Some Iraqi boys from poor families are subjected to forced street begging and other nonconsensual labor exploitation and forced commercial sexual exploitation. Some women from Ethiopia, Indonesia, Nepal, and the Philippines who migrated to the area under the

jurisdiction of the Kurdistan Regional Government (KRG) experienced conditions of involuntary domestic servitude after being recruited with offers of different jobs. An Iraqi official revealed networks of women have been involved in the trafficking and sale of male and female children for the purposes of forced prostitution. There were reports some Iraqi boys were trafficked internally for the purpose of organ donation; Baghdad hospitals did not question the "voluntary" donation because often the father of the boy was present. There have been isolated cases of Iraqi border forces intercepting older men and young girls attempting to travel together out of Iraq using fake documents; NGOs contend these are cases of trafficking. Anecdotal evidence and media reports suggested some trafficking victims were taken from orphanages and other charitable institutions by employees of these organizations.

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 spite of resource and capability constraints. The Iraqi government continued to move its draft anti-trafficking bill through its legislative structures. Because the determination that Iraq is making significant efforts is based on indications of a commitment to take additional future steps over the next year, particularly the passage of the anti-trafficking law, Iraq is placed on Tier 2 Watch List for the second consecutive year. Despite these overall significant efforts, the government did not show progress over the last year in punishing trafficking offenses using existing laws, identifying and protecting victims of trafficking, or preventing trafficking from occurring.

Recommendations for Iraq: Enact and begin implementing the draft law criminalizing all forms of trafficking; investigate and prosecute trafficking offenses and convict and punish trafficking offenders; train officials in methods to identify victims; undertake a campaign to raise awareness of trafficking to law enforcement officials; 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; take steps to end the practice of forced marriages that entrap girls in sexual and domestic servitude; consider measures to reduce the abuse of migrant workers who learn upon arrival in Iraq that the job they were promised does not exist and end up in situations of forced labor; and regulate recruitment practices of foreign labor brokers to prevent practices facilitating forced labor.

Prosecution

The government made minimal progress in its anti-human trafficking law enforcement efforts over the past year. The 2005 Iraqi Constitution prohibits forced labor, slavery, slave trade, trafficking in women or children, and sex trade, though the Constitution does not prescribe specific punishments for these acts and it cannot be used to prosecute offenders. The Government of Iraq has not yet passed its anti-trafficking draft legislation; however, it is reported the legislation finally progressed through the Shura Council. Although no single law defines trafficking in persons or establishes it as a criminal offense, various provisions of Iraqi law apply to trafficking. During the last six months, the Iraqi government initiated both a criminal and a human rights investigation into an alleged labor trafficking crime, which resulted in the issuance of two arrest warrants. There were no mechanisms to collect data on offenses or enforcement. There was some evidence of complicity in trafficking by officials. An investigation of alleged trafficking involving the director of a women's shelter in the KRG area last year had not been completed at the time of this report.

Protection

The Iraqi government demonstrated minimal efforts to ensure that victims of trafficking were given access to protective services during the reporting period. Iraq did not have formal procedures to identify victims of trafficking among vulnerable groups, such as women arrested for prostitution or foreign workers imported to Iraq by labor brokers, some of whom reportedly provided workers for U.S. government contractors and sub-contractors. The government did not fund even temporary shelters for trafficking victims, and did not show efforts to develop or implement procedures by which government officials systematically refer victims to organizations providing legal, medical, or psychological services. However, two ministries refer adult and juvenile detainees to medical screening if they report abuse; reports of abuse of juvenile detainees are investigated, although the results of these investigations are not known. All care is administered by NGOs, which run victim-care facilities and shelters accessible to victims of trafficking. Because coercion is not recognized in Iraqi courts as a legal defense for engaging in an unlawful act, women who have been coerced into prostitution have been prosecuted and convicted. Sex trafficking victims reportedly were prosecuted for prostitution and some spent several months in detention awaiting trial. In the few known cases of children who were forced into armed service, the child victims were prosecuted for terrorism offenses. Some child trafficking victims were placed in protective facilities, orphanages, and foster care, while others were placed in juvenile detention centers. Since trafficking is not established as a crime in Iraq, the government did not encourage victims to assist in investigations or prosecution. Foreign victims had no legal protection against removal to countries in which they may face hardship or retribution. Iraq did not assist foreign trafficking victims by providing temporary or permanent residency status or other relief from deportation. There was no victims' restitution program. In August 2009, the Iraqi government assisted in the repatriation of the 14 Ugandan women subjected to forced labor in Iraq. Iraq did not provide any specialized training for government officials to identify trafficking victims. Furthermore, the government denied permission

for an NGO to visit Baghdad's women's prison, where the NGO had previously identified trafficking victims among women detained for offenses committed as a result of being trafficked.

Prevention

The Government of Iraq took minimal efforts to prevent trafficking in persons during the reporting period. The Ministry of Human Rights, working in tandem with the Ministry of Youth and Sports, initiated a public awareness campaign aimed at educating children at schools and youth centers across the country about trafficking. However, the government has not yet created an effective mechanism to disseminate awareness information to front-line law enforcement officers who are most likely to come into contact with trafficking victims. Law enforcement officials did not consistently screen people leaving or entering Iraq for evidence of trafficking, and the borders of Iraq remained generally unsecured. The Iraqi government had not taken steps to end the practice of forced marriages and curb the use of temporary marriages, which can result in situations of sexual and involuntary domestic servitude; and it had not regulated recruitment practices of foreign labor brokers to prevent practices facilitating forced labor. The Supreme Committee to Combat Human Trafficking, an inter-ministerial committee composed of members from the Ministries of Human Rights, Foreign Affairs, and Labor and Social Affairs, continued to serve as a coordinating body on human trafficking issues, though it wielded no special authority to implement its recommendations.

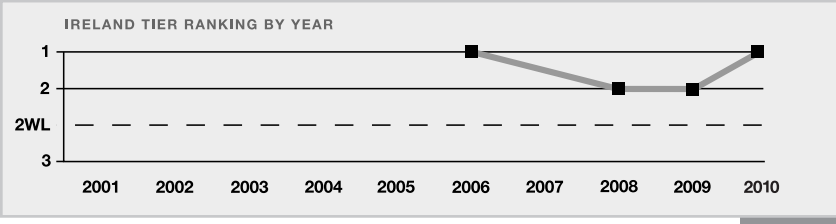
IRELAND (Tier 1)

Ireland is a destination and, to a lesser extent, transit country for women, men, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. According to one NGO, the majority of sex trafficking victims found in Ireland during the reporting period originated in Nigeria. Multiple NGOs reported the increasing use of the Internet in moving victims off the street and into private venues, making them harder to identify. Labor trafficking victims reportedly consisted of men and women from Bangladesh, Pakistan, Egypt, and the Philippines, though there may also be some victims from South America, Eastern Europe, and other parts of Asia and Africa. Forced labor victims reportedly were found in domestic service, restaurant, and agricultural work. Unaccompanied minors from various source countries were vulnerable to trafficking. The government reported that some children who have gone missing from state care have been found in brothels, restaurants, and private households where they may have been exploited. Of the 47 children who were reported missing from state care in 2009, nine were recovered; authorities believed at least one of the nine may have been trafficked.

The Government of Ireland fully complies with the minimum standards for the elimination of trafficking.

Over the past several years, the government has made substantial strides in acknowledging Ireland's human trafficking problem and implementing legislation and policies to punish trafficking offenders and protect trafficking victims.

Recommendations for Ireland: Vigorously prosecute labor and sex trafficking offenses and convict and sentence trafficking offenders; explore ways to enhance usage of the Criminal Law (Human Trafficking) Act of 2008; continue to train officials in the implementation of nascent, formal victim identification and referral procedures to ensure victims receive appropriate services; ensure the provision of specialized services for adult and child trafficking victims, including secure shelter with personnel trained in assisting trafficking victims and funding for NGOs assisting both sex and labor trafficking victims; continue prevention measures targeted at reducing the vulnerability of unaccompanied foreign minors to trafficking; and establish a national anti-trafficking rapporteur to draft critical assessments of Ireland's efforts to punish traffickers, protect victims, and prevent new incidents of human trafficking.



Prosecution

The Government of Ireland made progress in its prosecution of sex trafficking offenses during the reporting period. Ireland prohibited all forms of trafficking through the Criminal Law (Human Trafficking) Act, enacted in 2008. Penalties prescribed range from no imprisonment to life imprisonment, a range that is sufficiently stringent and commensurate with punishments prescribed for rape. In 2009, the government initiated 68 human trafficking investigations and reported four prosecutions of trafficking offenders. The government also assisted with three prosecutions in Romania as well as three prosecutions in Wales. This activity contrasts with no prosecutions conducted by the Irish government during the previous reporting period. There were three convictions of sex trafficking offenders in Ireland during the reporting period under statutes different from the Criminal Law (Human Trafficking) Act of 2008, compared with no convictions during the previous year. One trafficking offender received no punishment but the others each received six years in prison. There were no convictions of labor trafficking offenders in Ireland during the reporting period. In November 2009, police arrested a police officer for alleged trafficking; the case was in the investigation stage at the end of the reporting period. Military police investigated

one reported trafficking case involving an Irish soldier on an overseas mission but determined it was not an instance of human trafficking. The government provided specialized anti-trafficking training for authorities in multiple agencies, including more than 350 members of the Irish police. Ireland forged partnerships with at least six European countries to share anti-trafficking best practices in addition to partnerships built with other governments on specific trafficking cases.

Protection

The Irish government demonstrated some progress in protecting victims during the reporting period. The government formalized procedures to guide officials in the identification and referral of victims to service providers in Junes 2009. The government's Legal Aid Board provided legal services to suspected victims of trafficking. Authorities referred some victims to an NGO specialized in services for victims of sex trafficking that received some government funding. Victims of sex and labor trafficking had access to state services including medical care, accommodation, and counseling, though the NGOs focusing on labor trafficking were largely funded by private sources. Government social workers, the majority of whom have received anti-trafficking awareness training, organized specific care plans for child victims. In the past, the government used hostels to accommodate vulnerable children and unaccompanied minors arriving in Ireland, but the government has recognized that this placement may not have provided sufficient protection. The government provided temporary legal alternatives to the removal of foreign victims as part of a 60-day reflection period – time for victims to receive immediate care and assistance while they consider whether to assist law enforcement; ten victims received the reflection period during the reporting period, compared with only two victims during the previous year. Longer-term residency arrangements were possible. Victims who received a temporary residence permit were also entitled to rent allowance. The government provided accommodation for suspected victims in reception centers designed for asylum seekers that provided health care and psychological services. The government encouraged victims to participate in anti-trafficking investigations and prosecutions by offering them witness protection. Irish law also provided for the prohibition of the media or others publicizing details about victims. There was no evidence during the year that potential trafficking victims were penalized for unlawful acts committed as a direct result of their being trafficked. The government contracted IOM to train labor inspectors, health officials, immigration officials, victim support authorities and others on proactive victim identification.

Prevention

The government made progress in trafficking prevention. In partnership with NGOs, the government published a national anti-trafficking action plan in June 2009. The Justice Department's anti-human trafficking unit coordinated anti-trafficking effort; a high-level anti-trafficking interdepartmental group also functioned as a coordination mechanism. The government funded an anti-trafficking public service announcement that aired regularly during the reporting period and maintained a trafficking awareness website; both targeted clients of the sex trade as well as victims and the general public. The government placed awareness ads in national newspapers for the EU anti-trafficking day as well as in taxi and transport company trade publications. The Department of Justice anti-trafficking unit established a social networking site during the reporting period to raise awareness about human trafficking. The Department of Defense provided ongoing anti-trafficking training for all deployed Irish peacekeeping missions. The government did not identify any Irish nationals involved in child sex tourism during the reporting period. Ireland is not a party to the 2000 UN TIP Protocol.

ISRAEL (Tier 2)

Israel is a destination country for men and women subjected to trafficking in persons, specifically forced labor and forced prostitution. Low-skilled workers from Thailand, China, Nepal, the Philippines, India, Sri Lanka, and, to a lesser extent, Romania and Turkey, migrate voluntarily and legally to Israel for contract labor in construction, agriculture, and home health care provision. Some, however, subsequently face conditions of forced labor, including through such practices as the unlawful withholding of passports, restrictions on movement, inability to change or otherwise choose one's employer, non-payment of wages, threats, and physical intimidation. Many labor recruitment agencies in source countries and in Israel require workers to pay recruitment fees typically ranging from $1,000 to $10,000, although Chinese workers often paid more than $20,000 – a practice making workers highly vulnerable to trafficking or debt bondage once in Israel. Traffickers are usually the migrant workers' legal employers and the recruitment agents in both Israel and in the migrants' home countries. Women from the former Soviet Union and China are subjected to forced prostitution in Israel, although the number of women affected has declined since the passage and implementation of Israel's 2006 anti-trafficking bill. A small number of Israeli women are trafficked within the country for commercial sexual exploitation.

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 human trafficking and established a shelter for labor trafficking victims during the reporting period. However, the government did not identify labor trafficking victims during the year, and some law enforcement and protection efforts diminished since the transfer of anti-trafficking duties from the Immigration Police to the Ministry of Interior. 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 punishment of forced labor offenses, including the unlawful practice of withholding passports as a means to keep a person in compelled labor or service; ensure identified trafficking victims are not penalized for unlawful acts committed as a direct result of being trafficked, such as immigration violations; and fully investigate the incidence of Israel nationals trafficked internally for commercial sexual exploitation.

Prosecution

The Government of Israel made some progress in its law enforcement efforts against human trafficking. 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 serious crimes. In the reporting period, the government of Israel prosecuted the case of eight traffickers who ran an international sex trafficking ring. This case involved coordination and cooperation with law enforcement and other government officials in several countries. In 2009, fourteen people were convicted of trafficking for the purposes of prostitution and/or related offenses. Since July 2009, the police opened 61 investigations of cases involving forced labor and 28 investigations of cases involving the withholding of passports. In 2009, the government initiated the prosecution of 32 suspected offenders on charges of forced labor, exploitation of vulnerable populations, and withholding a passport. Police arrested an individual reported to have coerced more than 30 women into prostitution, and who lived off of their income. He was suspected of enslavement, an offense under the anti-trafficking law, and a number of sexual offenses, including rape. NGOs indicated the government focused on prosecutions of related offenses — which allow for civil penalties as opposed to criminal convictions — rather than the prosecutions of trafficking crimes. Police did not initiate any investigations into the trafficking of Israeli citizens within the country and generally did not recognize that Israeli women were trafficked.

According to NGOs, there was a diminishment of anti-trafficking efforts in the reporting period since the newly-created immigration and border control authority (commonly referred to as the "Oz" unit) within the Ministry of Interior (MOI) replaced the Immigration Police. The Oz unit was accused of lacking awareness of trafficking and the will to combat it. While Oz inspectors were meant to convey information to the police if they encountered suspected crimes against migrant workers, NGOs asserted this did not happen, and a report by the Knesset's Research and Information Center confirmed shortcomings in the operations of Oz inspectors. Furthermore, NGOs reported almost all labor trafficking prosecutions since initiation of the Oz unit were due to efforts by NGOs as opposed to investigation by the government.

The government provided numerous classes, workshops, and seminars to train law enforcement officers and judicial officials on trafficking. For instance, the Investigations and Intelligence Training School integrated trafficking issues in its curriculum, including lectures given by NGOs.

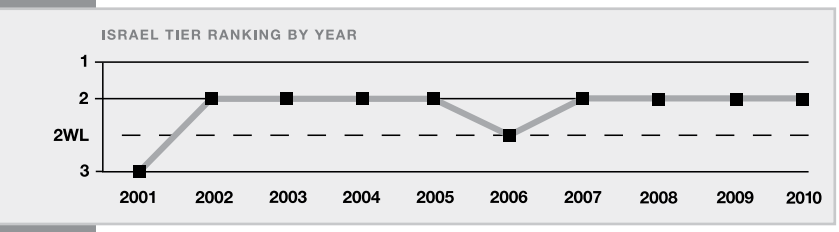
Protection

The Government of Israel continued to improve its protection of trafficking victims over the reporting period, although it lacked effective procedures to identify victims of labor trafficking and domestic sex trafficking. While the government has a formal system of proactively identifying victims of trafficking among high-risks persons with whom they come in contact, this procedure was largely limited in practice to identifying foreign sex trafficking victims, whom the government refers to shelters. The government gave a grant of $15,000 to a labor trafficking NGO for the purposes of identifying and assisting trafficking victims. In 2009, the government opened a new shelter for foreign male victims of labor trafficking, which assisted 50 victims in the reporting period. The government continued to support its existing shelter, and expanded its mandate to assist foreign female victims of both sex and labor trafficking, assisting 41 women during 2009. The government funded and supervised the shelters and its legal, medical, and psychiatric services, allocating $1.3 million in 2009, while an NGO operated the facility. The government encourages victims to assist in the investigation and prosecution of trafficking.

Israel detained and deported labor trafficking victims if they were undocumented and not identified as victims. There were some unconfirmed reports that a small number of sex trafficking victims were detained, incarcerated, or deported. An NGO indicated officers prevented it from entering prisons to identify potential sex trafficking victims. Reports indicate the MOI transferred migrants to new employers who were affiliated with the same recruitment agency as the previous employers. This created an abusive situation since the new employer had incentive from the recruitment agency to coerce the migrant into revoking or amending the migrant's labor complaint. At times, this employment transfer occurred without the migrants' consent. Since 2009, the government of Israel issued temporary B1 visas – unrestricted work visas – to trafficking victims, not contingent on their cooperation with law enforcement officials. However, at an inter-ministerial meeting in January 2010, the MOI declared its intention to cancel this procedure.

The government provided numerous workshops and other training to state social workers and other government

officials on victim identification, cultural sensitivity, and other issues. The Foreign Ministry's International Agency for Development Cooperation conducted a one-week training course for senior representatives of NGOs and governments in source countries in May 2009. The workshop included components on trafficking prevention and victim rehabilitation.



Prevention

The Israeli government made sustained progress in preventing trafficking in persons over the reporting period. During the reporting period, the government held its first and second annual ceremony to present awards to individuals or organizations that made a significant contribution against human trafficking.

The country's national coordinator for human trafficking posted an annual summary of the Israeli government's anti-trafficking efforts on the Web, and disseminated information on trafficking on the Internet and via a weekly digest sent to governmental and non-governmental stakeholders. The Knesset held a meeting to discuss the U.S. State Department's Trafficking in Persons Report for Israel. In December 2009, the Authority for the Advancement of the Status of Women broadcast on Israeli television several reports on the issue of sex trafficking. The government distributed trafficking prevention brochures in local languages for use by the Israeli consuls abroad in countries of origin; however, it is uncertain if laborers in their home countries received these brochures. The government continued to distribute a labor rights brochure to foreign workers arriving at the Ben Gurion Airport and a second brochure to foreign construction workers. During the year, authorities revoked the recruitment licenses and special permits to recruit foreign workers of 18 recruitment agencies. Prime Minister Netanyahu in January 2010 announced a Cabinet-approved plan to increase penalties on employment agencies that charge exorbitant recruitment fees and force agencies to secure a full year's employment for workers in the caretaker sector. However, the plan also binds foreign workers to sectors and geographic regions, and migrants who are found violating this for more than 90 days will be deported. The government used education campaigns to reduce the demand for commercial sex acts.

ITALY (Tier 1)

Italy is a destination and transit country for women, children, and men subjected to trafficking in persons, specifically forced prostitution and forced labor. Victims originated from North and East Africa, Eastern Europe, the Former Soviet Union, South America, Asia and the Middle East. Romanians and other children from Eastern Europe continued to be subjected to forced prostitution and forced begging in the country. A significant number of men continued to be subjected to forced labor and debt bondage mostly in the agricultural sector in southern Italy. In 2009, labor inspectors discovered 98,400 unregistered workers employed by 80,000 of the 100,600 farms inspected; their unregistered status rendered them vulnerable to trafficking. The source countries from which forced labor victims are likely found include Poland, Romania, Pakistan, Albania, Morocco, Bangladesh, China, Senegal, Ghana 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 reported that efforts to limit street prostitution and crackdowns on illegal immigration have shifted trafficking 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. The government continued to provide comprehensive assistance to identified trafficking victims during the reporting period. However, according to NGOs the government failed to proactively identify many potential trafficking victims throughout the year, representing a significant departure from its previous victim-centered approach to trafficking in Italy. This might have resulted in victims' removal to countries where they faced retribution and hardship and victims being penalized as a direct result of being trafficked.

Recommendations for Italy: Increase outreach and identification efforts to potential victims to ensure that more 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 illegal immigrant populations to prevent their removal to countries where they face hardship or retribution; and vigorously investigate and prosecute all acts of trafficking-related complicity.

Prosecution

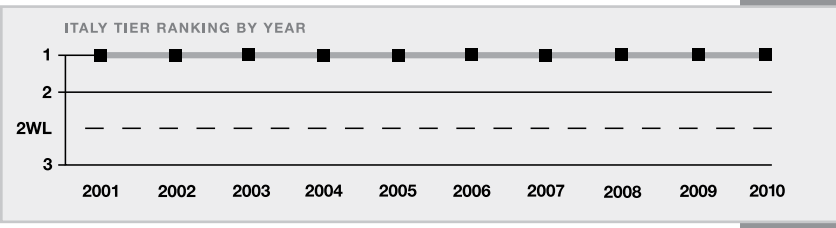
The Government of Italy continued to demonstrate vigorous anti-human trafficking law enforcement efforts during the year. Italy prohibits all forms of trafficking in persons through its 2003 Measures Against Trafficking in Persons law, which prescribes penalties of eight to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for

other serious offenses. Complete data for 2008 showed it investigated 2,738 suspects for trafficking, resulting in the arrest of 365 people. The government reported trial courts convicted 138 trafficking offenders in 2008 and sentenced them to an estimated average of four years' imprisonment, the government reported that all offenders were prosecuted under its 2003 trafficking law. The government reportedly used other laws, which carry lesser penalties, in some cases to prosecute forced labor trafficking. It did not, however, disaggregate its data to demonstrate any prosecutions or convictions for force labor offenses. In December 2009, authorities arrested and charged two prison guards with exploitation of women in prostitution. 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 Government of Italy demonstrated continued efforts to protect and assist identified trafficking victims during the reporting period. Article 18 of its anti-trafficking law codifies the identification and referral of trafficking victims to NGOs for care and assistance; however, the government did not have stand-alone procedures for front-line responders to ensure this aspect of the law was being implemented. In 2008, approximately 1,100 trafficking victims, including 50 children and 100 men, entered social protection programs. According to the Ministry of Interior, 810 victims received residency permits by assisting law enforcement in 2009, compared with 664 the previous year. 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 2009, the national government and local authorities earmarked $12.7 million for victim assistance projects. The government ensured, through IOM, the responsible return of 34 trafficking victims in 2009. Victims who are identified and file complaints against traffickers generally did not face penalties for unlawful acts committed as a direct result of their being trafficked.

During the reporting period, the government aggressively implemented anti-immigration security laws and polices resulting in fines for illegal migrants and their expedited expulsion from Italy. International human rights groups and local experts reported this resulted in authorities failing to take adequate measures to identify potential victims of trafficking. Further, the Italian government implemented an accord with the Government of Libya during the reporting period that allowed for Italian authorities to interdict, forcibly return and re-route boat migrants to Libya. According to Amnesty International and Human Rights Watch the government failed to conduct even a cursory screening among these migrants for indications of trafficking. Race riots in Rosarno in January 2010 revealed the rampant exploitation of immigrant labor within Italy's agricultural sector. The government reported many of these 1,000 African migrants possessed temporary residence permits; the government reported granting some migrants asylum and deported the remainder. It is unclear if authorities systematically attempted to identify trafficking victims among these migrants; only eight migrants requested residence permits as trafficking victims.



Prevention

The Government of Italy continued to make efforts to prevent trafficking in 2009. The government implemented an information campaign, funded by the EU, during the reporting period that included television and radio ads aimed at informing the public that some women in prostitution in their towns may be victims of modern slavery. NGOs continued to distribute government-funded materials that included television and Internet spots, banners, and bumper stickers in various languages during the reporting period. The government sponsored a program implemented by IOM in 2009 aimed at strengthening capabilities of Nigerian NGOs and preventing trafficking of Nigerian victims. The government reported it 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. The government continued its program to combat child sex tourism that included outreach to travel agencies and tour operators; however it did not report it prosecuted any such activity in 2009.

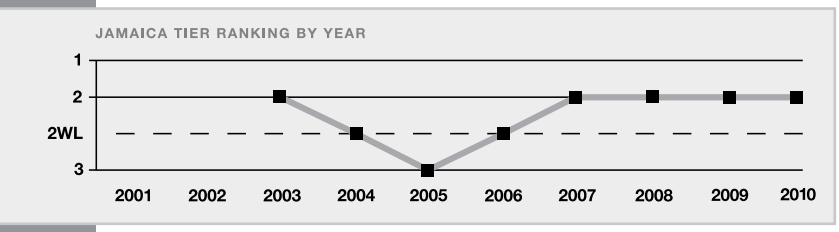
JAMAICA (Tier 2)

Jamaica is a source, transit, and destination country for women and children subjected to trafficking in persons, specifically conditions of forced prostitution and forced labor. The majority of victims identified within the country were poor Jamaican women and girls, and increasingly boys, subjected to forced prostitution in urban and tourist areas. Trafficking is purported to occur within Jamaica's poverty stricken garrison communities, territories ruled by criminal "dons" that are effectively outside of the government's control. Some Jamaican women and girls have been subjected to forced

prostitution in other countries such as Canada, the United States, the UK, The Bahamas, and other Caribbean destinations. Foreign victims have been identified in forced prostitution and domestic servitude in Jamaica. An NGO working with street children reported that the forced labor of children in street vending is prevalent. Jamaican children also may be subjected to involuntary domestic servitude. There is widespread belief among the NGO community that many of the 1,859 Jamaican children that have gone missing in 2009 were trafficked. Trafficking offenders increasingly used the Internet and cell phone text messages to lure victims. NGOs and other local observers reported that child sex tourism is a problem in Jamaica's resort areas.

The Government of Jamaica does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated leadership in addressing human trafficking by acknowledging the problem, forging partnerships with NGOs, and making substantial strides in the area of victim protection–opening a trafficking-specialized shelter in Kingston, despite limited resources. This progress was threatened by a lack of reporting on the punishment of convicted trafficking offenders, a critical element in both victim protection and deterrence of the crime.

Recommendations for Jamaica: Vigorously investigate and prosecute sex and labor trafficking offenses, and convict and sentence trafficking offenders; consider expansion of victim identification and referral training to include a broader group of police, including police recruits, and other officials involved in the prosecution of trafficking offenders; encourage partnerships between police and NGOs in Negril, Montego Bay and other towns outside of Kingston, fostering more referrals of victims and prosecution of cases; continue to develop victim protection services for children; and explore using existing partnerships with NGOs to expand awareness activities, particularly prevention campaigns directed at youth and potential clients of the sex trade.



Prosecution

The government made no discernible progress in prosecuting trafficking offenders during the reporting period. The government prohibits all forms of trafficking through its comprehensive "Trafficking Act of Jamaica," which went into effect in 2007. Punishments prescribed for trafficking under the Act extend up to 10 years' imprisonment, which are sufficiently stringent, though not commensurate with penalties prescribed for other serious crimes, such as rape. The government was not able to provide comprehensive data on trafficking prosecutions and convictions throughout the country. Over the past year, there were at least six ongoing sex trafficking prosecutions. The government could not confirm the conviction or punishment of any trafficking offenders in 2009. NGOs reported that trafficking offenders often disappeared on bail after being caught and before they could be prosecuted. One NGO reported that trafficking complicity by police was a problem but did not cite any specific cases. A public official claimed that obtaining quality evidence of trafficking from police was a challenge. Trafficking victim identification training is not a part of the standard police academy curriculum for new recruits, but the Ministry of National Security provided anti-trafficking training for some police units, magistrates, prosecutors, and for operators staffing the trafficking hotline.

Protection

The government made some progress in victim protection during the reporting period. The government offered fifteen victims free legal, medical, and psychological services. Despite limited resources, in partnership with an NGO, the government began establishment of three government-supported shelters for female trafficking victims, the first of which was completed in March 2010. The government spent approximately $282,000, to refurbish the facilities for the three shelters. In addition, the government partially funded an NGO shelter and gave sporadic funding to other NGOS that provided victim assistance services. The government attempted to return child victims to families or referred them to foster homes. It also directly operated facilities that could house child trafficking victims, though some of these facilities also served as juvenile detention centers. The government trained 71 persons in the Ministry of National Security, 15 in the Ministry of Foreign Affairs and Foreign Trade, and 648 in the Jamaican Constabulary Force in 2009 in trafficking victim identification. Law enforcement, immigration, and social services personnel in Kingston used established formal mechanisms to proactively identify victims of trafficking and to refer them to organizations providing services. Many NGOs in Kingston reported good relations with Jamaican authorities, but police and NGOs in the resort areas of Montego Bay and Negril were not in formal contact. Identified victims were generally not penalized for immigration violations or other unlawful acts committed as a direct result of being trafficked; the government has developed formal guidance for immigration officials, advising them not to deport victims. Jamaican authorities encouraged victims to assist in the investigation and prosecution of their traffickers; at least 12 victims took part in trafficking prosecutions in 2009. The Jamaican government allowed foreign trafficking victims participating in a prosecution

to stay in Jamaica until their cases had been completed and there was a plan for safe return to their home countries.

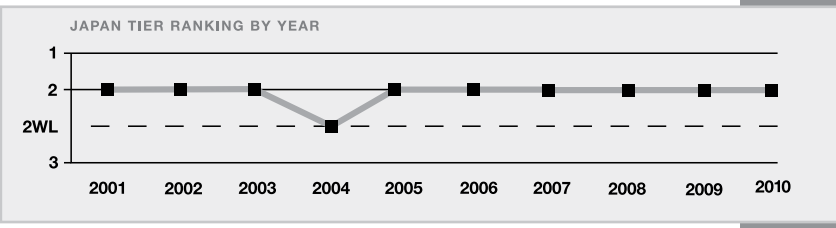
Prevention

The government made some progress in trafficking prevention activities during the reporting period. The government acknowledged Jamaica's trafficking problem, and government's anti-trafficking task force sustained partnerships with NGOs in coordinating anti-trafficking activities and implementing the national anti-trafficking action plan. The government conducted anti-trafficking education campaigns in schools and libraries during the reporting period. It also provided modest, sporadic funding to at least one NGO that raised awareness among youth in rural communities. Several NGOs suggested that additional public awareness activities would be beneficial because there were increased referrals after past information campaigns. A government-operated general crime victim hotline offered specialized assistance to persons reporting human trafficking. The government did not target any prevention efforts toward potential clients of the sex trade or beneficiaries of forced labor during the reporting period. Jamaican authorities initiated a carnal abuse prosecution of a foreign visitor to Jamaica who allegedly engaged in child sex tourism.

JAPAN (Tier 2)

Japan is a destination, and to a much lesser extent, source and transit country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. Male and female migrant workers from China, Indonesia, the Philippines, Vietnam, and other Asian countries are sometimes subject to conditions of forced labor. Some women and children from East Asia, Southeast Asia, Eastern Europe, Russia, South America, and Latin America who travel to Japan for employment or fraudulent marriage are forced into prostitution. Japanese organized crime syndicates (the Yakuza) are believed to play a significant role in trafficking in Japan, both directly and indirectly. Traffickers strictly control the movements of victims, using debt bondage, threats of violence, and other coercive psychological methods to control victims. The media and NGOs continue to report abuses of the Industrial Trainee and Technical Internship Program (the "foreign trainee program"), including debt bondage, restrictions on movement, unpaid overtime, and fraud – elements which contribute to situations of trafficking. Women typically faced debt upwards of $49,000 upon commencement of their contracts, and had to pay employers additional fees for living expenses, medical care, and other necessities, leaving them predisposed to debt bondage. "Fines" for misbehavior added to their original debt, and the process that employers used to calculate these debts was not transparent. A growing and significant number of Japanese women and girls are victims of sex trafficking in the country, a highly lucrative industry for criminal networks and other operators in Japan. In the case of domestic victims, the threat of blackmail, credit card debts, and other debts from loan sharks are often used as coercive mechanisms in trafficking. Japan is 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. During the year, the government reported a record low number of trafficking victims identified and trafficking offenders prosecuted and convicted, while there was no empirical evidence of a decline in Japan's trafficking problem. In December 2009, the government issued an Action Plan to combat trafficking. Nevertheless, the government's efforts to investigate and prosecute trafficking cases, and identify and protect victims of trafficking remained inadequate. The government has never prosecuted a case of labor trafficking in the foreign trainee program. For the fourth consecutive year, the number of trafficking victims identified and assisted in Japan decreased significantly with no credible signs of a concurrent decline in Japan's trafficking problem.



Recommendations for Japan: 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; expand proactive law enforcement efforts to investigate trafficking in businesses employing foreign workers and in commercial sex businesses; ensure that victims are not punished for unlawful acts committed as a direct result of being trafficked; increase prosecutions and convictions of labor trafficking offenders; encourage the National Police Agency and to Japanese Embassies and Consulates instructing officials to cooperate to the extent possible 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 Japanese government demonstrated diminished anti-trafficking law enforcement efforts during the reporting period. The government reported prosecuting and convicting five individuals in 2009 under Penal Code Article 226-2, Crimes of Buying or Selling of Human Beings. The government did not report sentencing data for the offenders. Historically, most convicted offenders receive suspended sentences. Japan does not have a comprehensive anti-trafficking laws, and does not keep statistics on the number of trafficking cases it investigates and prosecutes. Cooperation between the different bureaucracies that handle trafficking cases is not always conducive to establishing a clear statistical record that includes prosecutions, convictions and sentencing. The government did not adequately pursue investigations, prosecutions, and convictions of organized crime groups engaged in trafficking. Japan's 2005 amendment to its criminal code, which prohibits the buying and selling of persons, and a variety of other criminal code articles and laws, including the Labor Standards Law, and the Law for Punishing Acts Related to Child Prostitution and Child Pornography criminalizes 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, prohibiting the buying and selling of persons, prescribes penalties of up to seven years' imprisonment, which is sufficiently stringent. The Immigration Bureau and Labor Standard Inspection Bodies continued to report hundreds of abuses by companies involved in the foreign trainee program. While many of these abuses were not trafficking-related, some serious abuses were reported including fraudulent terms of employment, restrictions on movement, withholding of salary payments, and debt bondage. Trainees sometimes had their travel documents taken from them and their movement controlled to prevent escape. However, the government did not exhibit efforts to adequately monitor and regulate its foreign trainee program, and has never criminally investigated, prosecuted, or convicted offenders of labor trafficking in the program. In December 2009, a senior immigration official was convicted and sentenced to two years' imprisonment with labor on charges of accepting bribes in exchange for favorable reviews of residence permits for female bar workers. Corruption remains a serious concern in the large and socially accepted entertainment industry in Japan, but government efforts against such corruption have been inadequate. The government sustained modest partnerships with NGOs and international organizations to train law enforcement officials on the recognition, investigation, and prosecution of trafficking crimes.

Protection

The government demonstrated diminished effort to identify and protect victims of trafficking during the reporting period. The number of trafficking victims identified overall by the Japanese government declined for the fourth consecutive year. Police authorities identified only 17 victims in 2009, down from 36 victims in 2008, 43 in 2007, 58 in 2006, and 116 in 2005. The government did not identify any male victims of trafficking, nor did it have any shelters available to male victims. Government efforts to protect Japanese child sex trafficking victims reportedly improved, but the government did not report the number of such victims identified. Informed observers continue to report that the government is not proactive in searching for victims among vulnerable populations. Although some Japanese authorities use an IOM-issued handbook on victim identification, authorities did not report having formal victim identification procedures. Moreover, although personnel in the various Japanese bureaucracies do have portfolios that include trafficking, the government does not appear to have any law enforcement or social services personnel dedicated solely to the human trafficking issue. All of the 17 identified victims were detained in government shelters for domestic violence victims – Women's Consulting Centers (WCCs) – that denied victims freedom of movement. The victims had access to medical care and received psychological care from an international organization. All of these victims were identified in vice establishments. Authorities have never identified a trafficking victim in the large population of foreign laborers in Japan, including in the "foreign trainee program." The government, in partnership with NGOs, reported improving access to native language interpreters. The government appears to do a poor job of informing trafficking victims that legal redress or compensation through a criminal or civil suit is possible under Japanese law. While authorities reported encouraging victims' participation in the investigation and prosecution of their traffickers, victims were not provided with any incentives for participation, such as the ability to work or generate income. Although the government claims the availability of a long-term residency visa for trafficking victims, no foreign victims have ever been granted such a visa. In 2009, Japan decreased its funding to the International Organization for Migration (IOM) from $300,000 to less than $190,000 for repatriation and reintegration assistance, which has had a detrimental effect on victim assistance efforts in the country, resulting in foreign victims unable to return home and victims unable to obtain reintegration assistance.

Prevention

The Japanese government made limited efforts to prevent trafficking in persons with assistance from international organizations and NGOs. The government continued distribution of posters and handouts to raise awareness about trafficking. Authorities also continued law enforcement training at the National Police University and with IOM assistance. In July 2009, the government established a temporary working group, which included NGOs, to develop a new National Action Plan to combat

trafficking, which was released in December 2009, though the new action plan does not include NGO partnerships. The government continued to fund a number of anti-trafficking projects around the world. For years, a significant number of Japanese men have traveled to other Asian countries, particularly the Philippines, Cambodia, and Thailand, to engage in sex with children. Authorities have not prosecuted a Japanese national for child sex tourism since 2005, and did not report investigating any such cases during the reporting period. Despite the country's thriving commercial sex industry, the government did not make any efforts to reduce the demand for commercial sex acts or the demand for child sex tourism. Japan is not a party to the 2000 UN TIP Protocol.

JORDAN (Tier 2)

Jordan is a destination for women and men subjected to trafficking in persons, specifically conditions of forced labor and, to a lesser extent, forced prostitution. Jordan is possibly a source and transit country for women and men subjected to conditions of forced labor and forced commercial sexual exploitation. There were also reports of Jordanian child laborers experiencing conditions of forced labor. Migrant workers may be rendered vulnerable to forced labor in Jordan due to indebtedness to recruiters, legal requirements mandating foreign workers rely on employers to renew work and residency permits, and negative societal attitudes toward foreign workers. Women from Sri Lanka, Indonesia, and the Philippines voluntarily migrate to Jordan for employment as domestic workers; some are subjected to conditions of forced labor after arrival, including through such practices as the unlawful withholding of passports, restrictions on movement, non-payment of wages, threats of imprisonment, and physical or sexual abuse. At the conclusion of the reporting period, approximately 400 Filipina, Indonesian, and Sri Lankan domestic workers, most of whom had fled some form of forced labor, were sheltered at their respective embassies in Amman.

Moroccan and Tunisian women are reportedly subjected to forced prostitution after migrating to Jordan to work in restaurants and night clubs. In addition, a few Chinese, Bangladeshi, Indian, Sri Lankan, and Vietnamese men and women encountered conditions indicative of forced labor in a few factories in the garment sector, including factories in Jordan's Qualifying Industrial Zones, such as the unlawful withholding of passports, delayed payment of wages, and, in a few cases, verbal and physical abuse. Instances of forced labor reportedly continued to decline due to enhanced labor inspections and other recent measures undertaken by the government within the garment sector. During the year, NGOs and the media also reported the forced labor of Egyptian workers in the construction, agriculture, and tourism sectors. Jordan's airports may be transit points for South- and Southeast-Asian men and women *en route* to employment opportunities in other Middle Eastern countries, where they experience labor exploitation after arrival. Some Jordanian children employed within the country as street vendors, carpenters, painters, mechanics, domestics, restaurant staff, or agricultural laborers may be exploited in situations of forced labor.

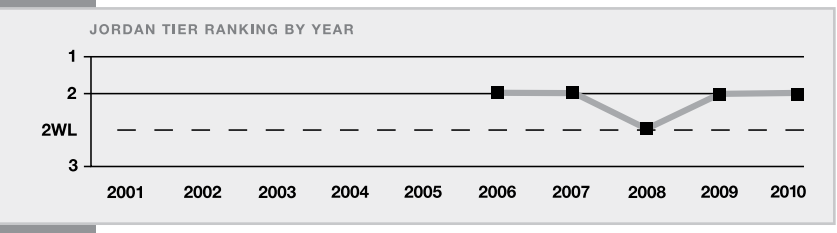
The Government of Jordan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government continued to demonstrate a strong commitment to combat human trafficking. Law enforcement authorities began to implement the 2008 anti-trafficking law by increasing investigations into suspected cases, resulting in several prosecutions. The government also finalized a national anti-trafficking action plan; instituted bylaws providing standards for employing domestic workers and operating recruitment agencies; drafted a plan and guidelines for opening a long-term shelter; and designed a public awareness strategy. Nevertheless, victim assistance, public awareness raising, punishment of traffickers, and active cooperation with source country embassies remained limited.

Recommendations for Jordan: Using the anti-trafficking statute, increase efforts to investigate, prosecute, and sentence trafficking offenses, especially those involving the forced labor of domestic workers; increase penalties for forced labor offenses; jointly train labor inspectors, police, border officials, judges, and prosecutors to enhance anti-trafficking law enforcement cooperation; implement a comprehensive awareness campaign to educate the general public, as well as foreign migrant workers in all sectors, on the nature of human trafficking, particularly forced labor and the proper treatment of domestic workers under Jordanian law; enhance protective services available to trafficking victims to include the availability of adequate shelter; strengthen efforts to proactively identify victims of forced labor and forced prostitution and ensure identified victims are not punished for unlawful acts committed as a direct result of being trafficked; ensure identified trafficking victims are promptly referred by law enforcement, social services, and labor officials to protection services using a standardized procedure; and where appropriate, increase bilateral partnerships and systematic information sharing with governments of source countries to better protect migrant workers from abuse and resolve cases of alleged exploitation.

Prosecution

The Government of Jordan made improved efforts to criminally punish trafficking offenders during the reporting period. The Anti-Human Trafficking Law of 2008, which became effective in March 2009, prohibits all forms of trafficking and prescribes penalties of up to ten years' imprisonment for forced prostitution and trafficking involving aggravating circumstances, such as trafficking of a child or with the involvement of a public

official; these penalties are sufficiently stringent, but not commensurate with those for other serious crimes, such as rape. 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 violations; these penalties also are not sufficiently stringent. Over the last year, the government investigated and prosecuted a number of cases involving forced labor and forced prostitution. The government convicted two trafficking offenders for forcing two Tunisian women into prostitution; it did not provide information on the sentence imposed. Using the anti-trafficking statute, an Amman court began the prosecution of the employer of a Sri Lankan domestic worker who allegedly confined the worker to the house and did not pay her for over 10 years, conditions highly indicative of forced labor. In February 2009, an Amman criminal court began the prosecution of a Jordanian man charged with the sexual assault of his domestic worker under Penal Code Article 76, 296, 300, 301, and 304; the victim also alleged physical abuse, non-payment of wages, and confinement to the household, but charges under the anti-trafficking statute were not brought due to authorities' limited understanding of trafficking crimes. Administrative courts heard at least 20 cases of wage non-payment and awarded some level of compensation to the foreign worker in each case; however, no criminal penalties were attached to these cases. In 2009, labor inspectors issued at least 41 fines for forced labor violations in garment factories. The government failed to provide information on the status of two prosecutions pending at the close of the previous reporting period. The government provided anti-trafficking training to some officials through the police training academy and a training program for labor inspectors. In addition, the Public Security Directorate's (PSD) Borders and Residency Department trained 300 border guards to recognize and interview trafficking victims.



Protection

The Jordanian government made improved but inadequate efforts to protect victims of trafficking during the last year. Although Jordanian law enforcement authorities did not employ systematic procedures to proactively identify or refer victims of trafficking for assistance, some victims were identified by the PSD and referred to NGOs for assistance. While Article 7 of the anti-trafficking law contains a provision for the opening of shelters, the country continued to lack direct shelter services for victims of trafficking. A working group under the National Committee for the Prevention of Human Trafficking, which was established in June 2009 and is chaired by the Minister of Justice, drafted bylaws to serve as the legal framework for operating such shelters. In addition, the Ministry of Social Development (MOSD) developed a detailed management and resource plan for operating a shelter in conjunction with NGO service providers; at the close of the reporting period, the National Committee had not yet approved the plan. A government-run shelter for abused Jordanian women housed and provided psychological and medical services to a small number of 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. Another government-funded organization provided limited legal advice and assistance to domestic and textile workers in 2009. Most detained foreign domestic workers, however, even those who claimed abuse or forced labor conditions, were not referred for assistance. The government did not adequately ensure identified victims were not penalized for unlawful acts committed as a direct result of being trafficked; victims continued to be vulnerable to arrest and detention if found without valid residency documents and some foreign domestic workers fleeing abusive employers were incarcerated after their employers filed false claims of theft against them. The government did not actively encourage victims to pursue the investigation or prosecution of trafficking offenses committed against them. In order to limit the opportunities for exploitation, labor regulations prohibit the transfer of a migrant worker from one sponsoring employer to another without prior approval from the Ministry of Labor (MOL). The threat of detention due to expired residency documents and the lack of special work permits and visas to allow trafficking victims to remain legally in Jordan make it difficult for abused workers to leave their employers, thereby leaving them vulnerable to prolonged situations of human trafficking. The fining of foreign workers without valid residency documents – including identified trafficking victims – on a per day basis for being out-of-status served as a disincentive to remain in Jordan and pursue legal action against traffickers. Nevertheless, during the year, the Ministry of Interior often waived the accumulated overstay penalties levied against "runaway" foreign domestic workers in order to repatriate them.

Prevention

The government made increased efforts to prevent trafficking during the reporting period. In March 2010, the National Committee for the Prevention of Human Trafficking officially launched its National Strategy and Action Plan to Combat Human Trafficking (2010-2012)

during a ceremony attended by the Deputy Prime Minister and Justice Minister. This plan includes provisions for a specific visa for human trafficking victims to allow victims to receive residency and work permits while they pursue a legal case. In August 2009, the cabinet endorsed and made effective two new sets of bylaws to the Labor Law. The first protects the rights of foreign domestic workers by providing for a standard work day, paid leave, entitlement to family contact, freedom of religion, and protection from being sent to work in homes other than the sponsoring employer's. These bylaws, however, require the worker to obtain the employer's permission to leave the house; if a domestic flees the premises, the employer is neither bound to fulfill any financial obligations toward the worker nor bear the expense of returning her to her home country. The second set of bylaws governs the work of domestic worker recruitment agencies by strengthening licensing requirements and giving the MOL greater monitoring and enforcement authorities. These bylaws have not been fully implemented, partially due to some regulations in need of additional instructions.

During the reporting period, the government ordered the closure of nine recruitment agencies for failure to comply with the labor law or domestic worker bylaws, or for complaints filed against them. Six agencies had their closure order suspended after resolving the problems, and three were closed permanently. In addition, the MOL inspectorate issued 17 fines and 48 warnings against recruitment agencies for failure to comply with the labor law or recruitment agency regulations. In June 2009, the government signed a memorandum of understanding with the Government of Indonesia to strengthen the regulation and oversight of the recruitment process for domestic workers and clearly delineate protection responsibilities. The MOL continued operation of a hotline to receive labor complaints, some of which included indicators of forced labor, such as the withholding of workers' passports; the inspectorate did not maintain complete records of calls received, but contends every complaint was investigated. It also carried out over 176,000 planned or on-the-spot investigations covering all labor sectors except agriculture. It did not conduct any information or education campaigns beyond the labor inspectorate's brief awareness raising workshops for workers in garment factories.

To address exploitative child labor, the inspectorate fined 33 businesses in 2009, but handled most other cases informally with the employer and family; no criminal charges were filed against employers illegally utilizing child labor, though 375 identified children were referred to educational and other services. The government did not undertake any discernible measures to reduce the demand for commercial sex acts during the year. Jordan's Peace Operations Training Center provided anti-trafficking training as part of their standard training regimen for peacekeepers being deployed abroad as part of international peacekeeping missions. The government ratified and published the 2000 UN TIP Protocol in April 2009.

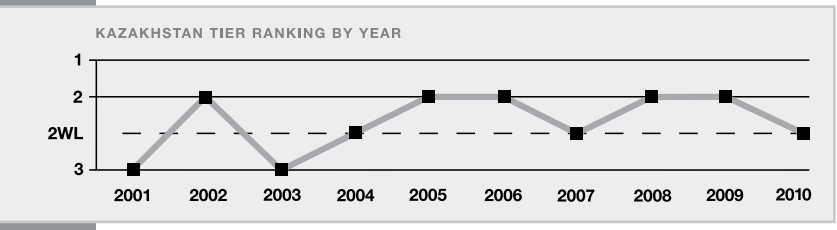
KAZAKHSTAN (Tier 2 Watch List)

Kazakhstan is a source, destination, and to a lesser extent, a transit country for women and girls subjected to trafficking in persons, specifically forced prostitution, and for men and women in conditions of forced labor. Kazakhstani women and children are trafficked within Kazakhstan and also to the United Arab Emirates, Russia, China, Turkey, Azerbaijan, Greece, and Israel for the purpose of forced prostitution. Women and girls from Uzbekistan, Russia, Kyrgyzstan, Tajikistan, and Ukraine are subjected to forced prostitution in Kazakhstan. Kazakhstani men, women, and boys as well as men from Uzbekistan, Kyrgyzstan, and Mongolia are subjected to conditions of forced labor in domestic servitude and also in the tobacco, cotton, and meat processing industries in Kazakhstan. Twenty-five percent of the school-age children in a region of southern Kazakhstan were forced to pick cotton during the 2009 harvest.

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. Despite these efforts, the government did not demonstrate significant efforts to identify and assist foreign victims or victims of forced labor and did not vigorously prosecute, convict, or criminally punish any officials for government complicity, including local officials complicit in the use of forced labor during the annual cotton harvest; therefore, Kazakhstan is placed on Tier 2 Watch List. In 2009, approximately 900 school children ages seven to 17 were forced to pick cotton by local government officials in a region of Southern Kazakhstan during the fall cotton harvest; although local prosecutors began an investigation, no authorities were prosecuted, convicted, or criminally punished for their actions. Despite recognition as a destination for foreign victims trafficked for forced prostitution and forced labor, the government only identified and assisted three foreign victims during the reporting period. The government also demonstrated only modest efforts to identify victims of forced labor in 2009 – only 12 Kazakhstani victims of forced labor were identified by the government. Over the last year, the government allocated $55,000 to an NGO service provider to open a trafficking shelter in Astana in September 2009. It also sustained a high level of funding for public awareness efforts.

Recommendations for Kazakhstan: Take substantive action to end the use of forced labor during the annual cotton harvest; increase efforts to identify foreign victims of both forced prostitution and forced labor; increase the number of foreign victims of trafficking who receive trafficking victim assistance; increase efforts to identify labor trafficking victims, including by ensuring authorities screen for potential victims of forced labor among those detained during immigration raids and refer those identified victims for assistance; investigate, prosecute, convict, and criminally punish all government

officials complicit in trafficking, including those officials involved in forcing or facilitating the use of forced labor during the cotton harvest; continue to 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 law enforcement efforts to combat trafficking over the reporting period; however, it failed to vigorously prosecute, convict, and criminally punish government officials complicit in trafficking, including those officials who forced children to pick cotton during the 2009 harvest. Kazakhstan prohibits trafficking in persons for both forced labor and commercial sexual exploitation through Articles 128, 133, 125(3)(b), 126(3)(b), and 270 of its penal code, which prescribe penalties of up to 15 years' imprisonment – penalties sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Police conducted 49 trafficking investigations, compared with 44 investigations in 2008. Authorities prosecuted 35 cases in 2009, compared with 30 prosecutions in 2008. A total of 24 trafficking offenders were convicted in 2009, the same number as in 2008. These numbers included 21 offenders convicted for sex trafficking offenses, up from 18 in 2008, and three offenders convicted for forced labor offenses, down from six convictions in 2008. Only one trafficker received a suspended sentence and served no time in prison. Eleven sex trafficking offenders were issued sentences ranging between 5.5 and 10 years' imprisonment and nine sex trafficking offenders were issued sentences ranging from two to five years' imprisonment; three labor traffickers were issued sentences ranging from five to seven years' imprisonment. The Kazakhstani police provided victim identification and trafficking investigation training for 79 migration and criminal police, funded anti-trafficking training for officers in law enforcement academies in Russia and Turkmenistan, and partnered with other foreign governments to provide training to 1,141 Kazakhstani government officials. The Supreme Court also allocated $20,000 for three trafficking seminars for 44 judges, 13 prosecutors, and seven police officers.

The government did not demonstrate significant efforts to combat government complicity in trafficking during the reporting period. In November 2009, prosecutors in a region of southern Kazakhstan investigated local government and school officials accused of forcing approximately 900 school children ages 7 through 17 to pick cotton during the fall harvest. One student was reportedly assaulted by the deputy director of his school when he refused to pick cotton; other students were reportedly threatened with receiving bad exam grades if they did not pick cotton. No officials were prosecuted, convicted, or punished for forcing children to pick cotton, although 27 school officials were reprimanded or warned – penalties that are not sufficiently stringent to deter the practice of local officials forcing children to pick cotton. In September 2009, police launched an investigation into the use of forced labor in the clearing of Chaldai forest; local officials allegedly used their authority to protect the owner of the labor company, who was the nephew of the local mayor. The government did not prosecute, convict, or punish any of these or other government officials complicit in trafficking in 2009.

Protection

The government demonstrated some efforts to assist and protect Kazakhstani victims; however, only three foreign victims were identified and assisted by authorities and very few victims of labor trafficking were identified, despite the fact Kazakhstan is a significant destination country for foreign victims and also for forced labor. NGOs continued to report a lack of awareness among local police and government officials about labor trafficking, causing many potential labor trafficking victims to go unidentified and unassisted during the year. In 2009, authorities conducted a series of immigration raids at factories and other places of employment highly vulnerable to forced labor; however, no foreign victims and only 12 Kazakhstani victims of forced labor were identified out of at least 17,082 workers encountered. In 2009, the Ministry of Interior established a new hotline exclusively for the assistance of Kazakhstani victims of trafficking. IOM identified 98 victims in 2009, compared with 64 victims identified in 2008. The government formally identified 59 victims – 12 Kazakhstani victims of forced labor, as well as 44 Kazakhstani and three foreign victims of sex trafficking – and provided all with shelter, food, clothing, transportation, and other services amounting to approximately $84,000, an increase from $46,000 allocated in 2008. The government allocated $55,000 from this total to an NGO service provider to open a trafficking shelter in Astana in September 2009. Local authorities funded the salaries of three employees of an NGO-run, foreign funded trafficking shelter in Almaty. In total, 95 victims of forced prostitution and forced labor were assisted by IOM, privately-funded NGOs, and government-funded programs in 2009. NGOs reported that foreign victims were sometimes denied access to local medical facilities due to a lack of health insurance or temporary residency permits. Foreign victims who agreed to cooperate with law enforcement were permitted to remain in Kazakhstan for the duration of the criminal investigation; however, no foreign victims

received temporary residence permits in 2009. Although some victims cooperated with authorities during the initial investigation, some victims refused to testify in court for fear of retribution from traffickers. There were no reports of victims punished for unlawful acts committed as a direct result of being trafficked.

Prevention

The government continued its strong general trafficking prevention efforts; however, local officials in southern Kazakhstan did not prevent the use of forced labor during the 2009 fall cotton harvest. In 2009, the government allocated $200,000 for a nation-wide anti-trafficking awareness campaign consisting of 189 hours of anti-trafficking programming broadcast on television and radio and 322 anti-trafficking articles published in newspapers. The government also provided approximately $63,000 to NGOs to produce and disseminate trafficking awareness materials and also to conduct several trafficking roundtable discussions with students and teachers during school hours. Most trafficking awareness efforts in 2009 were targeted at potential victims of trafficking, however, and they did not address the demand for trafficking.

KENYA (Tier 2)

Kenya is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. Within the country, Kenyan children are forced into domestic servitude, commercial sexual exploitation – including involvement in the coastal sex tourism industry – and forced labor in agriculture (including on flower plantations), fishing, cattle herding, street vending, and bars. Traffickers – who gain poor families' trust through familial, tribal, or religious ties – falsely offer to raise and educate children in towns, or to obtain women lucrative employment. Trafficked Kenyan adults are exploited in involuntary domestic servitude and forced prostitution. Kenyan men, women, and children voluntarily migrate to the Middle East, other East African nations, and Europe in search of employment, where they are exploited in domestic servitude, massage parlors and brothels, and forced manual labor, including in the construction industry. At least 10 Kenyan trafficking victims remained in detention in Saudi Arabia at the end of the reporting period. Children from Burundi, Ethiopia, Rwanda, Somalia, Tanzania, and Uganda are subjected to forced labor and commercial sexual exploitation in Kenya. Chinese, Indian, and Pakistani women reportedly transit Nairobi *en route* to exploitation in Europe's sex trade. There were reports during the year that the al-Shabaab militia and Somalia's Transitional Federal Government may have recruited Somali youth under the age of 18 from Kenya-based refugee camps and Nairobi's Eastleigh neighborhood to participate in armed conflict in Somalia.

The Government of Kenya does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government re-launched its national anti-trafficking committee, finished drafting a national action plan, and partnered with a foreign government to arrest and extradite a suspected trafficker. While the government convicted at least two Kenyan trafficking offenders in 2009, most prosecutions failed to progress and data on such cases were not compiled at the provincial or national level.

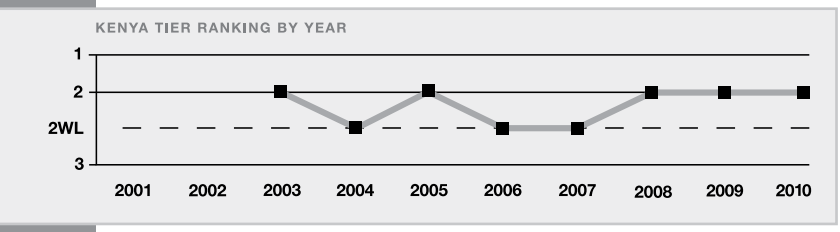
Recommendations for Kenya: Pass, enact, and implement the draft comprehensive anti-trafficking bill; provide additional awareness training to all levels of government, particularly law enforcement officials, on identifying and responding to trafficking crimes; increase efforts to prosecute trafficking offenses and convict and punish trafficking offenders, including government officials suspected of complicity with human trafficking crimes; establish an official process for law enforcement officials to refer trafficking victims for assistance; institute trafficking awareness training for diplomats posted overseas; engage Middle Eastern governments on improving protections for Kenyan workers; and implement the national action plan.

Prosecution

The government failed to provide statistics on its anti-trafficking law enforcement efforts, but convicted and punished at least two trafficking offenders during the reporting period. Though Kenya does not have a comprehensive anti-trafficking statute, all forms of trafficking are prohibited through a variety of legal statutes. Sections 14, 15, and 17 of the Sexual Offenses Act of 2006 prohibit the facilitation of child sex tourism (prescribed punishment of at least 10 years' imprisonment), child prostitution (prescribed punishment of at least 10 years' imprisonment), and forced prostitution (prescribed punishment of at least five years' imprisonment); these penalties are sufficiently stringent and commensurate with those for other serious crimes, such as rape. Specific sections of the Children's Act could also be used to prosecute sex trafficking offenses. These laws, however, are not widely used by prosecutors. Sections 13 and 18 of the Sexual Offenses Act and Section 18 of the Children's Act intend to prohibit child and adult sex trafficking, but contain unclear definitions and include crimes that are outside of the internationally-accepted scope of human trafficking. The Employment Act of 2007 outlaws, but does not prescribe, punishments for forced labor. Section 266 of the Penal Code outlaws unlawful compulsory labor, but classifies the crime as a misdemeanor offense and does not prescribe penalties. Section 264 prescribes a penalty of seven years' imprisonment for buying or disposing of a person as a slave, while Section 260 prescribes a penalty of 10 years' imprisonment for kidnapping for the purpose of slavery. In November 2009, Parliament's Legal

Affairs Department approved the draft Anti-Trafficking in Persons Bill and forwarded it to the Clerk's Office for review.

In September 2009, a Nairobi court sentenced two Kenyan women to 10 years' imprisonment for subjecting children to prostitution. The Department of Public Prosecutions, however, did not produce data on anti-trafficking prosecutions or convictions achieved during the year. In 2009, authorities at Jomo Kenyatta International Airport detained an American citizen on suspicion of trafficking Asian women to Eastern Europe via Nairobi and government officials worked closely with United States law enforcement to arrest and extradite him to Thailand. In the previous reporting period, Kenyan police began compiling records of sexual offenses against children in Coast Province, where child sex tourism is most prevalent. They did not, though, disaggregate how many of the 93 alleged offenders charged in 2008 purportedly perpetrated sex trafficking offenses. 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. In conjunction with international organizations, the government trained police officers and immigration officials who work along the Somali border and at the two international airports to identify victims of transnational trafficking. Corruption among law enforcement authorities and other public officials continued to hamper efforts to bring traffickers to justice; in certain regions, corrupt police or immigration officials were complicit in, received bribes to overlook, or obstructed investigations of human trafficking. The government made no efforts to investigate or prosecute officials suspected of involvement in or facilitation of trafficking during the reporting period.



Protection

The government sustained minimal but inadequate victim protection efforts throughout the year. The government lacked both a mechanism for identifying victims of trafficking among vulnerable populations and a formal referral process to transfer victims to NGOs for assistance; it maintained no record of the number of victims referred by government officials to IOM or NGO service providers during the year. The government reportedly operated two shelters for child trafficking victims – one for boys and the other for girls – in Garissa, North East Province, but did not provide further information on these facilities. In 2009, the Ministry of Gender, Children, and Social Development hired an additional 67 Children's Officers – officials charged with advocating for children's rights and obtaining services for children in need – bringing the total number to 400. These officers coordinated the work of 2,427 local Children's Advisory Committees, which worked in partnership with police to combat child trafficking, monitor institutions – such as orphanages – providing charitable services to children, and advance awareness of human trafficking at the local level. During the reporting period, Children's Officers 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 victims. The government also worked with Ugandan authorities to repatriate four Ugandan children who had been identified in conditions of forced labor. The Ministry of Gender, Children, and Social Development continued partnership with a local NGO to jointly operate a 24-hour toll-free hotline for reporting cases of child trafficking, labor, and abuse. The hotline is located in a government-owned building and staffed, in part, by Children's Officers who facilitated rescues and made referrals to appropriate district officials. During the reporting period, the hotline received 27 reports of child trafficking and 13 concerning child prostitution.

The Kenyan Embassy in Riyadh provided assistance, including with repatriation, to at least two victims of involuntary domestic servitude during the reporting period; other victims, however, complained that the embassy was slow to intervene in their cases, did not expeditiously process travel documents, and did not provide material support. While the government did not encourage Kenyan victims' assistance in the investigation and prosecution of trafficking crimes during the reporting period, it did not inappropriately incarcerate or otherwise penalize them for unlawful acts committed as a direct result of being trafficked. Police, however, reportedly arrested foreign trafficking victims for engaging in prostitution or being in Kenya without valid identity documents; in most cases, they pled guilty to immigration violations and were quickly deported. The government did not provide legal alternatives to the removal of victims to countries where they would face hardship or retribution.

Prevention

The government made modest progress in its efforts to prevent human trafficking. The National Steering Committee to Combat Human Trafficking, chaired by the Minister of Gender, Children, and Social Welfare, met twice during the second half of the reporting period and completed the drafting of a five-year National Action Plan on Human Trafficking; the plan has not yet been approved by the cabinet. In 2009, the government co-sponsored public advertising, including large billboards, near Mombasa airport and in resort areas carrying anti-child prostitution messages and threatening prosecution for tourists engaging in child sex tourism. In

partnership with various donor-funded programs, labor officers, children's officers, social workers, chiefs, health officials, police, and religious leaders identified and withdrew children from forced labor situations during the reporting period. District-level child labor committees, in conjunction with local Children's Advisory Committees, raised awareness of child trafficking and labor among local populations. The Ministry of Labor, which is required by law to review and attest to all employment contracts for individuals legally migrating to work overseas, verified 400 contracts between December 2009 and February 2010; migrant workers, however, often left Kenya before their contracts had been reviewed and approved. It is unknown whether the government provided anti-trafficking training for its troops before deployment on international peacekeeping missions.

KIRIBATI (Tier 2 Watch List)

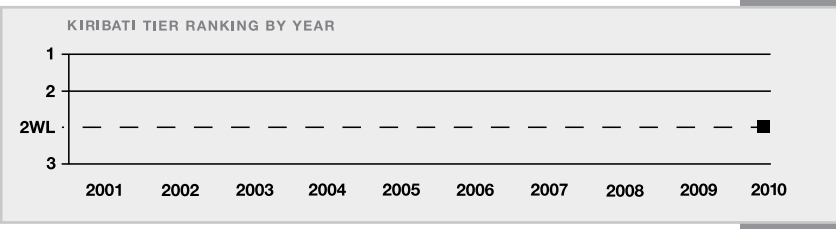
Kiribati is a source country for girls subjected to trafficking in persons, specifically commercial sexual exploitation. Crew members on Korean and perhaps other foreign fishing vessels in Kiribati or in its territorial waters exploit prostituted children on board their vessels. Some girls are also prostituted in bars frequented by crew members. Local I-Kiribati, sometimes family members but also taxi drivers and owners of small boats, knowingly facilitate trafficking by transporting underage girls to the boats for the purposes of prostitution. The girls generally received cash, food, or goods in exchange for sexual services.

The Government of Kiribati does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government has not proactively identified victims, investigated or prosecuted suspected trafficking offenders, or educated the public on the dangers of human trafficking; therefore, Kiribati is placed on Tier 2 Watch List. While the government acknowledges that the prostitution of girls is a problem in Kiribati, it has taken no steps to protect victims of sex trafficking, investigate and prosecute foreign crewmen for the commercial sexual exploitation of children within its territory, proactively identify child victims of sex trafficking, or educate the public about the dangers of trafficking.

Recommendations for Kiribati: Draft and enact comprehensive, specific anti-trafficking legislation; publicly recognize and condemn incidences of trafficking children for commercial sexual exploitation; investigate, prosecute, and punish trafficking offenders; work with NGOs or international organizations to provide protective services to victims; establish formal procedures to identify and refer trafficking victims to protective services; and develop and conduct anti-trafficking information and education campaigns.

Prosecution

The Government of Kiribati made no discernible law enforcement efforts to combat human trafficking during the reporting period. No trafficking offenders were investigated, arrested, prosecuted, or convicted in the past year, although information about particular victims in trafficking situations was available. Kiribati's 2005 comprehensive anti-trafficking legislation criminalizes all forms of trafficking, but does not include specific definitions of trafficking for labor or sexual exploitation. The law prescribes sufficiently stringent punishments of up to 15 years' imprisonment, which are commensurate with penalties prescribed for other serious crimes, such as rape. The 2005 law also provides protection and rights for victims of trafficking. The lack of a legal definition of sex or labor trafficking which identifies the essential elements of a trafficking crime prevents law enforcement officers from rescuing victims or arresting trafficking offenders on trafficking charges. The government provided no training to law enforcement and court personnel on identifying trafficking victims and prosecuting trafficking offenders. As members of Pacific Island international law enforcement groups, mechanisms exist to allow the country to work in partnership with other governments on trafficking cases which have not been used. There is no evidence of officials' complicity in human trafficking activity.



Protection

The Government of Kiribati made no discernible progress in ensuring trafficking victims' access to protective services during the year. Law enforcement and social services personnel do not have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact; they identified no victims during the reporting period. The government does not have any formal arrangements or mechanisms in place to provide trafficking victims with access to legal, medical, or psychological services, and no plans to develop the capacity to do so. The Kiribati government has not developed or implemented a referral process to transfer victims detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provide short or long-term care. It has a limited capacity to protect victims of trafficking or victims of other crimes, and relies on NGOs and international organizations to provide most victim services. Kiribati does not have victim care facilities specifically to care for trafficking victims. The law in Kiribati generally protects

rights of victims of violent crime, which would include victims of trafficking.

Prevention

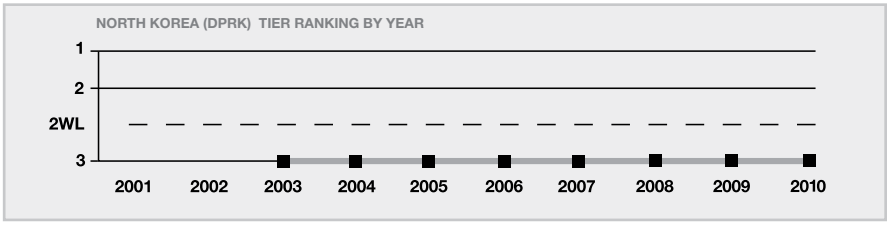
The government made no discernible efforts to prevent trafficking or raise public awareness of the dangers of trafficking. An inter-agency transnational crime task force made up of law enforcement officials from the police, the Attorney General's office, and the immigration, customs, and finance ministries met monthly and included trafficking in persons as one of its responsibilities. The government did not provide any specialized training for government or law enforcement officials on how to recognize, investigate, and prosecute instances of trafficking. It took no action to reduce the demand for commercial sex acts during the reporting period. There is no evidence that citizens of Kiribati are involved in international sex tourism.

KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF (Tier 3)

The Democratic People's Republic of Korea (DPRK or North Korea) is a source country for men, women, and children who are subjected to trafficking in persons, specifically forced labor and forced prostitution. The most common form of trafficking involves North Korean women and girls forced into marriage or prostitution in China. Women and girls from North Korea migrate to China, often with the help of a facilitator, seeking food, work, freedom, and better life prospects. Trafficking networks of Korean-Chinese and North Koreans (usually men) operate along the China-North Korean border, reportedly working with Chinese and North Korean border guards to recruit women for marriage or prostitution in China. North Korean women often pass through many hands, with multiple brokers involved in their trafficking. In some cases, friends, neighbors, and village acquaintances transfer them to traffickers. Some vulnerable North Korean women who make their own way to China are lured, drugged, or kidnapped by traffickers upon arrival. Others are offered jobs but are subsequently trafficked into involuntary servitude through forced marriages to Chinese men, often of Korean ethnicity, into forced prostitution in brothels, or the Internet sex industry. Some are forced to serve as hostesses in nightclubs and karaoke bars. Many victims are unable to speak Chinese and are held as prisoners by their traffickers. If found by Chinese authorities, victims are deported back to North Korea where they may face harsh punishment, and may be subject to forced labor in DPRK labor camps. NGOs and researchers estimate that tens of thousands of undocumented North Koreans currently live in northeast China, and as many as 70 percent of them are women. There is no reliable information on how many of these North Koreans are or have been trafficked, but their status in China as economic migrants who may be deported to North Korea makes them particularly vulnerable to trafficking. Chinese authorities cracked down on cross-border movement in advance of the 2008 Beijing Olympic Games and they seem to have continued strict enforcement throughout 2009. Reports indicate corruption involving North Korean border guards facilitating cross-border movement, particularly involving traffickers and professional border crossers.

Within North Korea, forced labor is part of an established system of political repression. North Koreans do not have a choice in the jobs they work and are not free to change jobs at will; the DPRK government determines what work each citizen will have. From April to September 2009, the government initiated a "150-Day Battle" campaign to boost the economy by requiring increased work hours and production targets of citizens, and implementing government-imposed programs, such as road building and construction work. The country initiated a second "labor mobilization" campaign, the "100-Day Battle," immediately after the initial "150-Day Battle."

The North Korean government is directly involved in subjecting North Koreans to forced labor in prison camps. An estimated 150,000 to 200,000 persons are held in detention camps in remote areas of the country; many of these prisoners were not duly convicted of a criminal offense. In prison camps, all prisoners, including children, are subject to forced labor, including logging, mining, and farming for long hours under harsh conditions. Reports indicate that political prisoners endure severe conditions, including little food or medical care, and brutal punishments; many are not expected to survive. Many prisoners fell ill or died, due to harsh labor conditions, inadequate food, beatings, lack of medical care, and unhygienic conditions.



The North Korean government recruits workers for bilateral contracts with foreign governments, including in Russia, countries in Africa, Central and Eastern Europe, East and Southeast Asia, including Mongolia, and the Middle East. There are credible reports that many North Korean workers sent abroad by the regime under these contracts are subjected to forced labor, with their movement and communications constantly under surveillance and restricted by North Korean government "minders." Credible reports state that they face threats of government reprisals against them or their relatives in North Korea if they attempt to escape or complain to outside parties. Worker salaries are deposited into accounts controlled by the North Korean government, which keeps most of the money, claiming fees for various

"voluntary" contributions to government endeavors. Workers only receive a fraction of the money paid to the North Korean government for their work. Tens of thousands of North Korean workers are estimated to be employed in Russian logging camps, where they reportedly have only two days of rest per year and face punishments when they fail to meet production targets. Wages of some North Korean workers employed in Russia reportedly were withheld until the laborers returned home, in a coercive tactic by North Korean authorities to compel their labor. North Korean workers at joint ventures with foreign investors within the DPRK are employed under arrangements similar to those that apply to overseas contract workers.

The North Korean government does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government has explicitly denied that human trafficking is a problem. Authorities do not differentiate between trafficking and other forms of illegal border crossing, and victims are punished for violation of migration laws. The government contributes to the problem of trafficking through its harsh restrictions on emigration and through its forced labor prison camps, where North Koreans live in conditions of servitude, receiving little food and little if any medical care.

Recommendations for the Democratic People's Republic of Korea: Improve the poor economic, social, political, and human rights conditions in North Korea that render North Koreans highly vulnerable to trafficking; recognize human trafficking as a problem in North Korea, and one that is distinct from people smuggling; institute systematic victim identification procedures to identify and protect victims of trafficking; cease the systematic punishment of trafficking victims in forced labor camps; and support an NGO presence in North Korea to assist victims of trafficking.

Prosecution

The North Korean government made little, if any, efforts to combat trafficking in persons through law enforcement efforts over the last year, and continued to severely restrict the movement of its citizens internally and across its borders. The North Korean government continues to deny the existence of trafficking as a problem. Little information is available on North Korea's internal legal system. The country's Penal Code prohibits crossing the border without permission; these laws are used against both traffickers and trafficking victims. It is doubtful that North Korean laws are adequate to address trafficking. Article 150 of the Penal Code criminalizes inter alia the abduction, sale, or trafficking of children. Article 7 of the 1946 Law on Equality of the Sexes forbids trafficking in women. However, fair trials do not occur in North Korea. It is not made clear under what provisions of the law, if any, traffickers are prosecuted. Laws used to prosecute traffickers and trafficking victims are those that seek to limit all cross-border migration, including refugee outflows, and often end up harming victims. During the reporting period, reports indicate that more restrictions have been imposed on leaving North Korea, and there are reports of more severe punishments being imposed on those who seek to leave the country and those who are forcibly returned. Reports by North Korean defectors include instances of the government punishing traffickers; however, NGO reports indicate that the "traffickers" may include activists or professional border crossers who assist North Koreans voluntarily leaving for China. There were no known trafficking prosecutions or convictions during the reporting period.

Protection

The North Korean government does not make any known attempts to identify individuals as victims of trafficking or assist victims of trafficking. On the contrary, victims undergo severe punishment by the regime if caught attempting to cross the border or if deported back to North Korea by Chinese authorities. While authorities screened repatriated North Koreans for contacts with South Koreans and exposure to South Korean cultural influences, they did not make a distinction between trafficking victims and illegal migrants. North Koreans forcibly repatriated by Chinese authorities, including a significant number of women believed to be trafficking victims, are sent to prison camps, where they may be subject to forced labor, torture, sexual abuse by prison guards, or other severe punishment. Repatriated victims who are suspected of having become pregnant with a child of possible Chinese paternity may be subject to forced abortions and infanticide; reports indicate that prison authorities may brutally kill babies born to repatriated victims while in prison. The government did not ensure that trafficking victims are not penalized for unlawful acts committed as a direct result of being trafficked.

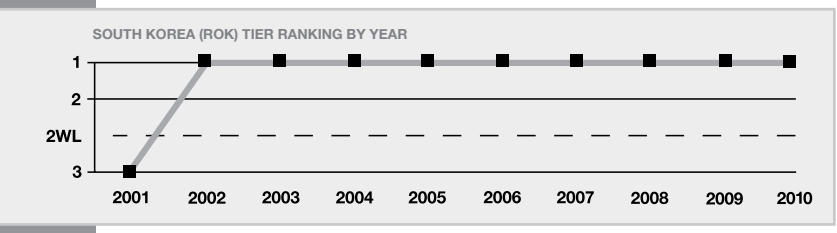
Prevention

North Korean authorities have made no effort to prevent human trafficking. Internal conditions in the DPRK prompt many North Koreans to flee the country making them particularly vulnerable to human traffickers. The DPRK continues to ban the existence of indigenous NGOs, and there are no international NGOs in the country that work to prevent trafficking or assist trafficking victims. North Korea is not a party to the 2000 UN TIP Protocol.

KOREA, REPUBLIC OF (Tier 1)

The Republic of Korea (ROK or South Korea) is a source, transit, and destination country for men and women subjected to trafficking in persons, specifically forced labor, and women and girls in forced commercial sexual exploitation. Some men and women from Russia, Uzbekistan, Kazakhstan, Mongolia, Morocco, China, the Philippines, Thailand, Cambodia, and other Southeast Asian countries are recruited for employment in the ROK, and subjected to forced prostitution or forced labor.

Some foreign women from Russia, Ukraine, Mongolia, China, and other Southeast Asian countries who enter the country on entertainment visas, including those recruited to be singers and bar workers near U.S. military facilities, were trafficked for forced prostitution. Most sex and labor trafficking victims had their passports confiscated and wages withheld by their employers, and some victims had their movements restricted. Migrant workers who travel to the ROK for employment may incur thousands of dollars in debts, contributing to their vulnerability to debt bondage. The use of debt bondage was common among sex trafficking victims, and employers and brokers often found ways to compound victims' debt. Some women from less developed countries recruited for marriage with South Korean men through international marriage brokers are subjected to forced prostitution or forced labor upon arrival in the ROK; some brokers reportedly charge on average $10,000-$13,000 from Korean clients. There are approximately 500,000 low-skilled migrant workers in the ROK from elsewhere in Asia, many of whom were working under the Employment Permit System (EPS).



While new protections were implemented for EPS workers, observers claimed the EPS assigns excessive power to employers over workers' mobility and legal status, making them vulnerable to trafficking. South Korean women were subjected to forced prostitution domestically and abroad in destinations including the United States, Canada, Japan, and Australia. According to observers in destination countries, South Korean men continue to be a major source of demand for child sex tourism in Southeast Asia and the Pacific Islands. The growing use of the Internet aided the brokering of the sex trade in the ROK, and in some cases South Korean nationals also used online brokers to arrange for prostitution overseas, particularly in the Philippines, Thailand, and China.

The Government of the Republic of Korea fully complies with the minimum standards for the elimination of trafficking. The government's framework for addressing human trafficking is confined to the trafficking of women and children for commercial sexual exploitation, and often conflates prostitution and trafficking. The government did report efforts to investigate, prosecute, and convict offenders of trafficking violations. Authorities reported that trafficking related crimes against foreigners were investigated and prosecuted as human rights abuses. The government does not have procedures to proactively identify victims of trafficking, and did not identify any trafficking victims during the year. Additionally, the government has never prosecuted a South Korean citizen for engaging in child sex tourism abroad.

Recommendations for the Republic of Korea: Significantly increase efforts to investigate, prosecute, and convict trafficking offenders involved in both sex and labor trafficking in the ROK; ensure immigration and police officials are trained to identify victims of sex and labor trafficking; 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; increase the availability of protection and assistance to victims of labor trafficking; make greater efforts to inform migrant workers of their rights in the ROK; as a preventative measure, take steps to ensure foreign workers have judicial recourse to hold employers accountable for abuses including nonpayment of wages and the withholding of passports; ensure labor offices have adequate interpretation services to serve foreign workers; take steps to reduce the demand for child sex tourism by increasing law enforcement efforts to investigate and prosecute South Korean child sex tourists; and improve the available statistical data on trafficking in the ROK.

Prosecution

The ROK government made some anti-trafficking law enforcement efforts over the last year. The ROK prohibits trafficking through its 2004 "Act on the Punishment of Acts of Arranging Sexual Traffic" and its Labor Standards Act, which prescribes up to 10 years' and five years' imprisonment, respectively – penalties that are sufficiently stringent. Authorities reported prosecuting 27 offenders, of which 17 were convicted and the remaining 10 are still in trial; however, the government was unable to report details of these cases, including the sentences prescribed to convicted trafficking offenders. An additional six sex trafficking offenders were fined under Article 18 of the Act on the Punishment of Acts of Arranging Sexual Traffic; two of them received fines of $1,700. There were 65 prosecutions under Article 11, which can be used to prosecute trafficking offenses. However, the Government of the ROK was not able to provide more information regarding the underlying facts of these cases; therefore, it is unclear how many of these prosecutions involved trafficking offenses. The government convicted one South Korean national under the Immigration Control Act for withholding a foreign worker's passport to secure payment of debts, and sentenced the offender to 10 months' imprisonment. Over 10,000 migrant workers reported violations of the labor law in 2009, most of which involved unpaid wages. The government did not identify trafficking cases among complaints filed against the EPS. The Ministry of Labor reported employers withheld $20.5 million in unpaid wages to 9,452 workers, and authorities assisted workers

in getting employers to pay about 55 percent of these unpaid wages. While more than 2,000 cases were referred to prosecutors, it was unclear how many of these cases were prosecuted. Restrictions on the ability of foreign workers to change jobs were improved by 2009 revisions to the EPS, but continued to make it difficult for migrant workers to seek legal redress. The government began to enforce new laws restricting the actions of international marriage brokers. In December 2009 the government investigated the some 2,000 brokers registered in the ROK and found 422 violations, though none of these violations led to criminal trafficking prosecutions. Foreign officials expressed concern local police were not motivated to investigate some sex trafficking leads that had been provided to South Korean authorities. There were some reports police officers took bribes from brothel owners in exchange for prior notice about police raids. In May 2009, the ROK government sentenced one police officer to one year in prison for accepting bribes from a brothel. Another six officers were subjected to disciplinary measures for taking smaller bribes from brothel owners.

Protection

The Government of the Republic of Korea exhibited some efforts to protect trafficking victims, but its lack of a system to identify trafficking victims among vulnerable groups limited its ability to assist and protect victims. Authorities did not report identifying any trafficking victims during the year, including among the 20,000 foreigners deported from the country in 2009 for immigration violation. The government reported it referred foreign victims of sexual or labor exploitation to institutions providing victim care, though the government lacks an institutionalized referral process. Some undocumented workers who may have been trafficking victims were rounded up in police raids and deported. In 2009, the government spent $15 million on shelters and victim care facilities to support victims of abuse, including trafficking victims; these shelters were accessible to trafficking victims, though the government was unable to provide data on the number of trafficking victims who used these shelters. Most of the victim shelters and counseling centers accessible to trafficking victims are run by NGOs funded either wholly or in part by the government. In December 2009, the government began requiring counselors and social workers who deal with women formerly in the sex industry to take four weeks of sex trafficking training. The government also established during the year 14 additional shelters for foreign women who were victims of violence, including trafficking, bringing the total to 18 shelters. The Ministry of Labor operated eight Migrant Workers' Centers nationwide to help foreign workers in the country. However, according to one NGO observer, some staff members at labor offices charged with assisting migrant workers were unwilling to assist some migrant workers with their labor complaints. The government can provide "G-1 visas" to trafficking victims who assist in the investigation and prosecution of traffickers, but did not provide any trafficking victims a G-1 visa during the reporting period. The government ran telephone hotlines accessible to victims of sex trafficking and to victims of labor trafficking.

Prevention

The ROK government continued anti-trafficking prevention efforts during the reporting period, though these efforts were focused on sex trafficking and did not address labor trafficking. In 2009, the government distributed brochures on preventing the sex trade and trafficking to public agencies and counseling centers and ran advertisements to raise awareness about sex trafficking on subways and electronic billboards. During the reporting period, the Ministry of Gender Equality created a compulsory training program on sex trafficking prevention and disseminated the material to public agencies. In an effort to reduce demand for commercial sex acts, the Ministry of Justice continued to run 39 "Johns Schools," requiring convicted male "clients" of prostitution attend these one-day seminars – in lieu of criminal punishment. According to observers, South Korean men continue to be a major source of demand for child sex tourism throughout Asia. During the reporting period, the government did not prosecute any Korean nationals for engaging in child sex tourism abroad. The ROK government conducted training for the fisheries industry on the Child and Youth Protection Act, but did not make any other efforts to reduce the overall demand 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 is not a party to the 2000 UN TIP Protocol.

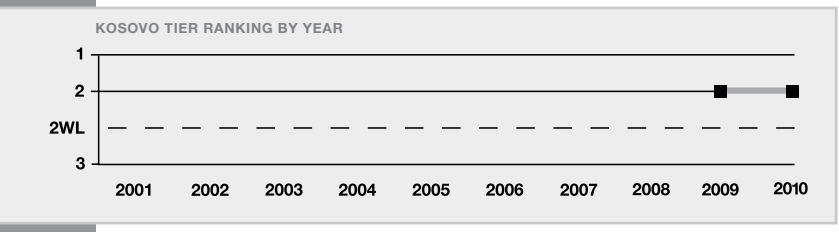
KOSOVO (Tier 2)

Kosovo is a source, transit, and destination country for women and children who are subjected to trafficking in persons, specifically forced prostitution, and children in forced begging. Most foreign victims of forced prostitution are young women from Eastern Europe including Moldova, Albania, Bulgaria and Serbia. Kosovo women and children are subjected to forced prostitution within Kosovo and also in countries throughout Europe. One NGO reported identifying more than 300 children, particularly from Roma communities, forced to beg in Kosovo; traffickers allegedly force boys to wash car windshields at traffic lights and compel girls to beg for money at hotels and restaurants. Police continue to report that internal trafficking involving Kosovo Serbs may also occur in north Kosovo. For the fourth consecutive year, IOM reported that it provided assistance to more domestic trafficking victims than foreign victims.

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 convicted an increased number

of trafficking offenders and undertook critical outreach efforts to prevent trafficking during the reporting period. However, it did not assign adequate punishments to convicted traffickers; many sentences were below the legal minimum prescribed under its trafficking law. Furthermore, the majority of convicted trafficking offenders were freed on appeal in 2009. Inadequate victim identification techniques continued to hamper the government's ability to detect and protect trafficking victims. Shelters were underutilized throughout the year.

Recommendations for Kosovo: Proactively prosecute, convict, and sentence sex and labor trafficking offenders, including officials complicit in trafficking; consider dedicating prosecutors to the specialization of prosecuting of trafficking cases; ensure adequate services for repatriated victims; increase funding for the NGO-run anti-trafficking shelter for adults; improve the victim identification process so that potential victims are allowed time away from their immediate situation to recount their experiences with minimal pressure, particularly in a post-raid environment; consider including NGOs during initial contact with potential victims and expanding the victim's advocate role during this process; and increase detection and protection for victims of forced begging in Kosovo.



Prosecution

The Government of Kosovo showed uneven efforts to address human trafficking through law enforcement means over the year. Kosovo law criminalizes sex and labor trafficking and prescribes penalties of between two and 12 years' imprisonment – penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In December 2009 and February 2010, anti-trafficking police launched a series of nighttime raids on bars, coffee shops, and nightclubs in select cities in Kosovo, resulting in the closure of 50 commercial sex establishments and the arrest of nine trafficking suspects. In 2009, the government prosecuted 25 sex trafficking offenders, resulting in 22 convictions, an increase from 15 convictions obtained in 2008. Four traffickers were sentenced to over five years' imprisonment; eleven traffickers were sentenced to over one year imprisonment; four received sentences of between six and twelve months' imprisonment; and three received sentences of between two to six months' imprisonment. Of the 22 convicted traffickers, however, only two began serving their prison sentences; the remainder remained free on appeal, possibly allowing them to continue to exploit their victims.

The government continued to provide anti-trafficking training to border police, law enforcement, and recruits during the reporting period. International experts, however, noted overall inadequate implementation of anti-trafficking laws and prosecution of trafficking offenders in 2009. In addition, NGOs and international experts reported that trafficking-related corruption continued to hamper the government's anti-trafficking efforts. Foreign trafficking victims often arrive in Kosovo with valid documents and employment contracts stamped by Kosovo officials who may be aware that the document holders are trafficking victims. In March 2009, Kosovo authorities suspended five police officers, with pay, on suspicion of facilitating human trafficking; and authorities later determined that they were part of a smuggling case.

Protection

During the reporting period, the Government of Kosovo sustained its efforts to protect trafficking victims. The government identified 29 victims of trafficking in 2009, a slight increase over the 27 it identified in 2008. The government continued to operate and fully fund its high-security temporary shelter and reported its assistance to 23 trafficking victims, including two children, in 2009. Victims' freedom of movement were limited in the government-run shelter and some international organizations reported poor conditions; victims were housed for approximately 72 hours in this shelter while the police conducted a risk assessment; police reportedly then referred them to a local NGO or IOM to discuss reintegration or repatriation options. The government provided funding to the only NGO in Kosovo that offered specialized longer-term care to adult trafficking victims and to another NGO that offered shelter to child trafficking victims; however, very few victims utilized these facilities. The government reportedly used standard operating procedures (SOPs) when encountering suspected trafficking victims; however, 2009 assessments conducted by UNODC and by the Commission of European Communities indicated ongoing problems with victim identification. Although Kosovo law exempts identified victims from punishment for unlawful acts committed as a direct result of their being trafficked, inadequate implementation of the government's SOPs may have led to a failure to adequately identify all trafficking victims and the return of some victims to their exploiters. Although police identified nearly 200 suspected trafficking victims after two night-time raids during the year, police subsequently failed to identify any as victims, thus raising concerns that the raids lacked the critical balance between law enforcement and victim protection considerations. According to one NGO, police did little to identify or protect children subjected to forced begging, and reported the summary deportation of some victims of forced begging and their subsequent re-

trafficking the following day. International organizations and experts report that the absence of an effective witness protection system remained a serious impediment to effectively encouraging victims to participate in trafficking prosecutions; no victims assisted in the investigation and prosecution of their traffickers in 2009.

The government provided only limited repatriation or reintegration assistance to victims after they left a shelter. One international organization noted a lack of opportunities for trafficked girls who did not want to return to their families, who in many cases contributed to their initial trafficking. The government provided foreign victims of trafficking with legal alternatives to their removal to countries where they would face hardship or retribution, including through the granting of refugee status or approval of temporary residency permits.

Prevention

The Government of Kosovo sustained its prevention efforts, mostly through partnerships with NGOs and international organizations in 2009. It conducted anti-trafficking outreach with high school and college-level students to educate them about the risks of trafficking, holding multiple anti-trafficking discussions with students at high schools and the University of Pristina. The government also undertook actions designed to inform listeners about trafficking issues using radio broadcasts in October 2008 and January 2010. IOM reported that the government provided two day-long community based training sessions to educate students and youth organization leaders about trafficking in October 2009. The government signed an inter-ministerial MOU in January 2010 to improve data sharing and collection of trafficking and actively monitored implementation of its National Action Plan.

KUWAIT (Tier 3)

Kuwait is a destination country for men and women, some of whom are subsequently subjected to trafficking in persons, specifically forced labor. The majority of trafficking victims are from among the approximately 550,000 foreign women recruited for domestic service work in Kuwait. Men and women migrate from India, Egypt, Bangladesh, Syria, Pakistan, the Philippines, Sri Lanka, Indonesia, Nepal, Iran, Jordan, and Iraq to work in Kuwait, most of them in the domestic service, construction, and sanitation industries. Although these migrants enter Kuwait voluntarily, upon arrival some are subjected to conditions of forced labor by their sponsors and labor agents, including through such practices as non-payment of wages, threats, physical or sexual abuse, and restrictions on movement, such as the withholding of passports. Labor recruitment agencies and their sub-agents at the community level in South Asia may coerce or defraud workers into accepting work in Kuwait that turns out to be exploitative and, in some instances, constitutes involuntary servitude.

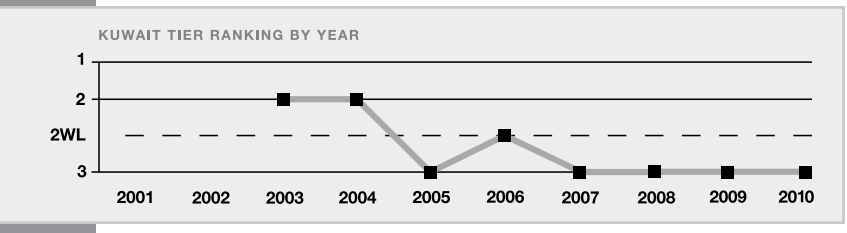
In some cases, arriving migrant workers have found the terms of employment in Kuwait are wholly different from those they agreed to in their home countries, making them vulnerable to human trafficking. As a result of such contract fraud, the Government of Indonesia in October 2009 banned further migration of domestic workers to Kuwait. Some 600 Indonesian domestic workers sought refuge in the Indonesian embassy in Kuwait in the last year; some of these domestic workers may have been victims of trafficking. Some of these workers arrive in the country to find their promised jobs do not exist. Many of the migrant workers arriving for work in Kuwait have paid exorbitant fees to recruiters in their home countries – a practice making workers highly vulnerable to forced labor once in Kuwait. Some unscrupulous Kuwaiti sponsors and recruiting agents prey on some of these migrants by charging them high amounts for residency visas, which foreign workers are supposed to receive for free. Adult female migrant workers are particularly vulnerable and consequently are often victims of nonconsensual commercial sexual exploitation and forced prostitution. Some domestic workers have fled from employers, and subsequently have been coerced into prostitution.

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 made progress on some of the commitments it made in 2007 by making trafficking-related law enforcement data available and by continuing to investigate and prosecute some types of trafficking-related offenses. The government has not, however, made sufficient progress in fulfilling other commitments it made in 2007, including commitments to enact legislation specifically prohibiting human trafficking, to establish a 700-person permanent shelter for victims of trafficking, and to develop and implement a training program to educate government officials on the effective handling of trafficking cases. The government remains reluctant to prosecute Kuwaiti citizens for trafficking-related offenses; much of the human trafficking found in Kuwait involves domestic workers in Kuwaiti private residences. The government acknowledged some workers face difficulties but denied this contributes to a systemic trafficking problem.

Recommendations for Kuwait: Enact the draft anti-trafficking bill to specifically prohibit and punish all human trafficking offenses; enact the draft domestic workers bill to provide domestic workers with the same rights as other workers; establish methods to proactively identify victims of human trafficking, especially among the female domestic worker population; ensure sponsors and employers do not illegally hold migrant workers' passports; and expand on anti-trafficking training to law enforcement and judicial officials.

Prosecution

The Government of Kuwait demonstrated minimal progress in anti-human trafficking law enforcement efforts over the last year. Although the government has not yet enacted legislation explicitly prohibiting trafficking in persons, the Kuwaiti Criminal Code prohibits several trafficking-related offenses. Limited forms of transnational slavery are prohibited through Article 185, which prescribes a maximum penalty of five years' imprisonment. Article 201, which prohibits forced prostitution, prescribes a maximum sentence of five years' imprisonment if the victim is an adult and seven years if the victim is under the age of 18. While these prescribed penalties are sufficiently severe and commensurate with those prescribed for other serious offenses, the government did not punish any trafficking offenders under these statutes. Kuwait charged 15 Kuwaiti citizens and 63 expatriates with crimes relating to the abuse of domestic workers, including one murder, although only two criminals were imprisoned. Two of these Kuwaiti employers were sentenced to 15 and 16 years in prison; however, one absconded and was not apprehended. Another Kuwaiti employer was sentenced to two years imprisonment, but this sentence was subsequently suspended upon payment of a $350 fine. The victim – an Indonesian maid – had been beaten, scalded by boiling water, and branded with a heated knife by the employer. Another Kuwaiti employer was sentenced in December 2009 to fifteen years in prison for beating to death an Asian woman employed as her maid. In April 2010, an appeals court reduced the jail term to seven years. The government also convicted 48 defendants charged with violence against foreign workers in other occupations. No information on sentences was available for these cases.



Kuwaiti law enforcement generally takes an administrative or civil approach in addressing cases of forced labor or exploitation, such as assessing fines, shutting down employment firms, issuing orders for employers to return withheld passports, or requiring employers to pay back wages. Such administrative penalties are not sufficiently stringent and do not reflect the heinous nature of human trafficking crimes. Kuwaiti courts sentenced two police officers to ten years in jail each for raping three female migrant workers. The crime took place in a detention facility, where the women were being held after running away from their employers.

Protection

During the year, Kuwait made no discernible efforts to improve protection for victims of trafficking. The government continued 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. Kuwait's short-term shelter has a maximum capacity of 40 and is intended to provide medical, psychological, and legal services. According to the Ministry of Social Affairs and Labor (MOSAL), approximately 300 domestic workers enter and leave the shelter each year and are referred from embassy shelters. Sources indicate, however, officials restricted the number of women each embassy sends to the shelter and requested the embassies only refer "simple" cases. There was no shelter available for male migrant workers. In 2007, the government committed to opening a 700-person shelter for both men and women. This shelter had not yet been established, as the government was in the process of transferring the building from the Ministry of Education to MOSAL. During the reporting period, the Indonesian government, together with IOM, sent delegations to Saudi Arabia, Kuwait and Jordan to assess the plight of Indonesian domestic workers in these countries. Over 400 victims, found in the Indonesian embassy shelter in Kuwait and unable to leave because they either did not have passports or exit permits (or both), were flown home as a result of the delegation's intervention. Trafficking victims were generally deported for running away from their sponsors or employers. Foreigners convicted of prostitution are also deported, regardless of whether they were sex trafficking victims. Government authorities did not encourage victims to participate in the investigation or prosecution of their traffickers.

Prevention

The Government of Kuwait made some efforts to prevent trafficking in persons this year. Kuwait's National Assembly passed and enacted a new private sector labor law, which, among other things, increased punishment for the illegal recruitment of workers, and allowed for the establishment of a state-owned recruitment company to oversee and manage the recruitment of all migrant workers – this recruitment company had not yet been established. The law excludes Kuwait's half-million domestic workers – the group most vulnerable to human trafficking – and does not establish mechanisms to monitor workers' rights. In August, MOSAL issued a ministerial resolution to immediately permit most foreign workers to change employers after three years of work, without having to secure the permission of the current Kuwaiti sponsor. In April 2010, MOSAL issued another resolution instituting a minimum wage of approximately $200 a month, Kuwait's first-ever minimum wage. However, domestic workers are not included in these resolutions.

A ministerial decree forbids sponsors and employers from withholding passports. However, this decree was not adequately enforced. It was reported that over 90 percent of the domestic workers who went to their embassies for assistance did not have access to their passports. The Ministry of Foreign Affairs published a warning against sex tourism in all of Kuwait's Arabic dailies in February 2010 and the Ministry of Awqaf and Islamic Affairs required some Sunni mosques to deliver Friday sermons on the danger of sex abroad and Islam's strict teachings against improper sexual relations. Government officials received training on migrant workers' rights and the ability to use existing laws to prosecute trafficking-related crimes. The government drafted an anti-trafficking bill that remained on the parliamentary agenda as of May 2010.

KYRGYZ REPUBLIC (Tier 2)

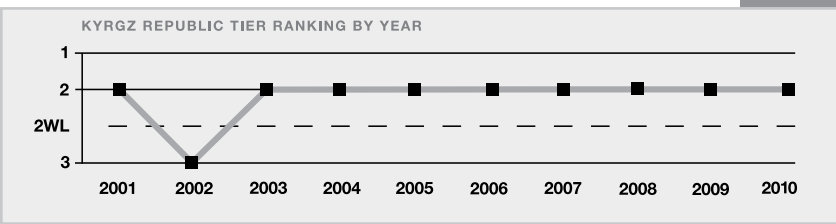
The Kyrgyz Republic (or Kyrgyzstan) is a source, transit, and to a lesser extent a destination country for men and women subjected to trafficking in persons, specifically conditions of forced labor, and women in forced prostitution. Kyrgyz men and women are subjected to bonded labor in China and to conditions of forced labor in Kazakhstan and Russia, specifically in the agricultural, construction, and textile industries. Women from the Kyrgyz Republic are subjected to forced prostitution in UAE, Kazakhstan, China, South Korea, Turkey, Greece, Cyprus, Thailand, Germany, and Syria. Some men and women from Uzbekistan, Tajikistan, and Turkmenistan transit Kyrgysztan as they migrate to Russia, the UAE, and Turkey, where they are subsequently subjected to forced labor and forced prostitution. Men and women are trafficked within the Kyrgyz Republic for forced labor, and women are subjected to forced prostitution within the country. 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. During the reporting period, the government's efforts to prosecute and convict trafficking offenders continued to decrease. Despite the fact that at least 113 victims of trafficking were identified in Kyrgyzstan, only four suspected traffickers were prosecuted and only three trafficking offenders were convicted in 2009. The government sustained its limited victim assistance efforts and made important efforts to improve birth registration records, a move that may prevent future incidents of trafficking.

Recommendations for the 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; and ensure that victims of trafficking are not punished for unlawful acts committed as a direct result of being trafficked.

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 commercial sexual exploitation and forced labor and prescribes penalties of from 3 to 20 years' imprisonment, which are sufficiently stringent and commensurate with prescribed penalties for other serious crimes, such as rape. In 2009, the government conducted 11 trafficking investigations, including nine labor trafficking and two sex trafficking investigations, and prosecuted four individuals, including three for labor and one for sex trafficking, compared with eight prosecutions conducted in 2008. The government convicted 3 trafficking offenders – including 2 for labor and one for sex trafficking, down from 6 convictions in 2008. All three convicted trafficking offenders in 2009 were sentenced to 10 years' imprisonment. Members of the judiciary, law enforcement, and other government officials received trafficking training provided by IOM and NGOs. 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 these allegations or to prosecute and punish any government officials complicit in trafficking.



Protection

The government maintained its limited efforts to assist victims during the reporting period. The government and NGOs identified at least 113 victims of trafficking in 2009, compared with 161 victims identified in 2008. Although the government provided no direct funding for shelter or assistance to victims, it continued to provide facilities for three shelters run by anti-trafficking NGOs. In 2009, 22 of the 113 victims assisted by NGOs and international organizations were assisted by shelters that received free facilities and utilities provided by the government, compared with 34 victims assisted by NGOs in 2008. Government officials referred 21 victims to IOM and NGOs for assistance in Kyrgyzstan and consular

officials at Kyrgyz embassies in destination countries referred 18 victims to IOM for assistance with safe repatriation in 2009, compared with 20 victims referred by government officials in 2008. Although no foreign victims were identified in 2009, Kyrgyz law permits non-Commonwealth of Independent States' citizens to remain in the country pending investigation and prosecution of a trafficking case if the prosecutor or investigator in the case makes a request to immigration authorities. The government encouraged victims to participate in trafficking investigations and prosecutions; two victims assisted law enforcement during the reporting period. There were no reports of victims penalized for unlawful acts committed as a direct result of being trafficked during the reporting period.

Prevention

The Kyrgyz government sustained its prevention efforts over the last year and made important progress in improving its national identity record system. The government has not historically maintained accurate birth and nationality records, which has made Kyrgyz nationals traveling abroad more vulnerable to trafficking, as they lacked appropriate travel documents. However the Government of the Kyrgyz Republic, in partnership with the United Nations, began to digitize passport records in a central database during the reporting period. In 2010, the Kyrgyz Bureau of Vital Records is expected to expand this program to include birth records. In 2009, the Border Guard Service increased its efforts to provide travelers leaving Kyrgyzstan at the airport, train stations, and at land crossings with fliers and other trafficking awareness materials prepared by IOM. 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. The government strengthened partnerships with anti-trafficking NGOs during the reporting period. In 2009, the government issued 17 criminal citations against unlicensed labor recruitment companies; though these penalties are administrative in nature, such actions may reduce the potential for unlicensed labor recruitment companies from trafficking unsuspecting victims.

LAOS (Tier 2 Watch List)

Laos is a source, and to a much lesser extent, a transit and destination country for women and girls who are subjected to trafficking in persons, specifically forced prostitution, and men, women, and children who are in conditions of forced labor in factory work, domestic labor, and the fishing industry. Lao men, women, and children are found in conditions of forced labor in Thailand. Many Laotians, particularly women, pay broker fees to obtain jobs in Thailand, normally ranging from $70 to $200, but are subsequently subjected to conditions of sexual servitude and forced labor once they arrive in Thailand. Lao men are subjected to conditions of forced labor in the Thai fishing and construction industry. A small number of Lao women and girls reportedly were also trafficked to China to become brides for Chinese men. Ethnic minority populations are particularly vulnerable to trafficking in Thailand. Laos is increasingly a transit country for Vietnamese, Chinese, and Burmese women who are subjected to sex trafficking and forced labor in Thailand. Some Vietnamese women are subjected to forced prostitution in Laos. Although there are fewer reported instances, internal trafficking also remains a problem, affecting young women and girls forced into prostitution.

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. Despite these efforts, Laos has not demonstrated enough evidence of progress in its law enforcement efforts to address human trafficking and in the identification and protection of trafficking victims; therefore, Laos is placed on Tier 2 Watch List. During the reporting period, the government reported three trafficking prosecutions, but did not convict any trafficking offenders. While the government provided some assistance to victims identified by foreign governments repatriated to Laos, it did not report identifying any trafficking victims. The government has never administratively or criminally punished any public official for complicity in trafficking in persons. The government continued to rely almost completely on NGOs and international organizations to provide victim assistance.

Recommendations for Laos: Increase efforts to investigate and prosecute both sex and labor trafficking offenders, including through cooperation with Thai authorities on cross-border trafficking cases; make efforts to address internal trafficking, including by identifying Lao citizens trafficked within the country; create and implement formal victim identification procedures and train police and border officials to identify trafficking victims, including victims returning from Thailand; improve coordination between Thai authorities and the central government regarding victim assistance and between the Vientiane transit center and local communities where victims will be reintegrated; consider opening a transit center in Savannakhet for victims repatriated from Thailand; increase efforts to combat trafficking-related complicity; expedite the processing of NGO MOUs to implement anti-trafficking projects; implement and support a visible anti-trafficking awareness campaign directed at clients of the sex trade; and increase collaboration with international organizations and civil society to build capacity to combat trafficking in persons.

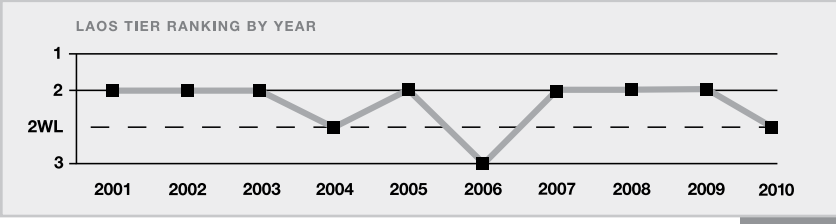
Prosecution

The Lao government continued to prosecute some trafficking cases, but did not convict any trafficking

offenders during the reporting period. Laos prohibits all forms of human trafficking through its 2006 revision of Penal Code Article 134, which prescribes penalties ranging from five years to life imprisonment, which is sufficiently stringent and commensurate with those prescribed for other serious crimes. Lao police report investigating 50 suspected trafficking cases in 2009, and the prosecution of 11 trafficking offenders. Impunity of corrupt government officials remained a problem throughout the Lao justice system. Corruption is endemic in Laos, and observers of trafficking in Laos believe that particularly at the local level, some officials are involved in facilitating human trafficking, sometimes in collusion with their Thai counterparts. However, the government has never reported any officials disciplined or punished for involvement in trafficking in persons. The government continued to collaborate with international organizations and NGOs on law enforcement capacity building.

Protection

The Government of Laos continued some efforts to ensure that victims of trafficking received access to protective services during the reporting period. The government did not employ systematic efforts to identify trafficking victims among Lao migrants returning from neighboring countries. The government continued to rely almost completely on NGOs and international organizations to provide victim assistance. Lao authorities did not report identifying any trafficking victims within Lao borders. In 2009, Thai authorities identified and repatriated approximately 155 Lao victims under an official repatriation mechanism; almost all of whom were girls. The Ministry of Labor and Social Welfare (MLSW), with NGO funding, continued to operate a small transit center in Vientiane for victims identified and repatriated by Thai authorities to remain for one week. However, while most repatriated victims were from southern Laos, all victims were required to be processed through the Vientiane transit center in central Laos. The Lao Women's Union operates counseling centers in six provinces to provide information about trafficking prevention and, with the assistance of international NGOs and foreign donors, helps to run a shelter in Vientiane to assist victims and help reintegrate them into society. Women and children who are identified as trafficking victims are exempted from criminal prosecution for unlawful acts committed as a direct result of trafficking, but the law does not protect men from prosecution. Since victims generally avoid identification by Thai authorities, there are believed to be many victims who return to Laos through informal channels, particularly male victims, but no such victims were identified by the Lao government. The government does not have systematic procedures to proactively identify victims of trafficking among vulnerable groups, such as migrants returning from Thailand and girls and women detained for involvement in prostitution. The Lao Embassy in Bangkok assists in coordinating repatriation of Lao nationals who are identified as trafficking victims in Thailand. Inefficiency within the government in the signing of MOUs has caused lengthy delays in NGO victim protection projects. The Law on Development and Protection of Women includes protection provisions for victims of trafficking, but these provisions do not apply to men. Victim access to legal redress is hampered by culture and lack of resources on the part of victims and the legal community. Through legal aid clinics, the Lao Bar Association, with NGO funding, is currently assisting six trafficking victims. Laos does not provide legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship, but does not typically repatriate foreign trafficking victims.



Prevention

The Lao government continued limited efforts to prevent trafficking in persons with assistance from international organizations and NGOs. The MLSW worked with UNICEF to set up trafficking awareness-raising billboards near border checkpoints and in large cities, and distribute comic books to schools, to educate younger Lao about the dangers of trafficking. UNESCO and the Lao Youth Union partnered on radio programs in Lao and minority languages on the dangers of trafficking. In October 2009, Laos and China established a liaison office in China's Yunnan Province to repatriate a small number of Lao women trafficked to China for forced marriage. Authorities did not employ screening procedures to identify trafficking victims in raids of nightclubs used as fronts for commercial sex. The Lao National Tourism Authority, with NGO and donor funding, ran a campaign prior to the 2009 Southeast Asia Games, warning tourists and citizens to not engage in child sex tourism.

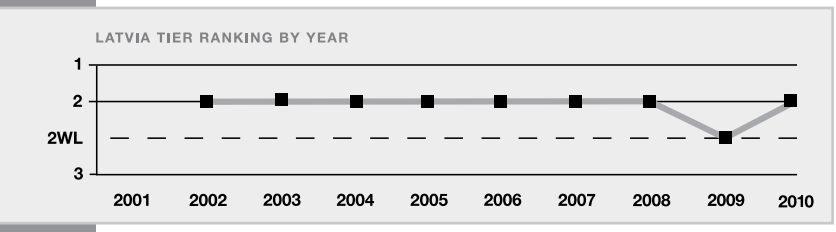
LATVIA (Tier 2)

Latvia is a source country for women subjected to trafficking in persons, specifically forced prostitution, and for men and women in conditions of forced labor. Latvian women are forced into prostitution in Italy, the United Kingdom, Ireland, the Netherlands, Belgium, Denmark, and Germany. Latvian men and women are subjected to conditions of forced labor in the United Kingdom. There are unofficial reports that some Latvian teenage girls are trafficked within the country for the purpose of forced prostitution.

The Government of Latvia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During

the reporting period, the government demonstrated modest progress in prosecuting and convicting trafficking offenders and made efforts to improve victim access to assistance. The government also increased the amount spent on victim assistance. In March 2010, the Ministry of Interior established a new inter-agency working group tasked with implementing the 2009-2013 National Anti-Trafficking Program – which was adopted in August 2009 – and coordinating efforts among state agencies, municipal governments, and NGOs. Despite these important efforts, more should be done to identify and certify victims, ensuring them access to necessary care.

Recommendations for Latvia: Increase the number of victims certified to receive government-funded assistance; increase efforts to identify victims of trafficking among vulnerable populations, such as women and girls in prostitution, and refer these victims for assistance; increase use of Section 154-1 to prosecute and convict trafficking offenders; impose sufficient criminal penalties on persons convicted of human trafficking offenses; increase efforts to investigate and prosecute domestic and labor trafficking offenses; ensure law enforcement, border guards, and labor inspectors receive labor trafficking training; provide law enforcement with proactive victim identification training; fully implement the 2009-2013 National Anti-Trafficking Program; and increase efforts to raise awareness about both forced prostitution and labor trafficking.



Prosecution

The Government of Latvia demonstrated increased law enforcement efforts in 2009, though the number of convicted trafficking offenders sentenced to time in prison remained low. Latvia prohibits all forms of trafficking through Sections 154-1, 154-2, and 164 of its Criminal Law, which prescribe penalties ranging from a fine up to 15 years' imprisonment. These prescribed penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government used Section 165-1 – a non-trafficking law – to investigate, prosecute, and convict most trafficking cases during the reporting period. Use of this statute allowed prosecutors more flexibility to pursue cases in which the victim's volition was more difficult to establish. Authorities initiated 34 trafficking investigations, a significant increase from 17 trafficking investigations in 2008. During the reporting period, authorities prosecuted 26 suspected trafficking offenders, up from 14 individuals in 2008. Fifteen trafficking offenders were convicted during the reporting period, compared with 11 offenders in 2008. Proportionally, roughly the same percentage of convicted offenders received jail sentences in 2008 and 2009: four of the 15 trafficking offenders convicted in 2009 were sentenced to serve some time in prison compared with three of 11 convicted offenders in 2008. In 2009, 11 trafficking offenders were given suspended sentences or fines and served no time in prison, compared with eight in 2008. Three convicted sex trafficking offenders were sentenced to one to five years' imprisonment and one offender was sentenced to five to 10 years' imprisonment during the reporting period. The government did not provide state labor inspectors with specialized training on forced labor cases, and it postponed anticipated anti-trafficking training for judges and prosecutors until sometime in 2010.

Protection

The government demonstrated improved efforts to assist victims during the reporting period and the number of victims provided with access to government-funded assistance increased. The Ministry of Welfare authorized increased funding for victim services to $78,000, upon discovering that seven additional victims had been identified than originally projected in the assistance budget; the government provided $58,000 in such funding in 2008. In 2009, 10 new victims were certified by the government and provided with government-funded assistance including medical aid, shelter, and rehabilitative care; seven other victims certified in 2008 continued receiving government funded services in 2009. A total of 12 victims were provided with government-funded assistance in 2008. However, local NGOs continued to report difficulties with certifying victims of trafficking as eligible for government-funded assistance pursuant to the Law on Social Services and Social Assistance. NGOs and the government identified 34 potential trafficking victims during the reporting period, compared with 28 potential victims from the previous year. Government authorities identified and referred seven victims to NGO service-providers for assistance, down from 17 victims identified and referred in 2008. In October 2009, the government amended its Law on Social Services and Social Assistance to allow all Latvian and foreign victims of trafficking, including victims from European Union member states, access to government-funded victim assistance. The government offered foreign victims temporary legal alternatives to deportation 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. Although the police have mechanisms to screen for victims of trafficking, concerns remained regarding the general understanding of trafficking by law enforcement; NGOs reported that some victims of trafficking may be unwilling to self-identify themselves as trafficking victims to police officials. Law

enforcement officials reported increased efforts to screen for victims of trafficking in vulnerable populations living in Latvia, including street children, women in prostitution, and foreign migrant populations, though no victims were identified as a result of these efforts during the reporting period. The government encouraged victims to participate in investigations against their traffickers; in 2009, 21 victims assisted with law enforcement investigations. The government did not penalize victims for unlawful acts committed as a direct result of their being trafficked.

Prevention

The Latvian government sustained its efforts to prevent trafficking in persons during the reporting period. The Ministry of Education provided trafficking awareness training for 296 teachers in 2009; the training enabled teachers to communicate with students about the existence and realities of human trafficking. The government sponsored a crime prevention campaign, including trafficking prevention activities, in 697 schools throughout the country titled "Safe Days at School." The Latvian State Tourism Agency partnered with Air Baltic to distribute information to air travelers entering Latvia about the Agency's hotline and e-mail address, which can be used to report potential instances of sex tourism and trafficking. The government did not conduct a campaign to reduce the demand for commercial sex.

LEBANON (Tier 2 Watch List)

Lebanon is a source and destination country for women and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. The country may also be a transit point for Eastern European women and children destined for forced prostitution in other Middle Eastern countries. Women from Sri Lanka, the Philippines, Ethiopia, and Madagascar who travel to Lebanon voluntarily and legally to work in domestic service, with the assistance of recruitment agencies, often find themselves in conditions of forced labor, including through the use of such practices as withholding of passports, non-payment of wages, restrictions on movement, verbal abuse, and physical assault. Workers who leave their employer's house without permission automatically lose their legal status unless a change in sponsorship is prearranged and approved by Surete Generale (SG), the government agency responsible for the entry, residency, and departure of foreign workers. In some cases, employers have kept foreign domestic workers confined in houses for years. The Lebanese government's "artiste" visa program, which facilitated the entry of 4,518 women from Eastern Europe, Morocco, and Tunisia in 2009 to work in the adult entertainment industry, serves to sustain a significant sex trade and facilitates sex trafficking. There is limited anecdotal information indicating that some children in Lebanon may be subjected to situations of forced labor and commercial sexual exploitation; no rigorous case study or other data exists, however, to define the scope or magnitude of the problem.

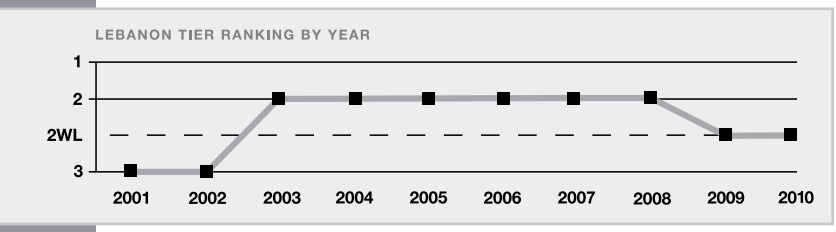
The Government of Lebanon does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government marginally improved its referral of trafficking victims to an NGO safe house and demonstrated a newfound interest in addressing child trafficking within the country. Its increasing attention to labor issues, particularly abuses suffered by foreign domestic workers, was evidenced by courts' hearing of several cases containing elements of trafficking crimes in 2009. Although the government failed to bring specific charges of forced labor or forced prostitution in these cases, they represent its first attempts to address trafficking crimes perpetrated against domestic servants. Despite these efforts, the government failed to show substantial progress in identifying foreign victims of trafficking – particularly victims of involuntary domestic servitude – and criminally punishing their exploiters. It neither made combating human trafficking a national priority nor allocated resources for protection of victims. It also made no concerted efforts to educate the Lebanese public regarding the issue. Therefore, Lebanon is placed on Tier 2 Watch List for the second consecutive year. The government's limited progress was due, in part, to parliamentary inaction before the June 2009 elections and the lack of a government from June until November.

Recommendations for Lebanon: Criminalize all forms of human trafficking; enact the draft Labor Law amendment extending legal protections to foreign workers; investigate and prosecute trafficking offenses using existing laws and convict and punish trafficking offenders; enforce the law prohibiting the confiscation of domestic workers' passports; develop and institute formal procedures to identify victims of trafficking among vulnerable populations, such as women holding "artiste" visas and domestic workers who have escaped abusive employers; ensure that identified victims of trafficking are promptly referred to protection services rather than detained for unlawful acts committed as a direct result of being trafficked, such as immigration violations and prostitution; increase formal bilateral partnerships and systematic information sharing with governments of source countries to better protect migrant workers from abuse and resolve cases of administrative detention; and provide the unified employment contract in the native languages of immigrating domestic workers.

Prosecution

The government made modest but insufficient efforts to prosecute and punish trafficking offenders during the reporting period. The Ministry of Justice (MOJ) did not respond to requests for data regarding its anti-trafficking law enforcement efforts. Although Lebanon lacks a modern, comprehensive anti-trafficking statute, its current criminal code prohibits most forms of human

trafficking. The prescribed penalties of a minimum of one years' imprisonment for forced prostitution (Article 524) are neither sufficiently stringent nor commensurate with those prescribed for other serious crimes, such as rape. Penalties of temporary hard labor for deprivation of freedom (Article 569) and one year's imprisonment for forced labor or involuntary servitude (Article 649) are not sufficiently stringent. The MOJ completed its review of a draft anti-trafficking law and, in December 2009, submitted it to the newly-formed Cabinet for approval. In the previous reporting period, the National Steering Committee transmitted an amendment extending legal protections to foreign workers to the Ministry of Labor (MOL) for submission to the Cabinet as part of the draft Labor Law; the draft legislation was not forwarded for the Cabinet's approval in 2009.



The government has yet to prosecute a case of forced labor against an employer. Pursuit of such cases was hampered by bureaucratic indifference and inefficiency, difficulty proving cases of alleged abuse, victims' lack of knowledge of their rights, court backlogs, and cultural biases, particularly against foreign domestic workers. Lack of sufficient anti-trafficking training also hindered prosecutors' and judges' recognition of potential trafficking cases. Given the significant hurdles to pursuing criminal complaints in the Lebanese court system, many foreign victims were compelled to opt for quick administrative settlements followed by mandatory deportation. Evidence suggests, however, that many cases were not resolved, and trafficking victims were deported without receiving their wages due. During the year, some civil and criminal courts heard cases brought by domestic workers, primarily concerning the non-payment of wages, which constituted trafficking-related offenses. In December 2009, a criminal court judge in Batroun sentenced, under Article 554 (Personal Injuries) of the penal code, a woman to 15 days' imprisonment and ordered to pay compensation of $7,200 for regularly beating her Filipina domestic worker – abuse that likely indicates a situation of forced labor – in 2006. In May 2009, the Internal Security Forces arrested two Lebanese men on allegations of forcing a Kazakh dancer into prostitution; they were released after she refused to press charges. In April 2009, a civil court, using Articles 248, 652, 654, and 656 of the Obligations and Contracts Law, ruled that an employer must pay her domestic worker $42,252 as compensation for 14 years of back wages and other indemnities, signifying that the worker was likely a victim of involuntary domestic servitude. During a September 2009 investigation conducted by the SG, an employer paid her domestic worker back wages and a return plane ticket without the need for a court order; this employer awaits a criminal trial on narcotics charges for forcing the worker to smuggle drugs. The government did not suspend any employment agencies in 2009 for facilitating trafficking of persons. Nor did it provide specialized training for its officials to recognize, investigate, or prosecute cases of trafficking.

Protection

The government neither made sufficient efforts to ensure that trafficking victims received access to protective services, nor allocated resources to provide for their care during the reporting period. Although the government lacked systematic guidelines for proactively identifying trafficking victims among high risk populations, leading to the deportation of most runaway domestic workers and "artistes" without determining if any were trafficking victims, the SG permitted an NGO to interview detainees in Beirut to independently determine if trafficking victims were among the detention center population. The government did not provide victims with services and relied on an NGO to provide shelter to a limited number of foreign victims. The government has a standing Memorandum of Understanding with this NGO to refer trafficking victims to and provide security for the shelter. Of the 146 trafficking victims served by the NGO in 2009, three were referred by law enforcement authorities. As a result of NGO outreach, in July 2009, the general prosecutor for the Mount Lebanon referred a trafficking victim to an NGO for assistance rather than prosecuting the victim for crimes that resulted from her being trafficked. Illegal workers were generally not prosecuted or fined, but they were arrested and detained until deportation. The SG operated a prison-style detention center in Beirut for up to 500 foreigners who are in violation of their visa status and awaiting disposition of their cases. In October 2009, a working committee comprised of representatives of the SG and two NGOs was established to draft standard operating procedures to guide the SG in identifying trafficking victims among detainees, referring them to NGO services, and tracking detainee cases to enable more efficient and timely processing. During the year, the SG improved its notification of some source country embassies of the presence of their citizens in the detention center.

From February to June 2009, the government offered a temporary amnesty period so out-of-status workers could regularize their illegal status by finding a new sponsoring employer instead of facing deportation; during this period 2,039 foreign workers successfully altered their status without experiencing administrative detention. There was no attempt to identify trafficking victims among the out-of-status workers who came forward. The government also pursued some policies and practices that harmed foreign victims of trafficking. For example, authorities required that women recruited under its "artiste" visa program be confined in hotels for most of the day and summarily deported them if they complained of mistreatment. Victims were neither encouraged to bring their cases

to the attention of public prosecutors, nor offered legal alternatives to removal to countries where they might face hardship or retribution.

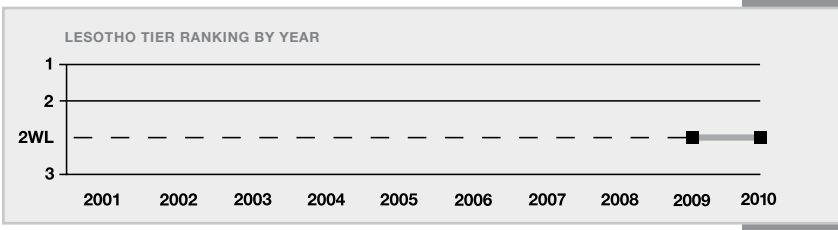
Prevention

The Government of Lebanon made limited efforts to prevent trafficking over the last year. The standard or "unified" contract for domestic workers, published in February 2009, was not translated into the native languages of migrant laborers; domestic workers must still sign the contract in Arabic – a language most cannot read – upon arrival in Beirut. This practice enables contract fraud and contributes to forced labor. The standard SG procedure of turning over arriving domestic workers' passports to the workers' sponsors limits those workers' freedom of movement and makes them vulnerable to situations of human trafficking. The Ministry of Foreign Affairs began, however, negotiating a bilateral agreement with the Government of Ethiopia regarding the migration and employment of Ethiopian domestic workers in Lebanon. In April 2009, the Higher Council for Childhood (HCC) partnered with an international NGO to hold a national workshop on child trafficking, ensuring representation from relevant ministries and coordinating certain logistics. This workshop was followed by six awareness sessions conducted throughout the country for government and NGO social workers, during which HCC representatives delivered information on Lebanon's obligation to respond to child trafficking. The government did not take any steps to reduce the demand for forced labor or commercial sex acts during the year. The Ministry of Labor provided no statistics documenting the work of its 130 inspectors charged with investigating situations of forced adult or child labor.

LESOTHO (Tier 2 Watch List)

Lesotho is a source and transit country for women and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution, and for men in forced labor. Women and children are subjected within Lesotho to involuntary domestic servitude and children, to a lesser extent, to commercial sexual exploitation. Basotho victims of transnational trafficking are most often taken to South Africa. Long-distance truck drivers offer to transport women and girls looking for legitimate employment in South Africa. *En route*, some of these women and girls are raped by the truck drivers, then later prostituted by the driver or an associate. Many men who migrate voluntarily to South Africa to work illegally in agriculture and mining become victims of labor trafficking. Victims work for weeks or months for no pay; just before their promised "pay day" the employers turn them over to authorities to be deported for immigration violations. Women and children are exploited in South Africa in involuntary domestic servitude and commercial sex, and some girls may still be brought to South Africa for forced marriages in remote villages. Some Basotho women who voluntarily migrate to South Africa seeking work in domestic service become victims of traffickers, who detain them in prison-like conditions and force them to engage in prostitution. Most internal and transnational traffickers operate through informal, loose associations and acquire victims from their families and neighbors. Chinese and reportedly Nigerian organized crime units, however, acquire some Basotho victims while transporting foreign victims through Lesotho to Johannesburg, where they "distribute" victims locally or move them overseas. Children who have lost at least one parent to HIV/AIDS are more vulnerable to traffickers' manipulations; older children trying to feed their siblings are most likely to be lured by a trafficker's fraudulent job offer.

The Government of Lesotho does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. While operating under severe resource constraints, the government formed an active multi-sectoral task force, created a national plan of action, trained more officials to identify trafficking situations and victims, and raised public awareness. Despite these efforts, however, the government has shown no evidence of efforts to combat human trafficking through law enforcement activities, and protections for victims are still minimal; therefore, Lesotho is placed on Tier 2 Watch List for the second consecutive year.



Recommendations for Lesotho: Enact a comprehensive law prohibiting all forms of human trafficking; provide support to establish and maintain facilities to provide care to victims of trafficking, possibly in partnership with international organizations or NGOs; forge a partnership with South African police to investigate reports of Basotho forced to labor on farms in South Africa and prosecute exploitative farm owners; complete and implement the national plan of action; establish a system to collect and analyze data on victims identified and assisted, trafficking-related offenses investigated and prosecuted, and trafficking offenders convicted and punished; increase training for law enforcement officers in victim identification, particularly at border points; and continue efforts to raise public awareness of trafficking.

Prosecution

The government did not increase its law enforcement efforts during the past year, and no suspected trafficking offenders were identified during the reporting period. Lesotho has no comprehensive anti-trafficking law, which hinders the government's ability to address

human trafficking. Lesotho does not prohibit all forms of trafficking in persons, though its Constitution prohibits slavery, servitude, and forced labor. 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 sufficiently stringent penalties of at least five years' imprisonment for crimes that could be used to prosecute trafficking offenses. The Child Protection and Welfare Bill, drafted in 2005, was approved by the Cabinet in 2009 and is currently awaiting debate in Parliament. It prohibits child trafficking and prescribes sufficiently stringent penalties of 20 years' imprisonment for trafficking offenders. No current or draft laws specifically prohibit the trafficking of adults. The government did not provide official data on trafficking or trafficking-related prosecutions or convictions during the reporting period. The Multi-Sectoral Committee, an anti-trafficking task force, in partnership with a local NGO, arranged for and participated in three trafficking workshops. The session in October 2009 particularly targeted police and immigration officials, and focused on identifying trafficking offenders and their victims, as well as identifying laws that could be used to prosecute traffickers under Lesotho's existing legal system. While officials opened no official investigations into trafficking activity in Lesotho, the Lesotho Mounted Police Service worked with South African police to investigate suspected trafficking cases in border areas. Each month, immigration officers at the Maseru border post assisted approximately 20-30 victims of labor trafficking, usually men exploited in forced labor before being deported from South Africa. Law enforcement officers did not proactively identify victims among other vulnerable populations, such as women and children in prostitution, and most were not trained to identify victims they may encounter as part of their normal duties. There was no evidence of government involvement in or tolerance of trafficking on a local or institutional level.

Protection

The Lesotho government took minimal steps to protect victims of trafficking over the last year. Most officials did not proactively identify victims, and agencies 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 presumed to be victims of trafficking. Staff from the Child and Gender Protection Unit (CGPU) of the Lesotho Mounted Police Service provided counseling to women and children who were victims of abuse, including some they believe were trafficking victims. The government acknowledged the need for safe shelter for victims and included the need in its draft anti-trafficking national plan of action. Basotho law does not protect victims from prosecution or otherwise being penalized for unlawful acts committed as a direct result of being trafficked, nor does it provide foreign victims with legal alternatives to their removal to countries where they may face hardship or retribution.

Prevention

The Government of Lesotho clearly increased its efforts to prevent trafficking. The Multi-Sectoral Committee on Trafficking, which was formed in July 2009 and is comprised of representatives of government ministries, NGOs, police, border security, the judicial system, UNDP, UNICEF, academia, and religious orders met regularly and began working on a national plan of action. The action plan was nearly complete in early 2010. The government requested and received funding from UNDP to research trafficking in Lesotho; the Ministry of Home Affairs is expected to make the final report available in mid-2010. Authorities conducted several high-visibility information campaigns during the past year, spurring a sharp rise in the number of news reports about human trafficking. Campaigns run in partnership with the Government of South Africa targeted large border towns where trafficking is likely more prevalent. The CGPU and partners in local communities conducted awareness workshops, and trained other officers in the Lesotho Mounted Police on victim awareness and identification. UNICEF helped the CGPU to distribute educational materials on human trafficking. The Minister of Home Affairs presided over the launch of an NGO's "Red Light" campaign, which addresses sex trafficking in the context of the World Cup in South Africa in June 2010. As part of national campaigns against gender-based violence, child sexual abuse, and human trafficking, the government made efforts to reduce the demand for commercial sex acts.

LIBERIA (Tier 2)

Liberia is a source, transit, and destination country principally for young women and children subjected to trafficking in persons, specifically forced labor and forced prostitution. Most trafficking victims originate from within the country's borders and are forced to work as domestic servants, street vendors, or beggars supporting religious instructors, or are subjected to forced prostitution. Traffickers operate independently and are commonly family members who may promise poorer relatives a better life for their children. Children sent to work as domestic servants for wealthier relatives are vulnerable to forced labor or commercial sexual exploitation. Victims of trans-border trafficking come to Liberia from Sierra Leone, Guinea, and Cote d'Ivoire and are subjected to the same types of forced labor as internally trafficked victims, and are also found on rubber plantations and at alluvial diamond sites. A small number of men, women, and children from Liberia are trafficked to Cote d'Ivoire, Guinea, and Nigeria.

The Government of Liberia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. The government made limited progress in its efforts to combat trafficking, which it may conflate with people smuggling and fraudulent adoptions. The government showed a lack of commitment, however, on following through with prosecutions of trafficking

offenses and training its law enforcement personnel on anti-trafficking skills.

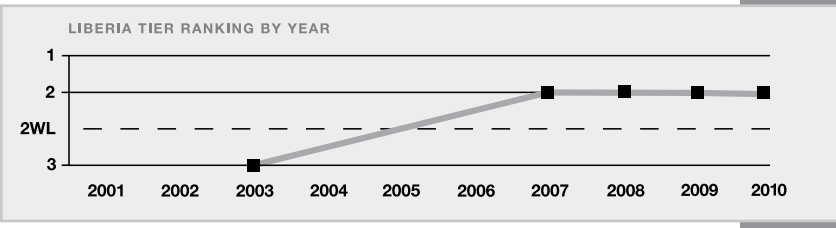
Recommendations for Liberia: Increase efforts to apprehend, prosecute, and punish trafficking offenders; allocate increased funding for basic anti-trafficking law enforcement and victim protection needs; increase the ability of airport security staff to identify potential cases of human trafficking; investigate possible collusion of government personnel in human trafficking; educate judges about the anti-trafficking law; and increase efforts to educate the public about human trafficking.

Prosecution

The Government of Liberia increased law enforcement efforts to combat trafficking during the reporting period. Liberia's 2005 Act to Ban Trafficking specifically prohibits transnational as well as internal trafficking. Its prescribed penalties of six years' imprisonment for sex trafficking and 11 years' to life imprisonment for child sex trafficking are sufficiently stringent and commensurate with other serious crimes such as rape. Its prescribed penalties of one to 20 years' imprisonment for labor trafficking and a minimum of six years' imprisonment for child labor trafficking are sufficiently stringent. The government did not convict or sentence any trafficking offenders under this 2005 law. The director of the Women and Children Protection Section of the Liberian National Police reported that police investigated two cases of human trafficking from January to September 2009, though neither resulted in a prosecution. In one of the cases, a Liberian immigration officer bought a boy being trafficked from Guinea for labor, reportedly to insure his safety, and then arrested the offender; immigration authorities repatriated the victim to his home country and the alleged trafficker remains in detention awaiting trial. The government provided no anti-trafficking training to police officers, though some police officials attended training sessions conducted by UNICEF or IOM.

Protection

During the past year, the government continued to ensure victims' access to protection services provided by NGO and international organization-run shelters and orphanages, as a severe lack of resources and personnel limited the Liberian government's ability to provide those services directly. Foreign victims had the same access to these services as Liberians. There was no specialized care available for trafficking victims. The government attempted to repatriate foreign victims when possible, and victims were offered immigration relief if they wished to remain in Liberia. The government sustained anti-trafficking partnerships with other governments in the region over the reporting period, assisting in the return of several trafficking victims to Sierra Leone and Guinea. The Anti-Human Trafficking Task Force identified 37 cases of human trafficking during the reporting period, with 71 victims. Liberia's immigration, social services, and law enforcement agencies did not make adequate efforts to proactively identify victims of trafficking among high-risk groups. Under the 2005 Anti-Trafficking Law, victims are not penalized for any immigration-related offense, prostitution, or other unlawful act that resulted directly from trafficking. The government did not discourage victims from assisting with the investigation or prosecution of traffickers. The government did not report any civil complaints by trafficking victims seeking restitution from their exploiters.



Prevention

The Liberian government sustained modest efforts to prevent trafficking in persons throughout the reporting period. With radio as the preferred medium, the Ministry of Labor continued to run campaigns against trafficking, and also erected billboards around Monrovia to project public messages on the dangers of human trafficking. Immigration officials continued to expel illegal immigrants using falsified Liberian documents, but in general the Bureau of Immigration and Naturalization exerted little control over land borders.

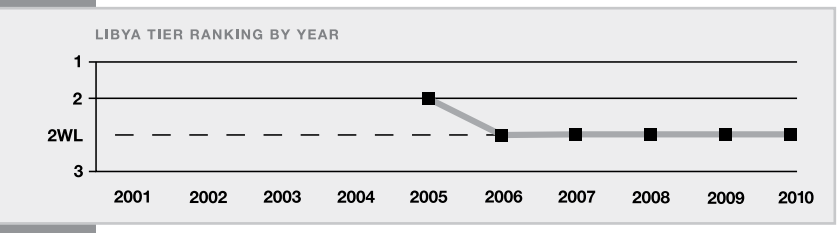
LIBYA (Tier 2 Watch List)

Libya is a transit and destination country for men and women from sub-Saharan Africa and Asia subjected to trafficking in persons, specifically forced labor and forced prostitution. Migrants typically seek employment in Libya as laborers and domestic workers or transit Libya *en route* to Europe. The number of migrants and trafficking victims who were smuggled to or through Malta and Italy decreased in the reporting period due to Libyan and Italian joint naval patrols; however, migrants complained of poor treatment and the patrols did not make efforts to identify trafficking victims among them. Although precise figures are unavailable, international organizations and other foreign observers estimate that up to one percent of Libya's 1.5 to 2 million foreigners (i.e., up to 20,000 people) may be victims of trafficking. In many 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, which represent risk factors for trafficking. As in previous years, there were isolated reports that women from sub-Saharan Africa were forced into prostitution in Libya. There were also reports that migrants from Georgia were subjected to forced labor 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 significant efforts to investigate and prosecute trafficking offenses or to protect trafficking victims; Libya is therefore placed on Tier 2 Watch List for the fifth consecutive year. Undocumented migrants detained by Libyan authorities, including trafficking victims, were punished.

Recommendations for Libya: Draft, pass, and enact legislation that prohibits all forms of trafficking; increase law enforcement efforts to investigate and prosecute trafficking offenses; implement standard procedures on identifying trafficking victims and provide victims with protection; investigate and prosecute officials who are complicit in human trafficking; ensure that victims are not susceptible to deportation or punishment for their unlawful presence in Libya; enforce and build awareness of the labor law's provision which criminalizes the holding of an employee's passport; and undertake an information campaign to raise public awareness of the problem of human trafficking.



Prosecution

The Government of Libya demonstrated no discernible law enforcement efforts over the past year. Libya does not have a comprehensive law prohibiting all forms of trafficking in persons. While articles in the criminal code prohibit prostitution, sexual exploitation, slavery, and trafficking in women, there was no indication that the government used these statutes to prosecute trafficking offenses during the reporting period. Moreover, Libyan law does not prohibit all forms of human trafficking. The 1970 labor law does not criminalize forced labor, but penalizes some exploitative labor practices, including holding an employee's passport. However, there was no information regarding prosecutions or convictions of violators of this law. Police imprisoned Nigerian traffickers attempting to traffic a Nigerian woman through Libya to Europe; there was no information regarding the legal statutes under which the arrests were made. A recent Human Rights Watch (HRW) publication included interviews indicating that some police were complicit in human trafficking activities. Libyan judges and prosecutors participated in an IOM workshop training on recognizing, investigating, and prosecuting trafficking.

Protection

The Libyan government took minimal steps to improve the protection of trafficking victims during the reporting period. The government did not develop or implement procedures for authorities' proactive identification of trafficking victims, nor did it demonstrate efforts to refer victims detained by authorities to protective facilities. The government referred vulnerable people on an *ad hoc* basis to international organizations or relief workers; some of these were likely trafficking victims. The government provided office space in some detention centers where UNHCR relief workers provided medical and psychological care for an unknown number of detainees, which likely included trafficking victims. International organizations reported that conditions in detention centers worsened significantly since the launch of the Libyan-Italian joint naval patrols in May 2009 and, along with rights groups, expressed concern that the joint patrols return all interdicted migrants to the country without screening for victims of trafficking. The government did not actively encourage victims to participate in the investigation and prosecution of trafficking offenders. Like irregular migrants, trafficking victims were susceptible to deportation or punishment for unlawful presence in Libya as result of being trafficked; a recently released HRW report quoted an observer as saying that migrants can be detained "from a few weeks to 20 years." The same report noted that Libyan authorities regularly beat groups of undocumented African migrants who were returned to Libya by Italian law enforcement officials after the migrants' failed attempt to sail from Libya to Italy. Since the government did not have procedures to identify trafficking victims, some of these undocumented migrants may have been trafficking victims.

Prevention

The Government of Libya made minimal efforts to prevent human trafficking. Public awareness of human trafficking – as a phenomenon distinct from illegal immigration and smuggling – remained low in Libya, including among government officials. During the reporting period, the government did not conduct any anti-trafficking public information campaigns. Libya did not take actions to reduce the demand for commercial sex acts or to prevent possible child sex tourism committed abroad by Libyan nationals. The directors of the government's migrant detention center participated in IOM workshops on care for migrant workers, which covered issues of human trafficking. Libya provided in-kind assistance, including facilities, transportation costs, and translation services, for these workshops and other workshops targeting prosecutors and judges.

LITHUANIA (Tier 1)

Lithuania is a source, transit, and destination country for women and girls subjected to trafficking in persons, specifically forced prostitution. Forty percent of identified Lithuanian trafficking victims are women and girls subjected to sex trafficking within Lithuania. Lithuanian women are also subjected to forced prostitution in the

United Kingdom, Germany, the Netherlands, Greece, Italy, France, and the Czech Republic. A small number of women from Russia and Belarus are transited through Lithuania and are subjected to forced prostitution in Western Europe.

The Government of Lithuania fully complies with the minimum standards for the elimination of trafficking. The government did not provide funding for assistance to victims of trafficking during the reporting period; however, the government proactively identified and referred more than half of the trafficking victims assisted by foreign funded NGOs in 2009. A majority of convicted traffickers continued to serve significant time in prison. The government also demonstrated good cooperation with anti-trafficking NGOs.

Recommendations for Lithuania: Improve efforts to identify, investigate, and prosecute forced labor offenses; allocate some funding or in-kind support to NGOs providing victim protection services; continue to proactively identify victims of trafficking and refer them to NGO service providers; continue to ensure a majority of convicted traffickers serve some time in prison; vigorously investigate instances of labor trafficking; and increase public awareness efforts targeted at potential adult victims of trafficking.

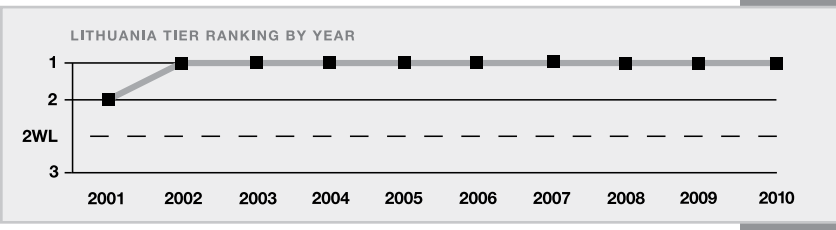
Prosecution

The Government of Lithuania sustained its anti-trafficking law enforcement efforts during the reporting period. Lithuania prohibits all forms of trafficking through Articles 147 and 157 of its criminal code, which prescribes penalties ranging from a fine up to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape.

Lithuanian authorities initiated 11 sex trafficking investigations in 2009, compared with16 sex trafficking investigations and three labor trafficking investigations initiated in 2008. Two of the three labor trafficking investigations initiated in 2008 were on- going at the end of the reporting period. Authorities prosecuted 14 individuals for sex trafficking offenses during the reporting period, compared with 20 individuals prosecuted in 2008. In 2009, fourteen trafficking offenders were convicted, compared with 13 convictions in 2008. Twelve of the 14 convicted traffickers were issued sentences ranging from two to nine years' imprisonment, while two traffickers were ordered to serve no time in prison. During the reporting period, the Government of Lithuania forged partnerships with six European governments to cooperate in 44 separate trafficking investigations. The government extradited one person accused of trafficking offenses to Finland during the reporting period.

Protection

The Lithuanian government demonstrated mixed progress in its efforts to assist victims of human trafficking over the reporting period. The government provided no funding for anti-trafficking NGOs to conduct victim assistance and rehabilitation compared with $150,000 allocated in 2008. However, the government continued its important victim identification and referral efforts; the government identified and referred more than half of the victims assisted within the country during the reporting period. In 2009, law enforcement identified 57 trafficking victims and referred them to NGOs for assistance, compared with 86 victims referred in 2008. Approximately 170 victims were provided with assistance by privately funded NGOs during the reporting period. The Ministry of Foreign Affairs (MFA) referred nine Lithuanian victims identified abroad to local anti-trafficking NGOs for shelter and social support and also provided approximately $2,100 to facilitate their travel back to Lithuania, compared with 17 victims similarly assisted by the MFA in 2008. The government encouraged victims to assist in trafficking investigations and prosecutions; in 2009, 57 Lithuanian victims assisted with trafficking investigations and prosecutions. Foreign victims who participated in court proceedings were eligible for temporary residency and work permits; however, the government did not identify any foreign victims in 2009. The government did not penalize identified victims for unlawful acts committed as a direct result of their being trafficked.



Prevention

The Lithuanian government demonstrated some efforts to prevent trafficking during the reporting period. In November 2009, law enforcement officials, in partnership with a local NGO, organized a human trafficking awareness event including the viewing of a film and the distribution of brochures for over 200 children living in orphanages. Police officers from four counties organized a series of anti-trafficking discussions, reaching an audience of approximately 400 students. The government adopted its 2009-2012 national anti-trafficking action plan in July 2009, although the government did not allocate funding to implement the plan during the reporting period.

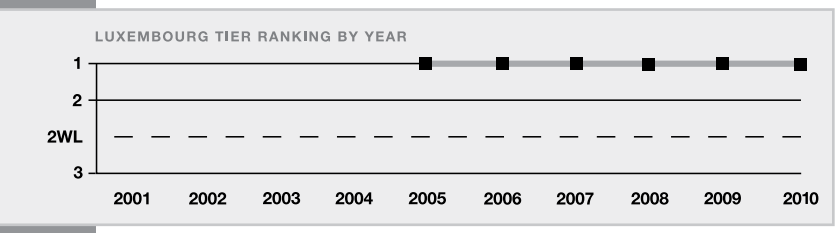
LUXEMBOURG (Tier 1)

Luxembourg is a destination country for women primarily from France, Belgium, Russia, and Ukraine subjected to trafficking in persons, specifically forced prostitution. An increasing number of women from Africa, primarily Nigeria, are engaged in prostitution in the country, and are particularly vulnerable to forced prostitution due to debts they incur in the process of migrating to

Luxembourg. Victims of sex trafficking in Luxembourg are primarily recruited abroad through agents for work in Luxembourg's cabarets and are subsequently forced into prostitution. According to a 2009 EU Report on child trafficking within the EU, Luxembourg authorities characterize child trafficking in Luxembourg as a "marginal" and "isolated" problem. 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. During the year, the government adopted a law to improve protections for victims of trafficking and identified an increased number of sex trafficking victims. The government has yet to develop and enact formalized, victim-centered procedures for the proactive identification of all potential trafficking victims in Luxembourg.

Recommendations for Luxembourg: Establish formal procedures to identify victims among vulnerable groups, such as women in the commercial sex trade and undocumented migrants, and to ensure these victims have access to available services; consider including NGOs in the identification process to foster and encourage more trust from victims; ensure specialized and comprehensive protections for all trafficking victims, including victims of forced labor, as well as child and male victims; and launch an awareness campaign to educate authorities and the general public about forms of labor trafficking.



Prosecution

The Luxembourg government sustained its anti-trafficking law enforcement efforts in 2009. Luxembourg prohibits all forms of trafficking through its Law on Trafficking in Human Beings, Memorial A, number 51, 2009, which prescribes penalties for convicted offenders ranging from five to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government prosecuted and convicted six sex trafficking offenders during the reporting period, compared with seven from the previous year. Sentences imposed on those convicted ranged from two to three years' imprisonment with fines, an improvement from the previous year, but still below the legally prescribed minimum punishment for trafficking. 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 of Luxembourg made some improvements in the protection of trafficking victims during the reporting period. In March 2009, it adopted the Law on Assistance, Protection and Safety of Trafficking Victims, Memorial A, number 129, 2009. The law codified comprehensive assistance for trafficking victims, including shelter, social, financial, medical, therapeutic, and legal assistance. The law also allows trafficking victims who are EU citizens the right to work while in Luxembourg. Luxembourg law provides temporary residency status for trafficking victims and a 90-day reflection period for victims to decide whether to cooperate with authorities. During the reporting period, police identified 21 victims of forced prostitution recruited for work in Luxembourg cabarets, compared with 10 the previous year. Law enforcement authorities reportedly referred identified trafficking victims to NGOs and provided them with short-term shelter and basic assistance. It did not, however, offer identified victims access to specialized services, long-term shelter or housing benefits often required for victims' recovery. The government encouraged victims to participate in the investigation and prosecution of trafficking offenders during the reflection period, however no victims assisted in the prosecution of their traffickers in 2009. The government continued to fund two NGOs providing services for women in distress that also serve female human trafficking victims. There were no specialized services or shelter available specifically for child victims, however authorities reported placing child victims in a general shelter for juveniles. 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 proactively identified victims among women in prostitution in Luxembourg's legalized sex trade and cabarets. The new protection law for trafficking victims codified law enforcement's responsibility to refer victims for services, however the government did not adopt formalized, stand-alone procedures for all front-line responders to use when referring potential victims for care.

Prevention

The government made minimal progress in implementing new programs to prevent trafficking during the reporting period. It sustained partnerships with ECPAT and a local NGO on a campaign targeting potential women and child victims of trafficking. It failed, however, to launch any new campaigns aimed at reducing the demand for commercial sex acts and forced labor. The government did not report any child sex tourism prosecutions or prevention efforts during the reporting period.

MACAU (Tier 2)

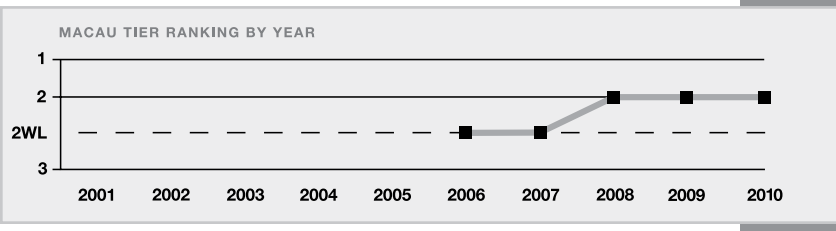
The Macau Special Administrative Region (MSAR) of the People's Republic of China is primarily a destination, and to a much lesser extent, a source territory for women and children subjected to trafficking in persons, specifically commercial sexual exploitation. Victims are primarily from the Chinese mainland, Mongolia, Russia, and Southeast Asia, with many of them from inland Chinese provinces who travel to the border province of Guangdong in search of better employment. There, they fall prey to false advertisements for jobs in casinos and other legitimate employment in Macau, but upon arrival, they are forced into prostitution. Foreign and mainland Chinese women are sometimes passed to local organized crime groups upon arrival, held captive, and forced into sexual servitude. Chinese, Russian, and Thai criminal syndicates are believed to sometimes be involved in bringing women into Macau's commercial sex industry. Victims are sometimes confined in massage parlors and illegal brothels, where they are closely monitored, forced to work long hours, have their identity documents confiscated, and threatened with violence; all factors that make it particularly difficult for them to seek help. Macau is a source territory for women and girls who are subjected to forced prostitution elsewhere in Asia.

The MSAR does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued efforts to raise awareness about trafficking amongst officials and the general public. Authorities convicted one trafficking offender during the past year. However, authorities identified far fewer victims during the reporting period than in the previous year and victim identification and protection efforts need to be further improved. Macau has the resources and government infrastructure to make greater strides in combating trafficking.

Recommendations for Macau: Significantly increase the number of investigations and prosecutions of traffickers; make greater efforts to cooperate with source country governments on cross-border trafficking cases to investigate and prosecute trafficking offenders; continue to use proactive victim identification procedures to increase the number of trafficking victims identified by authorities, such as among women arrested for prostitution offenses and migrant workers; make efforts to investigate and prosecute official complicity in trafficking; ; make greater efforts to combat international organized crime syndicates involved in human trafficking in Macau; provide incentives for victims to assist authorities in the prosecution of their traffickers, such as the ability to work in Macau; and support a visible anti-trafficking awareness campaign directed at employers and clients of the commercial sex trade.

Prosecution

The MSAR government made limited progress in anti-trafficking law enforcement efforts during the reporting period. Macau's 2008 anti-trafficking legislation prohibits all forms of trafficking in persons and prescribes penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes. During the reporting period, authorities investigated six new trafficking cases. There were no cases of joint investigations between Macau authorities and foreign governments during the reporting period. In one ongoing investigation, law enforcement officials arrested six individuals who appeared to have been running a trafficking operation for over a decade. The syndicate was believed to have lured women to Macau by promising them jobs in massage parlors, and subsequently forcing them into prostitution upon arrival in the territory. Many cases investigated in 2008 were closed due to lack of evidence. In November 2009, Macau prosecutors convicted their first trafficking offender under the anti-trafficking law. A local man was sentenced to over seven years' imprisonment for his role in the trafficking of two female Macau residents to Japan in 2008. Corruption remains a serious problem in Macau, often linked to the gambling industry and organized crime networks. There were no reports of trafficking complicity by Macau officials during the reporting period One Macau police officer arrested in 2008 for allegedly blackmailing two women in prostitution for 'protection' fees has still not been brought to trial. The involvement of international criminal syndicates in trafficking likely continued to challenge Macau's law enforcement efforts.



Protection

Macau authorities demonstrated limited progress in its efforts to protect trafficking victims, particularly in the proactive identification of trafficking victims. Authorities identified six sex trafficking victims during the reporting period, a significant decrease from the 23 victims identified during the previous reporting period. Four victims were from mainland China, one from Vietnam, and one from Mongolia. Three victims stayed at a government shelter, and the other victims were repatriated to their home country at their request. Macau authorities proactively identified two of the six victims. The government did not report any efforts to identify trafficking cases amongst the more than 1,600 migrant workers who filed labor complaints in 2009. Victims identified by Macau authorities received

counseling, medical care, and financial stipends while in the government shelter, but foreign victims are not offered legal alternatives to their removal to countries where they may face hardship or retribution. The government sustained an existing partnership with a local NGO in order to identify interpreters who could assist in cases involving foreign victims. The government should further improve efforts to proactively identify trafficking victims among individuals deported for immigration violations, including women in prostitution. The Women's General Association of Macau continued to receive government funding to run a 24-hour trafficking victim assistance hotline. In November 2009, the government reached out to an international organization and funded a gathering of international experts in Macau to train 70 police, immigration, and social welfare officers on victim identification and protection. Macau officials also participated in regional anti-trafficking training run by a foreign donor.

Prevention

The MSAR government continued some efforts to prevent trafficking in persons during the reporting period. The government continued to display anti-trafficking brochures and posters in multiple languages at border checkpoints, hospitals, and popular public gathering areas. The Health Bureau installed television terminals to broadcast an MTV-produced trafficking video and local public service announcements on trafficking to be shown at health centers frequented by foreign workers. Authorities partnered with a local NGO to print 2,000 booklets featuring 55 anti-trafficking poster entries by secondary school students submitted for a recent NGO contest. The government did not take measures during the year to reduce the demand for commercial sex acts or conduct any awareness efforts targeting clients of Macau's prostitution industry.

MACEDONIA (Tier 2)

Macedonia is a source, transit, and destination country for women and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Macedonian women and children are trafficked internally within the country. Women and girls from Albania, Bulgaria and Kosovo were reportedly subjected to forced prostitution or forced labor in Macedonia in 2009. Macedonian victims and victims transiting through Macedonia are subjected to forced prostitution or forced labor in South Central and Western Europe. Children, primarily ethnic Roma, are subjected to forced begging by their parents or other relatives. Girls were subjected to conditions of forced labor in Macedonian bars and nightclubs. A small number of Macedonian men were allegedly subjected to forced labor in Azerbaijan. Traffickers continued to operate in more hidden, private sectors in an attempt to conceal their exploitation of victims from law enforcement.

The Government of Macedonia 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 strengthen its anti-trafficking framework and issued its first annual National Rapporteur's report on trafficking. The government did not convict any trafficking offenders, identified fewer official trafficking victims, and did not provide funding to NGOs for the care and assistance of foreign and domestic trafficking victims in Macedonia. The government did not prosecute any officials for trafficking specific crimes, but took significant strides in fighting trafficking-related corruption.

Recommendations for Macedonia: Vigorously investigate, prosecute, convict and sentence traffickers, including any public officials complicit in trafficking; strengthen partnerships with NGOs and other stakeholders in order to more effectively implement the National Strategy regarding reintegration and rehabilitation of trafficking victims; improve cooperation on victim identification to ease victims' fear and foster more trust with law enforcement; and empower the National Rapporteur to publish more critical and comprehensive assessments of anti-trafficking efforts in Macedonia so the office becomes a more effective instrument for change.

Prosecution

The Government of Macedonia made limited progress in its law enforcement response to human trafficking during the reporting period. The government prohibits sex and labor trafficking through Article 418(a) and (d) of its 2004 criminal code. In 2009, the government arrested 18 suspects for trafficking- related offenses and opened investigations of seven trafficking cases, of which five are ongoing. In the other two cases, the public prosecutor indicted and began prosecution in 2009. The government did not convict any trafficking offenders during the reporting period. In September 2009, the government adopted amendments to its criminal code that require a minimum sentence of eight years' imprisonment for any public official convicted of a trafficking offense committed while in the course of official duty. The government investigated and prosecuted corruption in certain sectors of law enforcement, which posed challenges to anti-trafficking and anti-smuggling efforts during the reporting period. The government reported evidence of immigration officials' forging residency documents of potential trafficking victims in 2009. The government did not prosecute or convict any officials for complicity specific to trafficking during the reporting period; however, it convicted 60 border police for soliciting bribes and, in a separate case, convicted one official of smuggling migrants in 2009.

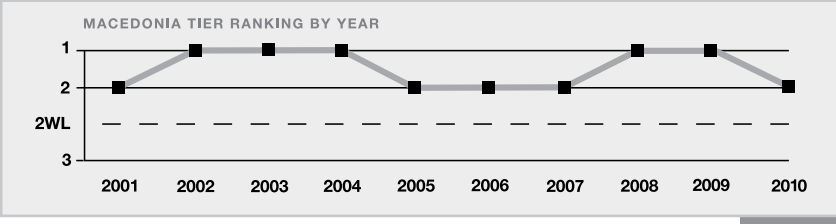
Protection

The Government of Macedonia did not demonstrate sufficient progress in protecting trafficking victims in

2009. Macedonia's victim identification procedures require that first-line responders liberally identify people, such as illegal migrants and foreign women and girls in prostitution, as potential victims until they can be formally vetted by a trained anti-trafficking authority. Of the 157 potential trafficking victims identified by authorities in 2009, seven were confirmed as trafficking victims; all were children. Eighteen victims were identified in 2008. With IOM assistance, the government organized a series of trainings reaching 280 front-line responders on proactive victim identification. These trainings were funded with the government's EU pre-accession funds, earmarked for trafficking. Additionally, in conjunction with the OSCE, the government trained all of the country's labor inspectors on proactive victim identification in the labor sector. Macedonian law exempts victims from criminal prosecution for unlawful acts committed as a direct result of being trafficked. While the government's standard operating procedures mandate a multi-disciplinary approach to identifying victims, NGOs and international organizations should be more systematically included in this process. The government continued to fund and operate a transit center for foreign migrants and trafficking victims with the help of a local NGO that specializes in victim rehabilitation, especially children. The government provided in-kind contributions to the NGO assisting foreign victims in this center. All potential victims are offered a two-month reflection period during which time they are offered victim assistance services, regardless of whether they choose to testify for the state. At any time during the reflection period, if they decide to cooperate with authorities in the investigation of the crime, an additional six-month residency permit can be granted. As an undocumented foreigner, until a foreign trafficking victim receives a legal residency status, his or her movement is restricted to within the shelter. During the reporting period, one foreign victim stayed in the transit center under the reflection period. No foreign victims to date have requested the six-month residency permit.

The largest Macedonian NGO providing protection and assistance to domestic trafficking victims continued to rely primarily on international donors to provide victims with both immediate and long-term comprehensive services for their rehabilitation and reintegration. Victims also received reintegration support from Macedonia's 30 social welfare centers located throughout the country. The government provided significant funding to these centers, which are not focused exclusively on helping trafficking victims and, according to NGOs, lack the capacity to fully address the complex and comprehensive needs of domestic trafficking victims. These centers assisted seven trafficking victims in 2009, the same number assisted in 2008. Aware of this problem, the government is in the process of refurbishing a domestic shelter that will house domestic victims of trafficking. In 2009, the Ministry of Labor and Social Policy succeeded in obtaining funding from the national budget for operation of a domestic shelter.

Although the government drafted legislation to ensure that domestic trafficking victims receive free healthcare, a lack of implementation of this provision resulted in an NGO paying for some victims' emergency medical care in 2009. During the reporting period, the government took over complete financial responsibility for the National Referral Mechanism Office, a coordinating body responsible for monitoring victim identification, referral, assistance, and legal processes. Macedonian law provides legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship through both a two-month reflection period and a six-month residency permit. The government encouraged victims to participate in the prosecution of their traffickers; it reported that three victims provided witness testimony in courts and three assisted in law enforcement investigations in 2009. Reportedly, one of the reasons victims do not report their traffickers is because the traffickers tell the victims they have connections with the police.



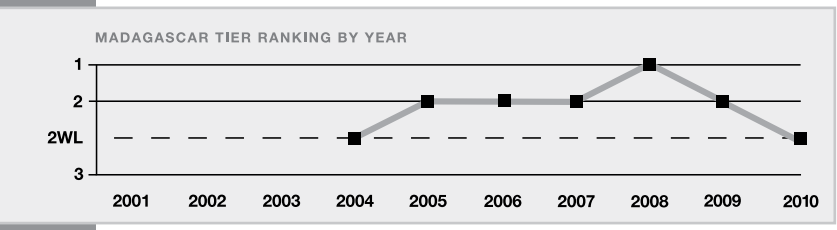
Prevention

The Government of Macedonia made progress in its anti-trafficking prevention efforts. In January 2010, the government's newly appointed National Rapporteur published Macedonia's first annual report on trafficking, which also covered migrant smuggling. The report was presented to the stakeholders, the international community, and NGOs for comment, but the final product lacked a comprehensive assessment of anti-trafficking efforts in Macedonia and contained cursory recommendations for improvement. The government continued to rely on NGOs and international organizations to assist in conducting many of its anti-trafficking prevention programs; it forged partnerships with NGOs to distribute general anti-trafficking leaflets in specified locations and schools throughout 2009. It also translated IOM's "Buy Responsibly" campaign and in November 2009 began broadcasting it over state television as part of a campaign to target client demand for products potentially resulting from labor trafficking. The government continued seminars in the University of Skopje and collaborated with another NGO on a series of workshops that addressed client demand for victims of sex trafficking. It also provided $1,000 to an NGO to conduct trafficking prevention lectures to youth around the country in 2009. In September 2009, the government

formally adopted its 2009-2012 National Action Plan on trafficking, and for the first time budgeted specific funding for the plan's implementation.

MADAGASCAR (Tier 2 Watch List)

Madagascar is a source country for women and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. An estimated 6,000 Malagasy women are currently employed as domestic workers in Lebanon, with a smaller number in Kuwait. Many of these women come from rural areas and are often illiterate or poorly educated, making them more vulnerable to deception and abuse at the hands of recruitment agencies and employers. Detailed information regarding situations of forced labor and other abuses experienced by Malagasy domestic workers in Lebanon came to light during the year. Numerous trafficking victims returning to Madagascar reported harsh working conditions, physical violence, sexual harassment and assault, confinement to the home, confiscation of travel documents, and withholding of salaries. Eight deaths were reported among this population in 2009.



Children, mostly from rural areas, are subject to conditions of domestic servitude, commercial sexual exploitation, and forced labor in mining, fishing, and agriculture within the country. Most child trafficking occurs with the involvement of family members, but friends, transport operators, tour guides, and hotel workers also facilitate the enslavement of children. A child sex tourism problem exists in coastal cities, including Tamatave, Nosy Be, 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 forced into the commercial sex trade on the coast. The main sources of child sex tourists are France, Germany, and Switzerland. Parents sell young women into marriages, some of which are short-term, often for significant sums of money.

The Government of Madagascar does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Since the March 2009 coup, combating human trafficking has received little attention in Madagascar; the recent focus on the abuse of domestic workers in Lebanon has not resulted in any commensurate governmental response to the problem. The government's anti-trafficking efforts were insufficient and decreased during the year – especially in the areas of prosecuting trafficking offenders, identifying and protecting victims, and raising public awareness of the problem – while the prevalence of officials' complicity in human trafficking became more evident. Lack of political will, institutional capacity, and relevant training remained significant impediments to improved anti-trafficking performance, particularly impacting the effectiveness of law enforcement activities; the government failed to investigate or prosecute traffickers in 2009. Therefore, Madagascar is placed on Tier 2 Watch List.

Recommendations for Madagascar: Issue a presidential decree codifying and mandating use of the anti-trafficking law at the provincial level; utilize the anti-trafficking law to investigate and prosecute trafficking offenses, including those involving forced labor and public officials suspected of trafficking-related complicity; consider amending the anti-trafficking law to provide sufficiently stringent penalties for labor trafficking; make efforts to foster a dialogue with the Government of Lebanon on improving protections for Malagasy workers and jointly addressing cases of abuse; institute a process for law enforcement officials to document trafficking cases, interview potential victims, and refer trafficking victims for assistance; increase efforts to raise public awareness of labor trafficking; provide anti-trafficking training to law enforcement, labor, and social welfare officials; and make efforts to improve the level of coordination between government ministries on trafficking issues.

Prosecution

The Malagasy government's anti-trafficking law enforcement efforts diminished over the year, as it reported no investigations or prosecutions of trafficking offenders. Anti-Trafficking Law No. 2007-038 prohibits all forms of human trafficking, though it only prescribes punishments for sex trafficking; these range from two years' to life imprisonment, penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 262 of the Labor Code criminalizes labor trafficking, for which it prescribes inadequate penalties of one to three years' imprisonment. Decree 2007-563 prohibits and prescribes minimal punishments of up to two years' imprisonment for various forms of child trafficking, including prostitution, domestic servitude, and forced labor. The government has yet to use its anti-trafficking law to punish traffickers. Poor coordination among ministries, a lack of data sharing between officials at regional and national levels, and the lack of a presidential decree codifying and mandating its use at the provincial level hindered the law's implementation. The government did not investigate or prosecute cases of forced labor during the reporting period.

The Government of Madagascar nominally suspended the work of several employment agencies implicated in human trafficking during the year, but did not follow through on its commitment to conduct inspections of these businesses. In November 2009, the government instituted a ban on sending workers to Lebanon, but it was poorly implemented, possibly due to complicity of high-ranking government officials; up to 10 labor recruitment agencies were reportedly owned by civil servants in the Ministry of Labor. Government officials also reportedly assist unlicensed recruitment agencies in obtaining fraudulent travel documents. Anecdotal evidence indicates there was also official complicity in permitting organized child prostitution rings to operate, particularly in Nosy Be. Local police remained hesitant to pursue 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. The government took no action against official complicity in human trafficking during the reporting period.

Protection

The Malagasy government made weak efforts to ensure that victims were provided access to necessary services and it did not operate specific victim assistance programs. The majority of trafficking victims identified in 2009 were assisted by NGO-run centers. Madagascar lacks procedures to proactively identify trafficking victims among vulnerable populations or refer victims for care. However, the Ministry of Health's local-level Child Rights Protection Networks – which grew through a partnership with UNICEF to include 761 communes in 2009 – brought together government institutions, law enforcement, and NGOs to partially fill this role. These networks coordinated child protection activities, identified and reported abuse cases, and assisted some trafficking victims in accessing social and legal services. Victims who returned from Lebanon were immediately confined to a psychiatric institution and not provided with appropriate social or legal services. Madagascar's honorary consul in Beirut made limited attempts to mediate with labor agencies and refer Malagasy victims to a Beirut-based NGO shelter. The government sent an official from its embassy in Paris to Beirut to research the abuse of Malagasy domestic workers in Lebanon, but did not take measures to initiate bilateral engagement with the Government of Lebanon regarding protection of and legal remedies for exploited workers. The government did not penalize trafficking victims for unlawful acts committed as a direct result of their being trafficked, but did not show evidence that it encouraged them to assist in the investigation and prosecution of their exploiters. The government did not provide legal alternatives to the removal of victims to countries where they would face hardship or retribution.

Prevention

The government's efforts to prevent trafficking decreased during the year, particularly in the area of public awareness raising. The President's Inter-Ministerial Anti-Trafficking Committee ceased functioning in early 2009. The government's Antananarivo-based Manjary Soa Center withdrew an unknown number of children from the worst forms of child labor and provided them with education or vocational training. Two additional centers opened in Toliara and Toamasina in 2009 and were the only programs fully funded by the government to combat child labor. Although nine Regional Committees to Fight Child Labor worked to increase 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 ministry conducted no complaint-driven child labor inspections and provided no information on incidences of child labor, if any, uncovered during regular inspections. The government continued to distribute to arriving international passengers fliers and a customs booklet containing a full-page warning of the consequences of child sex tourism. In 2009, the government charged a French national with rape and corruption of a minor after he paid for sex acts with several young girls.

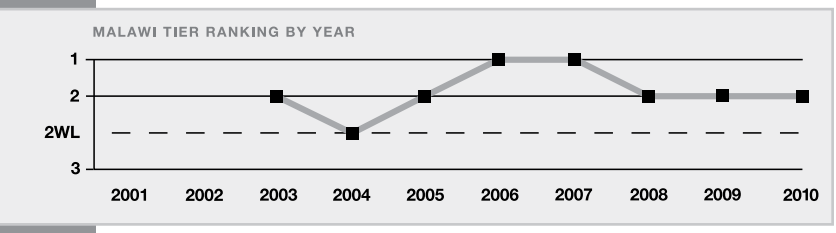
MALAWI (Tier 2)

Malawi is primarily a source country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution within the country and abroad. Most Malawian trafficking victims are exploited internally, though Malawian victims of sex and labor trafficking have also been identified in South Africa, Zambia, Mozambique, Tanzania, and parts of Europe. To a lesser extent, Malawi is a transit point for foreign victims and a destination country for men, women, and children from Zambia, Mozambique, Tanzania, and Zimbabwe subjected to conditions of forced labor or commercial sexual exploitation. Within the country, some children are forced into domestic servitude, cattle herding, agricultural labor, and menial work in various small businesses. Exploited girls and women become "bar girls" at local bars and rest houses where they are coerced to have sex with customers in exchange for room and board. Forced labor in agriculture is often found on tobacco plantations. Labor traffickers are often villagers who have moved to urban areas and subsequently recruit children from their original villages through offers of good jobs. Brothel owners or other prostitution facilitators lure girls with promises of nice clothing and lodging. Upon arrival, they charge the girl high rental fees for these items and instruct her how to engage in prostitution to pay off the debt. South African and Tanzanian long-distance truck drivers and mini-bus operators move victims across

porous borders by avoiding immigration checkpoints. Some local businesswomen who also travel regularly to neighboring countries to buy clothing for import have been identified as traffickers. Reports of European tourists paying for sex with teenage boys and girls continue.

The Government of Malawi does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. While the government maintained its efforts to ensure victims' access to protective services and prevent trafficking, adults trafficked for sex or labor exploitation and children exploited in domestic servitude and prostitution still did not receive the same amount of care as children exploited in forced labor.

Recommendations for Malawi: Expand training programs for judges, prosecutors, and police on how to identify, investigate, and prosecute trafficking offenses using existing laws; pass and enact comprehensive anti-trafficking legislation; continue to manually compile basic trafficking law enforcement data until it is possible to institute an automated system to compile comprehensive data on cases investigated and prosecuted, as well as victims assisted; and expand the existing focus on protecting victims of child labor trafficking to include children exploited in domestic servitude and prostitution.



Prosecution

The Government of Malawi maintained its progress in its anti-trafficking law enforcement efforts during the last year. Malawi prohibits all forms of trafficking through various laws, including the Employment Act and Articles 135 through 147 and 257 through 269 of the Penal Code, though the country lacks specific anti-trafficking laws. The penalties prescribed under these statutes range from small fines to 10 years' imprisonment; these penalties are sufficiently stringent and commensurate with punishments prescribed for other serious crimes. For a second year, the draft Child Care, Protection and Justice Bill, which defines child trafficking and imposes a penalty of life imprisonment for convicted traffickers, remained in the government's Cabinet and was not passed by Parliament. Also for a second year, the Malawi Law Commission did not complete drafting comprehensive anti-trafficking legislation specifically outlawing all forms of human trafficking. Local law enforcement agencies in Malawi only keep written record of their activities, which are not consolidated at any central record facility. Data on nation-wide statistics was not available, though some individual districts provided data on their specific activities. In 2009, the Magistrate's Court in the district of Mchinji on the Zambian border prosecuted five trafficking offenders on criminal charges and convicted four. In one case involving 14 child victims of labor trafficking, three offenders were sentenced to seven years of hard labor, one was fined $33, and one was acquitted. The Mchinji court convicted a trafficker caught while transporting 59 children to Zambia to be exploited in forced labor, and sentenced him to five years in prison. The government also prosecuted and convicted 34 trafficking offenders for exploiting children in forced farm labor. Each was fined $131, which is approximately one-third of the average annual income in Malawi. Police, child protection, social welfare, and other officials received training in how to recognize, investigate, and prosecute instances of trafficking either directly from the government or in partnership with NGOs. The Ministry of Labor incorporated a child protection curriculum into labor inspector training. Requests to work with other governments are handled on an *ad hoc*, informal basis, especially between district officials in Mchinji and officials across the Zambian border. The Anti-Corruption Bureau's investigation, begun in 2007, into two complaints of government corruption relating to trafficking was ongoing at the end of the reporting period.

Protection

The Malawi government maintained its efforts to ensure that victims were provided access to appropriate services, and provided in-kind support to NGO service providers. Malawi continued to depend heavily on foreign donors and NGOs to fund and operate most of the country's anti-trafficking programs. This past year, it provided technical and coordination assistance to NGOs and helped set project guidelines. In Dedza district, police rescued 14 Malawian and 10 Mozambican child victims of labor trafficking. The government provided law enforcement, immigration, and social services personnel with basic training in identifying victims of trafficking, though it has not yet established systematic procedures for proactively identifying victims of trafficking among vulnerable populations, especially persons in the commercial sex trade. Government personnel sustained partnerships with NGOs to connect their local programs with government labor inspectors, child protection officers, district social welfare officers, the police, and district child protection committees. The government funded one rehabilitation drop-in center in Lilongwe for victims of trafficking and gender-based violence. The center did not keep specific records of trafficking victims that it may have assisted. Over 100 police stations throughout the country housed victim support units to respond to gender-based violence and trafficking crimes. These units provided limited counseling and, in some places, temporary shelter, though the capacity to identify and assist victims varied greatly among stations. Inter-ministerial child protection committees monitored their districts for

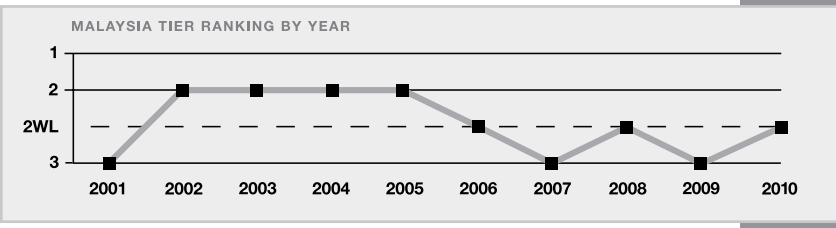
suspicious behavior which might indicate trafficking activity. Overall, the government encouraged victims' participation in the investigation and prosecution of trafficking crimes and did not inappropriately incarcerate, fine, or otherwise penalize victims for unlawful acts committed as a direct result of being trafficked.

Prevention

The government sustained its efforts to prevent human trafficking and raise public awareness of the crime in 2009. An inter-ministerial task force on human trafficking, led by the Ministry of Gender, Child Development and Community Development, forged a partnership with international organizations and NGOs and began drafting a national plan of action which is not yet complete. Addressing child trafficking is also the responsibility of both the National Steering Committee on Orphans and Vulnerable Children and the National Steering Committee on Child Labor. Uneven levels of expertise and inadequate inter-agency coordination at national and district levels interfered with the effectiveness of these committees in preventing child trafficking. Through the National Aids Commission's Action Framework on HIV/AIDS Prevention, the government sensitized communities to the dangers of commercial sexual exploitation and attempted to reduce the demand for commercial sex acts. The Malawi Defense Force 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 2 Watch List)

Malaysia is a destination, and to a lesser extent, a source and transit country for women and children subjected to trafficking in persons, specifically conditions of forced prostitution and for men, women, and children who are in conditions of forced labor. The majority of trafficking victims are foreign workers who migrate willingly to Malaysia from Indonesia, Nepal, India, Thailand, China, the Philippines, Burma, Cambodia, Bangladesh, Pakistan, and Vietnam in search of greater economic opportunities, some of whom subsequently encounter forced labor or debt bondage at the hands of their employers, employment agents, or informal labor recruiters. While many of Malaysia's trafficking offenders are individual business people, large organized crime syndicates are also behind some of the trafficking of foreigners in Malaysia. A significant number of young women are recruited for work in Malaysian restaurants and hotels, some of whom migrate through the use of "Guest Relations Officer" visas, but subsequently are coerced into Malaysia's commercial sex trade. Many Malaysian labor outsourcing companies apparently recruited excess workers, who were then often subject to conditions of forced labor. Some Malaysian citizens are trafficked internally and abroad to Singapore, Hong Kong, France, and the United Kingdom for commercial sexual exploitation. There were approximately two million documented migrant workers in Malaysia in 2009, and an additional estimated 1.9 million who were undocumented. Many migrant workers in plantations, construction sites, textile factories, and employed as domestic workers throughout Malaysia experienced restrictions on movement, deceit and fraud in wages, passport confiscation, or debt bondage, which are practices indicative of trafficking. Some Malaysian employers reportedly did not pay their foreign domestic workers three to six months' wages in order to recoup recruitment agency charges, making them vulnerable to trafficking. Refugees were particularly vulnerable to trafficking, and Malaysians from rural communities and indigenous groups were also vulnerable. The People's Volunteer Corps (RELA) continued to conduct raids targeting illegal migrant communities and detained refugees, asylum seekers, and trafficking victims along with allegedly illegal migrants. Some trafficking victims were locked up in warehouses or brothels. The Indonesian and Malaysian governments have not amended or replaced a 2006 Memorandum of Understanding (MOU) covering the employment of Indonesian domestic workers in Malaysia, which authorizes Malaysian employers to confiscate and hold the passports of domestic employees.



The Government of Malaysia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Because the assessment that the government had made significant efforts is based in part on its commitments to undertake actions over the coming year – notably greater implementation of Malaysia's anti-trafficking law against labor trafficking – Malaysia is placed on Tier 2 Watch List. The Malaysian government has shown a greater commitment to address human trafficking that is expected to lead to: increased investigations and prosecutions of labor trafficking offenses and identification of labor trafficking victims; increasing efforts to prosecute trafficking-related corruption by government officials; and greater collaboration with NGOs and international organizations to improve victim services in government shelters. During the reporting period, senior government officials, including the Prime Minister, publicly acknowledged Malaysia's human trafficking problem, the government increased its investigations of trafficking cases and filed an increased number of criminal charges against traffickers, significantly expanded training of officials on the 2007 anti-trafficking law, conducted a public awareness

campaign on human trafficking, opened three more shelters for trafficking victims, and launched a five-year national action plan on trafficking. Nevertheless, these early efforts will require continued attention, as there are many serious concerns remaining regarding trafficking in Malaysia, including the detention of trafficking victims in government facilities.

Recommendations for Malaysia: Build on initial law enforcement actions under the Trafficking in Persons Act, particularly relating to cases of labor trafficking; apply stringent criminal penalties to those involved in fraudulent labor recruitment or exploitation of forced labor; increase efforts to prosecute and convict public officials who profit from or are involved in trafficking, or who exploit victims; develop and implement procedures to identify labor trafficking victims among vulnerable groups such as migrant workers and refer them to available protection services; ensure that victims of trafficking are not threatened or otherwise punished for crimes committed as a result of being trafficked; re-negotiate MOUs with source countries to incorporate victim protection and revoke passport or travel document confiscation; increase cooperation with NGOs to improve victim protection efforts, including in shelters for trafficking victims; continue to expand the training of officials on the effective handling of sex and labor trafficking cases, with a particular emphasis on victim protection; and continue and expand a comprehensive and visible anti-trafficking awareness campaign to encompass both labor and sex trafficking.

Prosecution

The Government of Malaysia made some progress in law enforcement efforts against sex trafficking during the reporting period, and limited progress in prosecuting and convicting offenders of labor trafficking. Malaysian law prohibits all forms of human trafficking through its 2007 anti-trafficking law, which prescribes penalties that are commensurate with those of other serious offenses, such as rape. During the reporting period, the government convicted three sex trafficking offenders and reported initiating 180 trafficking-related investigations and filing 123 charges against 69 individuals, though it is unclear how many of these cases were for actual trafficking. In January 2010, authorities identified their first labor trafficking case in the fisheries industry when the Malaysian Maritime Enforcement Agency intercepted Thai fishing boats off the coast of Sarawak and arrested five Thai traffickers; the case remains pending. While NGOs reported several potential labor trafficking cases to the government, authorities did not report any related arrests or investigations. Authorities initiated a review of the licenses of the 277 companies that are authorized to act as labor recruiters in Malaysia. 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. Despite a public statement by a senior official highlighting the right of workers to hold their own passports, the government continued to allow for the confiscation of passports by employers of migrant workers, and did not prosecute any employers who confiscated passports or travel documents of migrant workers or confined them to the workplace. In September 2009, the Home Minister announced that a new MOU being negotiated between Malaysia and Indonesia would not allow confiscation of passports of migrant workers, but the 2006 MOU authorizing such confiscation has not yet been amended or replaced. Authorities did not take criminal action against Peoples Volunteer Corps (RELA) volunteers who physically threatened and abused migrant workers and extorted money from them, despite continued reports of these abuses. In response to credible reports of government officials' direct involvement in a human trafficking network along the Malaysia-Thailand border outlined in a Senate Foreign Relations Committee Report, five immigration officials were arrested for alleged involvement in a trafficking ring that took Burmese migrants to Thailand for sale to trafficking syndicates. However, officials have only lodged criminal charges under the Anti-Trafficking Act against one of the officers and the case against him is still pending. Some observers report that corruption plays a role in the trafficking of foreign migrant workers, particularly with regard to officials' authorizing excess recruitment by Malaysian outsourcing companies, despite assurances from officials that practice had been reduced by regulations implemented in July 2009 that require outsourcing companies to demonstrate their need for each worker recruited. Reports also indicate that collusion between police and trafficking offenders sometimes leads to offenders escaping arrest and punishment. Nevertheless, there were no officials convicted of trafficking-related complicity during the reporting period.

Protection

The government made minimal progress in protecting victims of trafficking during the reporting period. Efforts to identify and protect both sex and labor trafficking victims remained inadequate overall. The government did not report the identification of any Malaysian victims of trafficking. In January, officials rescued and identified 16 male forced labor victims from four deep-sea trawlers off the coast of Sarawak – the first trafficking victims in the fisheries industry identified by the government. The Ministry for Women, Family, and Community Development continued to run two trafficking "shelters" for women and children and opened a third in July 2009, which detained suspected and confirmed foreign sex trafficking victims involuntarily for 90 days until they were deported to their home countries, per Malaysian law. During the reporting period, the government also opened its first two shelters designed to house male victims of trafficking, although these shelters also detained victims involuntarily until they were deported. The government's policy of detaining trafficking victims against their will provided a disincentive for victims and their advocates from bringing cases to the government's attention.

During the reporting period, 139 women and children were certified as victims and detained in the shelters. An additional 232 individuals were given initial protective orders, but were ultimately determined by the government to not be victims of trafficking and were deported, though officials acknowledge that some of these may have been trafficking victims who were reluctant to cooperate with law enforcement proceedings. During the year, the government reportedly made some improvements in its screening to identify individuals possessing UNHCR cards or possessing traits of trafficking victims in order to separate them from the illegal migrant populations. The government continued to use RELA volunteers in indiscriminate raids to identify illegal migrants, some of whom were reportedly trafficking victims. Several foreign embassies reported that they were sometimes not informed by Malaysian authorities of the presence of their nationals in trafficking shelters, and at times, authorities would deny these diplomatic missions access to their citizens once their presence was known. Government shelters resembled immigration detention centers, by denying victims basic freedoms, and these facilities did not employ medical officers, trained psychologists, or trained victim counselors. Some victims were locked in rooms within the shelters.

While NGO trafficking shelters provide resources that government shelters do not, the government does not provide any financial assistance to NGOs, and requires all identified victims to reside in its own shelters. The anti-trafficking law provides immunity to trafficking victims for immigration offenses such as illegal entry, unlawful presence, and possession of false travel documents, but victims continue to be detained and deported, as they would be if they were arrested for illegal immigration. Malaysian law does not provide immunity for criminal acts committed as a result of being trafficked. In January 2010, a 14-year-old Indonesian girl working as a domestic worker in Malaysia was identified by authorities as a trafficking victim. Authorities prosecuted the girl for theft from her employer, and did not prosecute the girl's employer for violating child labor laws. The government issued guidelines and provided training on the identification and processing of suspected trafficking victims, but did not develop or implement formal procedures to proactively identify victims of labor trafficking. The government treated victims of trafficking as illegal aliens and turned them over to immigration authorities for deportation after they provided evidence to prosecutors. Victims are required by law to assist in the prosecution of trafficking offenders, but the lack of victim protection or any incentives for victim assistance in investigations and prosecutions remained a significant impediment to successful prosecutions. Aside from a standard 90-day stay in one of its shelters, the government did not provide other legal alternatives to the removal of victims to countries where they may face hardship or retribution. Although victims may file a civil suit against exploiters, their lack of any option to legally work during the consideration of their suit discouraged such attempts. Some foreign governments expressed concern about the lack of legal protections in place for foreign workers in Malaysia, particularly those subjected to involuntary servitude. Some unidentified victims, including children, were routinely processed as illegal migrants and held in prisons or immigration detention centers prior to deportation.

Prevention

Malaysia made some efforts to prevent trafficking in persons over the last year. The government conducted numerous anti-trafficking training events for Malaysian police, immigration, prosecutors, labor department officials, and Women's ministry officials, and began to partner with NGOs, international organizations, and foreign governments on such trainings. In November 2009, the government launched an anti-trafficking public awareness campaign that included advertisements in print media, on the radio, and on television, including television appearances by senior government officials to discuss human trafficking. In March 2010, the government launched a five-year action plan to combat trafficking. The government began to use its "999" emergency number as a trafficking hotline where calls are routed to the Malaysian Police, though calls can only be taken in Malay and English. The Women's Ministry produced pamphlets to potential trafficking victims in nine languages, which the Immigration Department began to distribute. The Indonesian and Malaysian governments have yet to amend or replace a 2006 Memorandum of Understanding (MOU) covering the employment of Indonesian domestic workers in Malaysia, which authorizes Malaysian employers to confiscate and hold the passports of domestic employees, though negotiations to do so continued through the reporting period.

The government forged partnerships with airlines during the year, which began announcing a statement regarding the country's trafficking laws and punishments on some arriving flights. The government did not take measures to reduce the demand for forced labor or commercial sex acts. The government provided anti-trafficking training to troops preparing to deploy to international peacekeeping missions. On February 26, 2009, Malaysia became a party to the 2000 UN TIP Protocol with reservations.

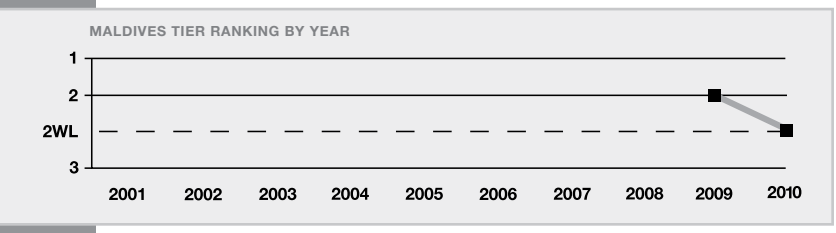
MALDIVES (Tier 2 Watch List)

The Maldives is primarily a destination country for migrant workers from Bangladesh, and, to a lesser extent, India, some of whom are subjected to trafficking in persons, specifically forced labor. Some women are also subjected to forced prostitution. An unknown number of the 110,000 foreign workers currently working in the Maldives – primarily in the construction and service sectors – face fraudulent recruitment practices, confiscation of identity and travel documents,

withholding or non-payment of wages, or debt bondage. Thirty thousand of these workers do not have legal status in the country, though both legal and illegal workers were vulnerable to conditions of forced labor. Diplomatic sources estimate that half of the 35,000 Bangladeshis in the Maldives went there illegally and that most of these workers are probably victims of trafficking. Migrant workers pay $1,000 to $4,000 in recruitment fees in order to migrate to the Maldives; such high recruitment costs increase workers' vulnerability to forced labor, as concluded in a recent ILO report.

A small number of women from Sri Lanka, Thailand, India, China, the Philippines, Eastern Europe, and former Soviet Union countries are recruited for forced prostitution in Male, the capital. A small number of underage Maldivian girls reportedly are trafficked to Male from other islands for involuntary domestic servitude; this is a corruption of the widely acknowledged practice where families send Maldivian girls to live with a host family in Male for educational purposes.

Trafficking offenders usually fall into three groups: families that subject domestic servants to forced labor; employment agents who bring low-skilled migrant workers to the Maldives under false terms of employment and upon payment of high fees; and employers who subject the migrants to conditions of forced labor upon arrival.



The Government of the Maldives does not comply with the minimum standards for the elimination of trafficking in persons; however, it is making significant efforts to do so. Despite these efforts, the government lacks systematic procedures for identifying victims of trafficking among vulnerable populations, and during the reporting period it did not investigate or prosecute trafficking-related offenses or take concrete actions to protect trafficking victims and prevent trafficking in the Maldives. Therefore, the Maldives is placed on Tier 2 Watch List. After 30 years of one-party rule, the new government – formed in 2009 – is continuing to build the institutions of democratic governance.

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; 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 limited anti-human trafficking law enforcement efforts during the last year. Although the Maldives does not have laws prohibiting human trafficking offenses, its constitution prohibits forced labor and slavery. The only prescribed penalty for labor trafficking offenses is a fine. The government did not investigate or prosecute any trafficking cases. The Labor Tribunal, created as part of the 2008 Employment Act, heard eight cases involving foreign workers whose wages had not been paid — a possible indicator of forced labor — but the tribunal lacked legal authority to enforce its decision. In addition, employment tribunal members and employees expressed concerns about their ability to resolve cases involving foreign workers because all their proceedings were conducted in the local language.

Protection

The Maldivian government made limited efforts to ensure that victims of trafficking received access to necessary assistance during the reporting period. The government did not develop or implement formal procedures for proactively identifying victims, and the government did not identify any specific cases of trafficking or provide an estimate of the number of victims. Officers with the Maldivian Police and the Department of Immigration and Emigration have received training in the recognition of trafficking victims. The Maldives did not provide services such as shelter, counseling, medical care, or legal aid to foreign or Maldivian victims of trafficking. On an ad-hoc basis, it provided extremely short-term housing for migrants immediately before deportation. The government's general policy for dealing with trafficking victims was deportation, and it did not provide foreign victims with legal alternatives to their removal to countries where they might face hardship or retribution. Authorities did not encourage victims to participate in the investigation or prosecution of trafficking offenders, since no investigations or prosecutions took place. Due to a lack of comprehensive victim identification procedures, the Maldives may not have ensured that expatriates subjected to forced labor and prostitution were not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficking.

Prevention

The Maldives made limited progress to prevent human trafficking over the last year. The government did not conduct any anti-trafficking or educational campaigns and it did not take steps to create an inter-agency structure

– such as a committee or plan of action – for coordination on anti-trafficking matters. The government did not take any measures to reduce demand for forced labor on the islands. In 2010, the Maldives enacted a provision in the 2008 Employment Act requiring all employers to use employment agents. The Human Rights Commission of the Maldives, a constitutionally-established independent body, published a report in August 2009 that contained strong trafficking-related recommendations including prosecutions for forced labor offenders and regulations of recruitment agencies. In February 2010, the Ministry of Home Affairs' Department of Immigration and Emigration prominently posted on its website a readout of bilateral discussions on trafficking. Senior government officials recently attended the South Asian Association for Regional Cooperation's convention on trafficking, which focused on sex trafficking. The Maldives is not a party to the 2000 UN TIP Protocol.

MALI (Tier 2 Watch List)

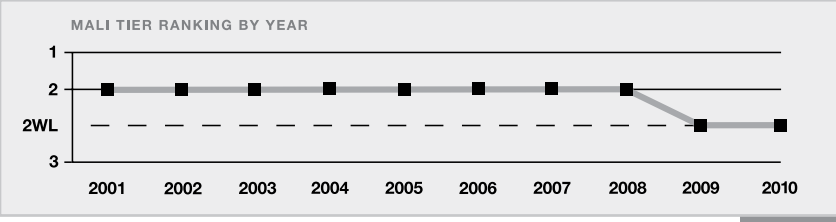
Mali is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced labor and, to a lesser extent, forced prostitution. Within Mali, women and girls are forced into domestic servitude and, to a limited extent, prostitution. Malian boys are found in conditions of forced begging and forced labor in gold mines and agricultural settings both within Mali and neighboring countries. Reports indicate that Malian children are trafficked to Senegal and Guinea for forced labor in gold mines and for forced labor on cotton and cocoa farms in Cote d'Ivoire. Boys from Mali, Guinea, Burkina Faso, Niger and other countries are forced into begging and exploited for labor by religious instructors within Mali and across borders. 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 these efforts, such as assisting with the identification and rescue of 80 child trafficking victim and drafting new anti-trafficking legislation, the government failed to show evidence of progress in prosecuting and convicting trafficking offenders, and did not take action on five pending cases of traditional slavery. Therefore, Mali is placed on Tier 2 Watch List for the second consecutive year.

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 labor and commercial sexual exploitation, including hereditary 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; enhance victim identification and assistance efforts, particularly in regard to hereditary slavery; 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. These penalties are sufficiently stringent and comparable with penalties for sexual assault. Article 229 of the criminal code criminalizes the sexual exploitation of children and forced prostitution of adult women. Malian law may not adequately criminalize other forms of trafficking. Criminal Code Article 242, passed in 1973, prohibits individuals from entering into agreements or contracts that deprive third parties of their liberty: NGOs argue that this law, which has sometimes been characterized as an anti-slavery law, is inadequate to prosecute cases of hereditary slavery. In November 2009, the Malian government participated in a conference organized by a leading anti-slavery NGO to introduce draft anti-slavery legislation to civil society organizations, and officials plan to introduce a separate law outlawing all forms of trafficking to the Malian legislature later in 2010.



During the reporting period, the government made two arrests for human trafficking offenses: in both cases, the suspected traffickers were released without trial. Malian authorities reported no prosecutions or convictions of trafficking offenders. On two occasions in 2009, one suspected trafficking offender was taken into custody by Malian authorities with trafficked children in his possession as he attempted to leave the country: on both occasions, he was released with no explanation. 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 remained pending in Malian courts and judicial authorities have taken no discernible action to prosecute these cases to completion in a criminal court. In one case, however, local authorities responded to an NGO request

to discuss an amicable resolution, though this is not an adequate response to an alleged crime of slavery. 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.

During the reporting period, the government provided no training on human trafficking investigations or legislation to Malian law enforcement and judicial officials. Authorities collaborated with the governments of Burkina Faso, Guinea, and Mauritania to secure the repatriation of trafficking victims. There were no reports of official complicity in human trafficking. Some officials may not perceive certain kinds of trafficking, such as forced begging at the order of Koranic teachers, as egregious human trafficking offenses, thereby impeding some trafficking investigations. Traditional conflict mediation was favored over the rule of law in some cases of child trafficking and exploitation. In several cases, for example, authorities released religious teachers suspected of forcing children to beg after it was determined that the teacher had the parents' permission to take the child.

Protection

The Government of Mali demonstrated moderate efforts to protect trafficking victims in the last year. Authorities did not report a formal system for identifying trafficking victims among vulnerable populations, such as child laborers. Due to its limited resources, the government did not operate any victim shelters or provide direct aid to victims. Instead, it referred victims to NGOs and international organizations for assistance, and provided in-kind support to these organizations in the form of land or buildings. Authorities reported assisting 80 child victims of trafficking during 2009. The government did not report assisting any victims of traditional slavery. 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.

During the reporting period, officials interviewed victims in one suspected child trafficking case and also interviewed one victim of traditional slavery. Mali does not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. Identified victims are not inappropriately incarcerated or fined for unlawful acts committed as a direct result of being trafficked. While the Malian government stated that it has developed a system for collecting data on trafficking crimes and the number of victims identified, officials have not made this system public.

Prevention

The Government of Mali made limited efforts to prevent trafficking, through awareness-raising or other means, during the last year. A regional government office in the zone with the higher prevalence of forced agricultural labor operated a public awareness campaign on child trafficking and child labor. Many government officials do not acknowledge that hereditary slavery exists in Mali. During the reporting period, the National Steering Committee Against Child Labor, which is comprised of 43 government, NGO, and international organization members, reported no actions and suffered from poor interagency communication. However, the Ministry for the Promotion of Women and Children created a more streamlined committee to combat trafficking, and the Malian government decided to introduce a law criminalizing all forms of trafficking in 2010. The government took no visible measures to reduce the demand for commercial sex acts or forced labor.

MALTA (Tier 2 Watch List)

Malta is a destination country for European women subjected to trafficking in persons, specifically forced prostitution. During this reporting period and in the past, the Maltese media also covered possible cases of Maltese teenage girls who may have been involved in forced prostitution in Malta. Malta is likely a destination country for men subjected to forced labor as reflected by a report in 2009 that three Pakistani males were forced to work in Pakistani restaurants in Malta. The dozens of children and 4,304 total irregular migrants currently residing in Malta from African countries may be vulnerable to human trafficking in Malta's "grey" informal labor market.

The Government of Malta does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate progress in convicting and punishing trafficking offenders, or in identifying and ensuring the protection of trafficking victims during the reporting period; therefore, Malta is placed on Tier 2 Watch List.

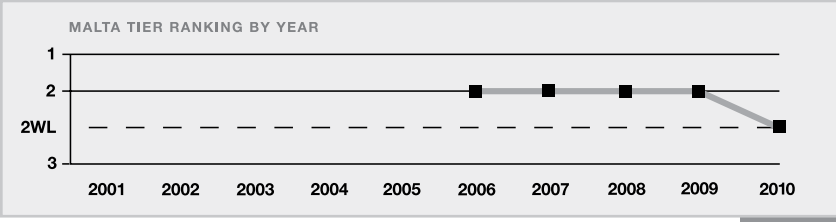
Recommendations for Malta: Vigorously prosecute and convict trafficking offenders; ensure that convicted trafficking offenders, including any officials identified as complicit in trafficking, receive adequate punishment; attempt to establish partnerships with NGOs in Malta on anti-trafficking activities and encourage NGOs to cooperate with the government in providing services to potential victims; continue to develop and implement procedures for identifying and caring for victims, including victims of forced labor and possible child victims; offer appropriate protection for foreign unaccompanied minors that takes into consideration their vulnerability to trafficking; and establish partnerships with international organizations and NGOs in relevant source countries, as appropriate, to ensure safe and voluntary repatriation for victims.

Prosecution

The Government of Malta demonstrated minimal progress in its efforts to prosecute trafficking in persons offenses and punish trafficking offenders during the reporting period. Malta's criminal code prohibits trafficking for commercial sexual exploitation and labor exploitation and prescribes punishments of two to nine years' imprisonment. These prescribed penalties are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. The government did not convict and punish any alleged trafficking offenders during the reporting period. Several ongoing court cases cited in the 2008 and 2009 Reports remained unresolved: the case of a police officer convicted in 2005 who remained out of jail pending an appeal; the Maltese nationals arrested for the trafficking of eight Russian and Ukrainian women; the four people prosecuted for allegedly trafficking a Romanian woman in 2004; and the 2008 case in which three men were arrested for trafficking a Swedish woman. The Police Commissioner in January 2010 directed his subordinate staff – who are responsible for criminal prosecution as well as investigation – to expedite and conclude current and future trafficking cases within 90 days from date of arraignment. There was one new human trafficking prosecution initiated during the reporting period. The government did not sponsor any new trafficking-specific training for police, prosecutors or judges during the reporting period, though it did provide such training for border officials.

Protection

The Government of Malta made no discernible progress in protecting trafficking victims during the reporting period. The absence of anti-trafficking NGOs in Malta likely contributed to challenges in victim protection as NGOs traditionally provide valuable partnership in identifying and assisting potential victims. Lack of victim identification increased the risk that victims were punished for immigration violations or other unlawful acts as a direct result of being trafficked. The government continued to lack formal procedures to guide first responders in identifying forced labor cases among vulnerable groups, such as foreign workers, and referring them to trafficking-specific services. The government did not show evidence of adequately implementing its formal system for referring all women in prostitution apprehended by police to government social workers. The government incorporated indicators for human trafficking as part of the asylum process for irregular migrants but did not have formal procedures on how to refer potential victims in migrant detention centers to trafficking-specific services. According to a 2009 UN Report, the government initially imposed detention on all irregular migrants upon arrival in Malta. While the government applied a fast-track procedure for vulnerable migrants, including pregnant women, families, and unaccompanied minors to be released from detention to open centers (where migrants are provided with housing and government-sponsored social services available to all Maltese citizens), it may still take up to three months. The government did not provide trafficking victims with shelter or services during the reporting period, nor were potential foreign labor trafficking victims offered residence permits, social, medical and legal assistance, and other potential safety and protection resources available under Maltese law prior to their return to their country of origin. The government has not developed or implemented standardized procedures for safe, voluntary repatriation for victims exploited in Malta. The government encourages trafficking victims to assist in the prosecution of their traffickers and attempted to implement creative ways of doing so; one victim in the past was allowed to provide testimony against her trafficker through video conferencing.



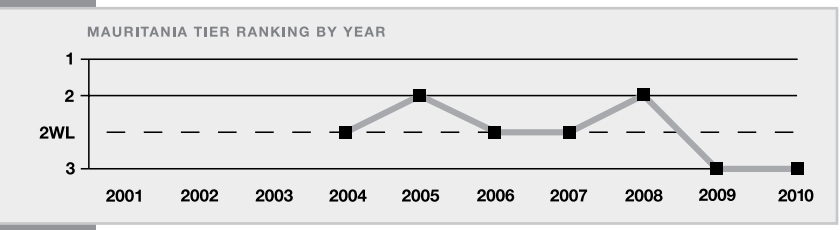
Prevention

The Maltese government made some progress in advancing anti-trafficking prevention activities over the last year. The government's agency for social welfare, Appogg continued to produce detailed brochures to raise awareness about human trafficking, including information on identifying potential victims and outlets for victim assistance, and distributed them at health clinics, community centers, churches, and in entertainment areas to target potential clients of the sex trade. In late 2009, the government and an international cosmetics company forged a partnership whereby proceeds from products sold by the business would assist the government in developing an awareness campaign on child trafficking. 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 government did not formally monitor its anti-trafficking efforts and continued to lack an anti-trafficking national action plan. The government did not report any specific measures to reduce the possible participation of Maltese nationals in child sex tourism abroad.

MAURITANIA (Tier 3)

Mauritania is a source and destination country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and commercial sexual exploitation. Some women, men, and children

from traditional slave castes are subjected to slavery-related practices, rooted in ancestral master-slave relationships, which continue to exist in a limited fashion in both rural and urban settings. These individuals, held for generations by slave-holding families, may be forced to work without pay as cattle herders and household help. Mauritanian and West African boys – referred to as *talibe* – are recruited to study at Koranic schools, but are sometimes subsequently subjected to forced begging within the country by religious teachers known as *marabouts*. Girls have been trafficked internally and from neighboring West African countries such as Mali, Senegal, and The Gambia for involuntary domestic servitude. Mauritanian girls have been married off to wealthy men from the Middle East and taken there in some cases for forced prostitution. Mauritanian women are forced into prostitution within the country, as well as in Gulf States.



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 significant progress in prosecuting and punishing trafficking offenders, protecting trafficking victims, and preventing new incidents of trafficking. Despite its acknowledgment of trafficking as a problem, the government is reluctant to acknowledge that *de facto* slavery currently exists in Mauritania, and prefers to talk about "the consequences of slavery." The government has stated it is willing to take action, but does not have the necessary resources to fund needed services, such as shelters for trafficking victims, legal assistance, and training in life-skills and income generating activities. Certain government and civil society leaders have expressed a willingness to work with foreign partners to improve the country's human rights record; however, in 2009, prosecutions of forced labor or forced prostitution offenses were nonexistent and no government programs were put in place to assist victims of such crimes. Therefore, Mauritania remains on Tier 3.

Recommendations for Mauritania: Take steps to investigate and prosecute trafficking offenses; in partnership with NGOs, where possible, improve the government's capacity to assess law enforcement efforts against human trafficking; consider measures allowing civil society organizations to file complaints on behalf of slaves; provide slaves with land and other resources to live freely; construct a shelter for human trafficking and slavery victims; and provide support for and access to legal assistance for trafficking victims.

Prosecution

The government did not demonstrate increased overall law enforcement efforts during the reporting period. 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; these penalties are sufficiently stringent and exceed those prescribed for rape. Slavery is prohibited by Law 2007-048, which was enacted in September 2007. This law defines slavery and prescribes a sufficiently stringent penalty of from five to 10 years' imprisonment. The law's effectiveness, however, is hampered by its requirement that slaves file a legal complaint before a prosecution can be pursued, as well as its barring of NGOs from filing complaints on behalf of slaves. Many slaves are illiterate and unable to complete the paperwork involved in filing a complaint. According to the Ministry of Justice, there were neither investigations or prosecutions of trafficking offenses nor convictions or sentences of trafficking offenders in 2009. A local human rights organization reported that judges refused to investigate two child slavery cases brought to them during the year, either on slavery or child abuse grounds. The parties reached an informal agreement outside the court, and the children remained with their slave-masters. The government provided no support for programs to assist victims systematically to file complaints on slavery.

Protection

The Government of Mauritania demonstrated minimal efforts to protect victims of human trafficking, including of traditional slavery. In 2009, the government's National Center for the Protection of Children in Difficulty provided shelter for 270 children, including 60 talibes identified in Nouakchott, the capital. This center returned children to their families or imams, and asked for guarantees that the children would not be sent back to the streets to beg. Government-provided access to legal and medical services was very limited, and the government did not offer shelter or long-term housing benefits to victims aside from the aforementioned center for talibes. The government did not have a referral process in place to transfer victims who were detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provided short- or long-term care. The government's law enforcement, immigration, and social services personnel did not have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they came in contact. Illegal migrants were detained and placed in the Migrant Detention Center at Nouadhibou until their expulsion from the country, without the government making any effort to identify trafficking victims among them. Women suspected of prostitution were often jailed. The government made no attempts to screen these women for victimization. The government did not encourage victims to assist in the investigation and prosecution of human trafficking cases, and there were no precedents of victims filing civil suits or seeking legal action against trafficking

offenders. In slavery cases, civil society representatives claimed that judges attempted to broker informal agreements between the masters and disgruntled slaves. Courts often dropped cases and avoided conducting investigations.

Prevention

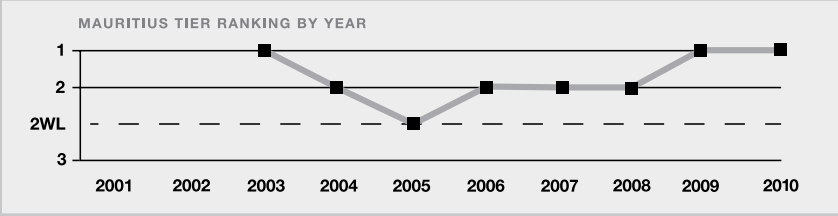
The Government of Mauritania made inadequate efforts to raise awareness of trafficking during the last year. In 2009, the government, in conjunction with civil society, conducted a public awareness campaign in local newspapers about the plight of domestic workers, and also about the 2007 anti-slavery law, as part of the government's Program to Eradicate the Consequences of Slavery. The government did not monitor immigration and emigration patterns for evidence of trafficking. There was no mechanism for coordination and communication between various agencies on trafficking-related matters. In 2009, the government worked in association with an international organization to draft a National Action Plan to Fight Trafficking in Persons, to be released in 2010. The government made no efforts to reduce the demand for forced labor.

MAURITIUS (Tier 1)

Mauritius is a source for children subjected to trafficking in persons, specifically conditions of forced prostitution within the country. Secondary school-age girls and, to a lesser extent, younger girls from all areas of the country, including from Rodrigues Island, are induced into prostitution, often by their peers, family members, or businessmen offering other forms of employment. Taxi drivers are known to provide transportation and introductions for both the girls and the clients. Girls and boys whose mothers engage in prostitution are reportedly forced into prostitution at a young age. Some drug-addicted women are forced into prostitution by their boyfriends, who serve as their pimps. In Great Britain, two Malagasy nationals were convicted in 2009 of holding a small number of Mauritian nationals, as well as citizens of other countries, in conditions of forced labor; this appears to be an isolated case of transnational human trafficking involving Mauritian citizens.

The Government of Mauritius fully complies with the minimum standards for the elimination of trafficking. Mauritius sustained its strong efforts to identify, investigate, and prosecute incidences of trafficking during the reporting period. The Mauritius Police Force increased its offerings of anti-trafficking training programs for police officers and continued its awareness campaign in schools and villages. The government's efforts to coordinate among all relevant ministries, however, remained lacking, leading to inconsistent provision of protective and investigative services to trafficking victims.

Recommendations for Mauritius: Utilize anti-trafficking legislation to investigate and prosecute trafficking offenses and convict and punish trafficking offenders, including those involving adult women exploited in pimp-controlled forced prostitution; designate an official coordinating body or mechanism to facilitate improved anti-trafficking communication and coordination among the relevant ministries, law enforcement entities, working groups, and NGOs; increase protective services available to child victims of commercial sexual exploitation, particularly in regard to safe shelter and educational opportunities; provide increased logistical support to all branches of the Minors Brigade, particularly in regard to technological infrastructure, such as email and Internet connectivity, that would enhance the Brigade's ability to communicate effectively with government and NGO counterparts; and ensure that all cases of children in prostitution identified by the Ministry of Women's Rights, Child Development, and Family Welfare's (MOWR) Child Development Unit (CDU) are referred to the police for investigation.



Prosecution

The Mauritian government demonstrated increased anti-trafficking law enforcement efforts, vigorously investigating and prosecuting cases of human trafficking throughout the year. The "Combating of Trafficking in Persons Act of 2009" prohibits all forms of trafficking for adults and children and prescribes penalties of up to 15 years' imprisonment for convicted offenders. In addition, the Child Protection Act of 2005 prohibits all forms of child trafficking and prescribes punishment of up to 15 years' imprisonment for convicted offenders; the Judicial Provisions Act of 2008 increased the maximum prescribed punishment for child trafficking offenses to 30 years' imprisonment. All of the aforementioned penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes. From arrest to sentencing of offenders, cases of child trafficking typically took 18 to 24 months to resolve. In October 2009, the government used the Children Protection Act to convict and sentence a woman to ten years' imprisonment for subjecting two underage Mauritian girls to prostitution in 2007. Also during the year, the Mauritius Police Force's Minors Brigade, which carries out all investigations involving trafficked children, completed the investigation into a 2007 case of a grandmother who allegedly forced her granddaughter into prostitution and referred it to the Director of Public Prosecution (DPP) for action. In 2009, the DPP referred for trial the January 2008 case of a man and woman charged with inducing their 12-year-old niece into prostitution; the case is scheduled to be heard in April 2010. The Minors Brigade utilized a database for

tracking criminal trafficking cases, as well as awareness campaigns carried out in the community. In 2009 and early 2010, the Officer in Charge of the brigade conducted five training sessions on best practices for combating human trafficking for all 32 of the Minors Brigade's officers. The Police training school conducted anti-trafficking sessions during a two-week program for 182 senior police officers. Seventy government officials also received training on the commercial sexual exploitation of children from a local NGO.

Protection

The government sustained its protection of child trafficking victims during the reporting period, providing funding to NGOs running victim shelters on a reimbursable basis – $6 per day for the protection of each child, including victims of trafficking. CDU officials regularly referred abused and exploited children to these organizations for shelter and other assistance. The Minor's Brigade systematically refers all cases of identified children in prostitution to the CDU for victim assistance; in 2009, the brigade referred two such children for protective services. The CDU did not, however, refer all cases of child prostitution identified by its officers to the Minors Brigade for possible investigation. The government-funded, NGO-run drop-in center for sexually abused children, which provided counseling to six girls engaged in prostitution in 2009, 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. Nonetheless, due to the drop-in center's lack of shelter facilities and the often crowded conditions at NGO shelters, comprehensive protective services were not always readily available to all victims identified within the country. Though the MOWR acquired land and obtained funding to construct a residential center for victims of child commercial sexual exploitation in late 2008, construction of the facility has not yet begun. The ministry operated a 24-hour hotline for reporting cases of sexual abuse that received two reported cases of child prostitution in 2009.

Mauritius has a formal protocol on the provision of assistance to all victims of sexual abuse; children 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. The Child Protection (Amendment) Act of 2008 established a child mentoring scheme to provide support and rehabilitation to children in distress, including children engaged in prostitution; the government did not utilize this program to assist children engaged in or at risk of prostitution during the reporting period. The government encourages victims' assistance in the investigation and prosecution of trafficking crimes, and 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 government made notable efforts to prevent the sex trafficking of children and reduce the demand for commercial sex acts during the year. The Police Family Protection Unit and the Minor's Brigade, in conjunction with the CDU, continued its widespread awareness campaign on child abuse and child rights at schools and community centers that included a session on the dangers and consequences of engaging in prostitution; this campaign reached over 16,372 persons in 2009, including 1,574 parents from tourist regions where children have greater risk of 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 Ministry of Tourism, Leisure, and External Communications sustained its distribution of pamphlets to hotels and tour operators regarding the responsibility of the tourism sector to combat child sex trafficking. Communication and coordination among the relevant ministries, however, continued to be lacking. There were reports in 2009 that Mauritian nationals may be participating in child sex tourism in Nosy Be, Madagascar; the government took no specific action to address this problem during the year. Inspections conducted by the Ministry of Labor's 30 labor officers and nine trainee officers in 2009 yielded no cases of forced labor or exploitative child labor.

MEXICO (Tier 2)

Mexico is a large source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Government and NGO statistics suggest that the magnitude of forced labor surpasses that of forced prostitution in Mexico. Groups considered most vulnerable to human trafficking in Mexico include women, children, indigenous persons, and undocumented migrants. Mexican women, girls, and boys are subjected to sexual servitude within the United States and Mexico, lured by false job offers from poor rural regions to urban, border, and tourist areas. Mexican trafficking victims were also subjected to conditions of forced labor in domestic servitude, street begging, and construction in both the United States and Mexico. In one case, 107 trafficking victims, both Mexican and foreign citizens, were freed from a factory disguised as a drug rehabilitation center in Mexico City; many of them had been kidnapped, and all were subjected to forced labor.

The vast majority of foreign victims in forced labor and sexual servitude in Mexico are from Central America, particularly Guatemala, Honduras, and El Salvador; many transit Mexico *en route* to the United States and, to a lesser extent, Canada and Western Europe. However, trafficking victims from South America, the Caribbean,

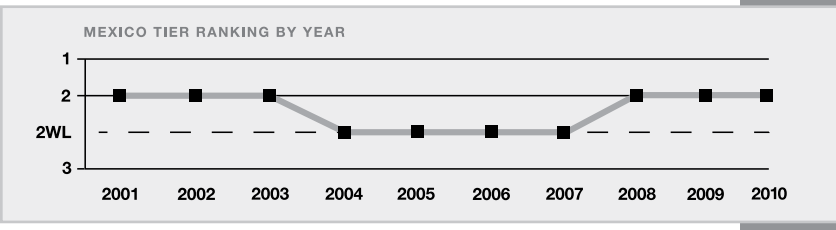
Eastern Europe, Asia, and Africa are also found in Mexico, and some transit the country *en route* to the United States. Unaccompanied Central American minors, traveling through Mexico to meet family members in the United States, fall victim to human traffickers, particularly near the Guatemalan border. Mexican men and boys from Southern Mexico are found in conditions of forced labor in Northern Mexico, and Central Americans, especially Guatemalans, are subjected to forced labor in southern Mexico, particularly in agriculture. Child sex tourism continues to grow in Mexico, especially in tourist areas such as Acapulco and Cancun, and northern border cities like Tijuana and Ciudad Juarez. Most child sex tourists are from the United States, Canada, and Western Europe, although some are Mexican citizens. In addition to Mexican drug cartels, organized crime networks from around the world are reportedly involved in human trafficking in Mexico.

The Government of Mexico does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Mexican authorities increased anti-trafficking law enforcement efforts and achieved the first convictions under the 2007 anti-trafficking law, in addition to opening a government-funded shelter dedicated to sex trafficking victims. The Secretariat of Government assumed more active leadership of the interagency trafficking commission and the Mexican Congress created its own trafficking commission. Given the magnitude of the trafficking problem, however, the number of human trafficking investigations and convictions remained low. While Mexican officials recognize human trafficking as a serious problem, NGOs and government representatives report that some local officials tolerate and are sometimes complicit in trafficking, impeding implementation of anti-trafficking statues.

Recommendations for Mexico: Approve and implement a National Action Plan for Trafficking in Persons, including increased funding and guidance to federal agencies and state governments for such implementation; increase federal and state efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including complicit public officials; uphold the principle, contained in Article 3 of the 2000 UN TIP Protocol, that a victim's consent is not relevant when elements of force or coercion are verified; dedicate more resources for victim assistance and ensure that victims receive adequate protection; increase collaboration with NGOs to provide victim care; continue to 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's overall law enforcement response to human trafficking increased during the reporting period, though efforts were uneven across the country. In 2007, the government enacted federal 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 convicted offender 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. The law does not include a clause rendering victim consent irrelevant if any of the means defined in the crime, such as threat, abduction, abduction or fraud, were used; therefore, the burden of proof regarding consent can be shifted to victims over 18 years of age. However, it is unclear to what extent this could weaken prosecution of trafficking offenders, as the issue has yet to be raised in a federal prosecution. In Mexico's federalist system, state governments investigate and prosecute some trafficking cases that occur wholly within the country. Federal jurisdiction is invoked, however, in cases involving organized crime, trafficking crimes involving government officials, cases involving three or more individuals, international or inter-state trafficking, and trafficking occurring on federal territory. Twenty-two Mexican states and Mexico City have enacted at least partial anti-trafficking laws prohibiting some or all forms of trafficking, and the statutes in seven states make victim consent irrelevant if any of the means of trafficking are established. As many judges are not familiar with human trafficking laws, some cases of human trafficking may have been prosecuted under other laws, such as rape or child prostitution statutes, under which convictions are easier to achieve.



During the reporting period, the federal government investigated 48 trafficking cases. The Attorney General's Special Prosecutor's Office for Violence Against Women and Trafficking in (FEVIMTRA) handles federal trafficking cases involving three or fewer suspects, while the Office of the Special Prosecutor for Organized Crime (SIEDO) investigates cases with more than three suspects. With only 10 lawyers dedicated to both cases of violence against women and human trafficking, FEVIMTRA faced challenges in moving from investigations to convictions. As a result of a SIEDO investigation, in December 2009, a federal judge achieved the first convictions under the federal anti-trafficking law in a case involving six trafficking offenders. Five of the six were convicted for trafficking Mexican women and girls to the United States for commercial sexual exploitation; four remain in custody awaiting sentencing and one is serving prison time in the United States. One trafficking

suspect, believed to be the ringleader, remains at large. Also during the reporting period, Mexico City's Special Prosecutor for Trafficking sentenced a trafficking offender to 10 years in prison, producing the first sentence under Mexico's federal anti-trafficking law and Mexico City's local anti-trafficking law. In Mexico City, the Office for the Attorney General's Deputy Prosecutor for Victim's Assistance conducted four raids of brothels suspected of involvement in human trafficking so far this year. The Mexican federal government continued to provide significant assistance to the U.S. government on cross-border trafficking investigations last year and extradited one Mexican citizen to face trafficking charges in the United States.

NGOs, members of the government, and other observers continued to report that corruption among public officials, especially local law enforcement and judicial and immigration officials, 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 tolerated child prostitution and other human trafficking activity in commercial sex sites. Two immigration officials arrested in 2007 for their alleged leadership of an organized criminal group involved in human trafficking were convicted during the reporting period and remain incarcerated pending sentencing. A high-level immigration official was investigated for suspected involvement in human trafficking.

NGOs noted that many public officials in Mexico, including state and local officials, did not adequately distinguish between alien smuggling and human trafficking offenses and that many judges and police officers are not familiar with anti-trafficking laws. In order to address this problem, both government and outside sources provided some law enforcement officials, prosecutors, and social workers with anti-trafficking training.

Protection

The Mexican government modestly increased its assistance to trafficking victims last year, though the government's overall efforts remained inadequate. It continued to rely on NGOs, international organizations, and foreign governments to operate and fund the bulk of specialized assistance and services for trafficking victims, particularly adults. Mexican immigration agents implemented a system for identifying potential trafficking victims, particularly among children entering or exiting the country, and referring these victims to care providers, such as NGOs, and 1,333 migration officers received training on identifying and interviewing trafficking victims. The government periodically conducted raids on brothels but did not employ formal procedures for identifying trafficking victims among other vulnerable populations, such as migrant workers. With the help of the NGOs, the government rescued over 70 trafficking victims. During the reporting period, FEVIMTRA opened a shelter dedicated to female victims of sex trafficking with a capacity for 70 individuals; the government spent approximately $3.4 million on this facility during the year. The State of Mexico established and funded a shelter for victims of sex trafficking with a capacity for 10 women, although it did not assist any victims during the reporting period. Both shelters are able to provide medical, psychological, and legal services. Mexico's social welfare agency continued to operate general shelters for children who are victims of violence, which could be accessed by child trafficking victims, though it is unknown if any child trafficking victims were assisted in these shelters. State and municipal governments also provided at least partial support to 34 shelters for women which form part of a greater national network of shelters and emergency attention centers for victims of domestic violence, sexual violence, or human trafficking. Local shelters also opened their doors to trafficking victims. Some shelters were operated and funded by NGOs, international organizations and religious groups. However, according to NGOs, victim services were lacking in some parts of the country and remained inadequate in light of the significant number of trafficking victims. The government continued to issue renewable one-year humanitarian visas to foreign victims who assisted with the investigation and prosecution of their traffickers, and last year nine trafficking victims received temporary humanitarian parole when they agreed to press charges against their traffickers. Foreign victims who declined to assist law enforcement personnel, however, were repatriated to their home countries and were not eligible for victim aid or services in Mexico. Although authorities encouraged victims to assist in trafficking investigations and prosecutions, many victims in Mexico were afraid to identify themselves or push for legal remedies due to their fears of retribution from trafficking offenders. Furthermore, victims had little incentive to participate due to a culture of impunity, reflected by official complicity, the limited number of trafficking prosecutions and convictions, and the fact that no trafficking victim has been awarded compensation for damages. The law establishes legal protections for trafficking victims, though in practice, according to NGOs, witnesses were not offered sufficient protection. The government provided limited victim services to some repatriated Mexican citizens upon request, and FEVIMTRA directed identified victims to local resources for assistance.

Prevention

Federal and state governments sustained limited trafficking prevention efforts last year. The Mexican government conducted a public awareness campaign through posters and television and radio spots about the danger of human trafficking, and FEVIMTRA spent $1.4 million on its own anti-trafficking prevention campaign. Authorities continued to work towards creating a National Trafficking Action Plan. Mexico publicly endorsed the United Nations Office on Drugs and Crime's Blue Heart Campaign against Human Trafficking, becoming the

first country in Latin America to do so. In an effort to address the demand for forced labor, the Secretary of Labor developed a series of workshops and trainings in 2010 to prevent child labor and trafficking for forced labor. It included media materials that explain how labor recruiting agents can deceive individuals in order to recruit them for forced labor. The government continued to forge partnerships with NGOs and international organizations on prevention efforts. The government reported no prosecutions or convictions of child sex tourists.

MICRONESIA, FEDERATED STATES OF (Tier 2 Watch List)

The Federated States of Micronesia (FSM) is a source country for women subjected to trafficking in persons, specifically forced prostitution in the United States and the U.S. territory of Guam, and has reportedly been a destination for women from China forced into commercial sexual exploitation. The FSM may be a destination country for a few men and women from other Pacific nations who are subjected to conditions of forced labor. Micronesian sex trafficking victims from the state of Chuuk have been identified in Guam and the United States. In one case still before the courts in Guam, 10 young women from the state of Chuuk were lured to Guam by a Micronesian recruiter with promises of well-paying jobs in the service and hospitality sectors. Upon arrival in Guam, the women were forced to engage in prostitution. A physically and mentally disabled young woman from Chuuk was rescued from forced prostitution in Hawaii during the last year.

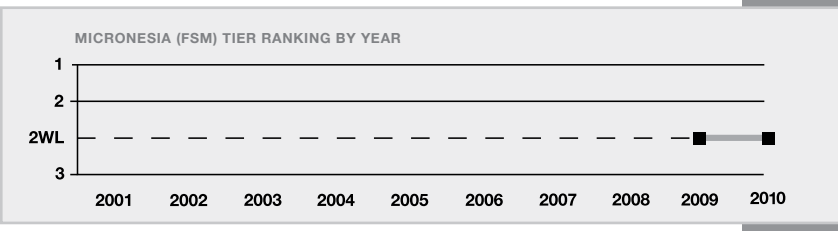
Very little data on human trafficking in FSM is available as the government made no effort to proactively identify victims despite its history as a source country for victims. The government had not conducted any inquiries, investigations, studies, or surveys on human trafficking.

The Government of the Federated States of Micronesia does not fully comply with the minimum standards for the elimination of trafficking, however it is making significant efforts to do so. In the last year, the government made no discernible efforts to proactively identify victims, prevent future trafficking incidents by educating the public about the dangers of trafficking, or investigate and prosecute suspected trafficking offenses; the Federated States of Micronesia is therefore placed on Tier 2 Watch List for the second consecutive year. The government did, however, provide some police and immigration officials with trafficking awareness training.

Recommendations for the Federated States of Micronesia: Educate officials and the general public on the nature of trafficking crimes and the ways in which these crimes affect FSM; develop and implement a comprehensive anti-trafficking law applicable in all four states; create or support prevention campaigns to raise awareness of the dangers of trafficking; monitor the practices of overseas employment recruiters, and investigate recruiters who may be engaged in fraudulent recruiting that leads to trafficking; and develop an internal structure which ensures victims' access to protective services.

Prosecution

The Government of the Federated States of Micronesia made no discernible progress in its anti-trafficking law enforcement efforts. The government did not take steps to investigate, prosecute or punish any suspected trafficking offenders during the reporting period. The FSM national police would have jurisdiction over transnational trafficking crimes, although no specific or comprehensive federal laws prohibit forms of human trafficking such as slavery, forced labor, or forced prostitution. Each of the four states could prosecute trafficking offenses under related laws. Penalties for trafficking offenses under these laws range from five to 10 years' imprisonment and are sufficiently stringent. Officials received no reports of trafficking cases during this reporting period. The Police Academy featured training on recognizing trafficking victims, as well as the difference between human trafficking and alien smuggling. The Academy also discussed trafficking interdiction techniques. No formal plan to act on the training is currently in place. A foreign government provided anti-trafficking training to the Transnational Crime Unit (TCU) as part of its overall support of the TCU's activities. The TCU, part of the Pacific Transnational Crime network, remained the main conduit for general law enforcement information coming from international sources. Law enforcement agencies operated under significant resource, personnel, and capacity constraints. There was no evidence of official complicity in trafficking crimes, or of government involvement in or tolerance of trafficking on a local or institutional level.



Protection

During the reporting period, the government made no apparent efforts to proactively identify potential trafficking victims, and did not take steps to develop or implement formal or informal procedures to refer identified or suspected trafficking victims for appropriate services. During the year, FSM officials did not receive reports from other sources of any trafficking victims within the country's borders, and did not, to their knowledge, provide services to any victims of trafficking. Identified or suspected trafficking victims would have

access to the very limited social services and legal assistance provided by government agencies to any victim of crime. No NGOs knowingly provided services to any victims of trafficking crimes independently or in cooperation with the government. FSM has no laws specifically protecting trafficking victims or witnesses. 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 specific legal alternatives to the removal of foreign victims to countries where they faced hardship or retribution. Judges, however, have the discretion to issue an order allowing any foreign victims of crime to remain in the country.

Prevention

The government made minimal 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. Immigration authorities claim to look for evidence of trafficking at ports of entry. Upper-level managers at the Division of Immigration and Labor attended seminars that discussed trafficking. The government did initiate anti-trafficking training for new police recruits in the last two police academy classes. In May 2009, the former FSM Ambassador to the United States was convicted of selling sample FSM passports maintained at the Embassy in Washington D.C. for personal financial gain, and sentenced to 30 months' imprisonment and a fine. Although authorities have not yet shown that the case clearly involved the transnational movement of trafficking victims, the former Ambassador was facilitating the illegal cross-border movement of irregular migrants from populations throughout the region that are consistently identified as trafficking victims. FSM supports no anti-trafficking task forces or working groups. The government conducted no campaigns aimed at reducing the demand for commercial sex acts. Micronesia is not a party to 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 subjected to trafficking in persons, specifically forced prostitution and for men, women, and children in conditions of forced labor. Moldovan women are subjected to forced prostitution in Turkey, Russia, Cyprus, Bulgaria, the UAE, Kosovo, Israel, Lebanon, Italy, Greece, Ukraine, and Romania. Men, women, and children are subjected to conditions of forced labor in Russia and Ukraine in the construction, agriculture, and service sectors. Some children from Moldova are subjected to conditions of forced begging in some neighboring countries. Some women from Ukraine and also Moldovan girls and women are trafficked within the country from rural areas to Chisinau and subjected to forced prostitution. Men from Turkey travel to Moldova for the purpose of sex tourism. The small breakaway region of Transnistria in eastern Moldova is outside the central government's control and remained a source for victims of both forced labor and forced prostitution.

The Government of Moldova does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government again did not demonstrate sufficient efforts to prosecute, convict, or punish any government officials complicit in trafficking, which remained a significant obstacle to effective anti-trafficking reforms; therefore, Moldova is placed on Tier 2 Watch List for the second consecutive year. The new government demonstrated a high-level commitment to trafficking by establishing a cabinet-level national committee on trafficking led by the foreign minister and, for the first time, fully funded and staffed the Permanent Secretariat of the National Committee for Preventing Trafficking in Persons. Moldovan authorities demonstrated sustained, strong efforts to identify and refer victims for assistance and the government continued funding the government- and IOM-run trafficking assistance center.

Recommendations for Moldova: Demonstrate vigorous efforts to investigate, prosecute, and convict government officials complicit in trafficking, and seek criminal punishment of any guilty officials; improve child trafficking victim protection by encouraging law enforcement to consult with NGO experts during the victim interview process; improve cooperation between local anti-trafficking commissions and local law enforcement; conduct awareness and prevention campaigns targeted at children living in orphanages – a population highly vulnerable to trafficking; continue efforts to improve data collection on trafficking cases through all stages of the penal process, including investigations, prosecutions, convictions, and sentences prescribed for convicted trafficking offenders; continue to provide funding for victim assistance and protection; continue efforts to identify and protect trafficking victims, including child and adult victims trafficked within Moldova; and consider prevention activities specifically targeted at reducing the demand for human trafficking in Moldova.

Prosecution

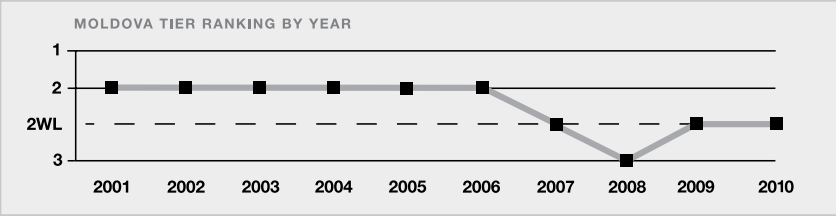
The Government of Moldova demonstrated uneven progress in its efforts to combat human trafficking. Although the government increased the number of trafficking offenders convicted during the reporting period, it did not demonstrate significant efforts to prosecute, convict, or criminally punish government officials complicit in human trafficking. The Moldovan government prohibits all forms of trafficking through Articles 165 and 206 of its criminal code. Penalties

prescribed range from five to 20 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for rape. In order to harmonize local law with EU standards as part of a larger EU integration process, the government amended its criminal code to reduce the length of all trafficking-related criminal penalties in May 2009; the amendments reduced the minimum and maximum penalties for trafficking from seven years' to life imprisonment to five to 20 years' imprisonment. Although the government continued its efforts to improve the collection of trafficking statistics, concerns remained regarding the accuracy of data reported. The government reported initiating 206 trafficking investigations, down from 246 reported in 2008. Authorities prosecuted 70 individuals for sex trafficking offenses in 2009, compared with 127 trafficking prosecutions in 2008. Courts convicted 65 trafficking offenders during the reporting period, an increase from 58 convictions reported in 2008. Forty-three convicted offenders were prescribed sentences ranging from five to 10 years' imprisonment. The remaining 22 convicted offenders received probation or paid a fine and did not serve time in prison.

Despite continued reports of corruption related to human trafficking, the government has yet to convict an official for complicity in human trafficking during the reporting period. In December 2009, the government again launched a criminal investigation into a high-profile case dating back to 2006 involving multiple government officials allegedly involved in protecting a well-known international sex trafficker; to date there have been no government officials prosecuted, convicted, or criminally punished in this case. The government did not provide updated information on the status of the prosecution of a trial court judge suspected of trafficking complicity, as reported in the 2009 TIP Report. Further, the government did not report efforts to investigate, prosecute, convict, or criminally punish any low-level government officials complicit in trafficking, including low-level police officers or border guards.

Protection

Moldova improved its victim protection efforts during the reporting period. The government provided approximately $50,700 in funding for a primary shelter it operated in partnership with the IOM for repatriated adult and child victims, compared with $52,000 allocated by the government for the shelter in 2008. The center provided temporary shelter, legal and medical assistance, psychological counseling, and vocational training to 130 victims during the reporting period. In total, 159 victims were identified and assisted by IOM and government authorities, including 133 victims identified and referred for assistance by government authorities. The government encouraged victims to assist law enforcement with trafficking investigations and prosecutions; in 2009, 189 victims assisted law enforcement during criminal proceedings. The government applied the 2008 witness protection law for the first time to assist two victims of trafficking who chose to assist government prosecutions during the reporting period. Moldovan law exempts trafficking victims from criminal prosecution for unlawful acts committed as a direct result of being trafficked. There were no reports of victims being punished and NGOs did not document instances of trafficking victims' rights being violated in court in 2009. One foreign victim was identified by the government and assisted by a center operated by the government and IOM. Moldova provided legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship. The government has yet to address ongoing concerns about the lack of specialized protections for child victims of trafficking; children are often interviewed multiple times over the course of several hours by police without special training and some are confronted and threatened by their traffickers.



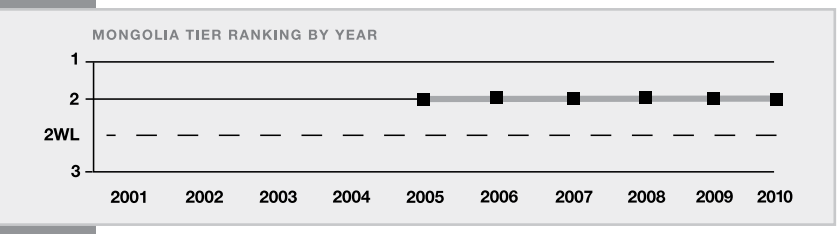
Prevention

The government demonstrated increasingly significant prevention efforts during the reporting period. The majority of public outreach and trafficking awareness efforts were conducted by NGOs in close coordination with the government at the national and regional levels. In 2009, the government-operated National Referral System increased its efforts to raise public awareness in order to warn potential victims of the dangers of trafficking through its system of 34 regional multidisciplinary commissions. Operating on a local level, these commissions consist of representatives from NGOs, social workers, medical personnel, police, prosecutors, and local public administration officials. The commissions met on a regular basis, usually once a month, to deal with trafficking issues including organizing public awareness events, discussing reintegration efforts for victims, and updating information about any possible cases. Although these commissions had been meeting sporadically in 2008, 2009 was the first full year of their operation. IOM and NGOs working in this field credit prevention efforts conducted by these commissions for the reduction of identified victims during the reporting period. In April 2009, the government implemented a new law simplifying birth registration procedures, which enabled birth certificates to be issued before the mother and child are discharged from the hospital; such an effort may make Moldovan citizens less vulnerable to trafficking because they will have legitimate identification documents. In 2009, members from the National Center for Combating Trafficking in Persons participated in 10 interviews

broadcast on radio and TV and again conducted seminars on trafficking prevention in schools and universities and provided outreach to church leaders. The government did not conduct awareness activities aimed at reducing the demand for commercial sex.

MONGOLIA (Tier 2)

Mongolia is a source country, and to a much lesser extent, a destination for men, women, and children who are subjected to trafficking in persons, specifically forced prostitution and forced labor. Mongolian men, women, and children are found in these conditions in China, Macau, Malaysia, South Korea, and Hong Kong. Mongolian men and women have been found in conditions of forced labor in Turkey, Kazakhstan, and the Czech Republic. Visa-free travel of Mongolians to Turkey has resulted in a significant increase in the number of both labor and sex trafficking cases of Mongolian labor migrants in Turkey. There remain concerns about involuntary child labor in the Mongolian construction, mining, and industrial sectors, where children are vulnerable to injury and face severe health hazards. The problem of Mongolian women subjected to conditions of involuntary servitude after engaging in brokered marriages – mainly to South Korean men – continues. Trafficking within Mongolia often involves women and girls forced to work in saunas or massage parlors where they are subjected to forced prostitution. Anecdotal reports continue to indicate that South Korean and Japanese tourists engage in child sex tourism in Mongolia.



During the year, the first ever documented case of Mongolia as a destination country involved two Filipina women who became victims of involuntary domestic servitude in the homes of wealthy Mongolian families after responding to online advertisements for work. Many victims originally sought employment through fraudulent newspaper or television advertisements, and traffickers continue to use technology like "TV Chat" to lure victims. Many victims are recruited by acquaintances, friends, and family, and victims often have their travel documents confiscated. Around 250 North Koreans are employed in Mongolia as contract laborers – an increase from 150 last year, despite concerns that North Korean workers overseas do not appear to be free to leave their employment, have their freedom of movement and communication restricted, and receive an unknown 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 government sustained partnerships with NGOs on anti-trafficking prevention measures. Nevertheless, the government did not demonstrate adequate efforts to proactively identify and protect victims of trafficking, leading to few victims coming forward to assist in the prosecution of their traffickers. The government's lack of adequate guidance on the use of the country's amended anti-trafficking article of law continues to cause courts to charge trafficking offenders under a lesser offense, resulting in shorter sentences. Corruption remains a key barrier to anti-trafficking progress.

Recommendations for Mongolia: Increase cooperation with civil society to train prosecutors and judicial officials to encourage the effective use of Article 113 to prosecute trafficking offenders; amend relevant laws or criminal justice procedures to allow authorities to proactively investigate and prosecute trafficking cases; pass a law to ensure the provision of victim and witness protection; establish a central anti-trafficking police unit; increase efforts to investigate and prosecute government officials complicit in trafficking; create and implement formal victim identification procedures and train police and border officials to identify trafficking victims and refer them to appropriate victim services; increase cooperation with NGOs providing victim assistance; cease the employment of North Korean contract laborers, whose treatment by North Korean authorities may constitute trafficking; implement and support a visible anti-trafficking awareness campaign directed at clients of the sex trade; make efforts to track law enforcement statistics on trafficking cases and trafficking victims identified and assisted by authorities; and continue collaboration with international organizations and civil society to build capacity to combat trafficking in persons.

Prosecution

The Mongolian government continued its efforts to enforce anti-trafficking laws during the reporting period. Mongolia prohibits all forms of human trafficking through Article 113 of Mongolia's 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, such as rape. In spite of significant legal and technical assistance from foreign donors, Mongolia's Supreme Court has interpreted the amended Article 113 in a way that has created ambiguities as to when prosecutors and judges should apply the law. This interpretation by the country's highest court, which notes that individuals who know they are being transported for sex work cannot be classified as trafficking victims under Article 113, is in violation of the 2000 UN TIP Protocol, which Mongolia has ratified. The Supreme Court's interpretation continues to confuse judicial officials, causing trafficking offenders to be prosecuted under the lesser offense of forced prostitution (Article 124). The government prosecuted 11 individuals in four trafficking

cases under Article 113, and secured convictions of nine trafficking offenders, all of whom were sex trafficking offenders, compared with 11 convictions in the previous reporting period. The government has never prosecuted an offender of labor trafficking, and the Supreme Court's narrow interpretation of Article 113 serves as an impediment to the prosecution of labor trafficking cases in Mongolia. Those convicted under Article 113 received sentences of six to 15 years' imprisonment. An additional five sex trafficking offenders were convicted under Article 124, two of whom were sentenced to one year's imprisonment; the remaining three have not yet been sentenced. In September 2009, due to the misclassification of a trafficking case that was prosecuted under Article 124 instead of Article 113, the government granted amnesty to a trafficker who was convicted of raping and forcing a girl into prostitution. As a result, the offender did not serve any time in prison. In October 2009, Mongolian courts ordered trafficking offenders to compensate five victims trafficked to Macau $3,000 each, in addition to significant imposed jail sentences; this decision is under appeal. According to Mongolian law, criminal cases are only initiated upon a victim's complaint, and victims are required to assist in the prosecution of their traffickers. This requirement, along with the lack of victim and witness protection mechanisms in Mongolia, causes many victims to refuse to report to police instances of trafficking out of fear of retribution from their traffickers, and restricts their ability to obtain restitution from courts. Corruption among law enforcement personnel remains a significant problem in Mongolia and a barrier to anti-trafficking progress, though the government has never investigated or taken disciplinary actions against law enforcement officers involved in trafficking-related corruption. In November 2009, police authorities of the border town Zamyn-Uud signed a memorandum of understanding with counterparts in the adjacent Chinese border town of Erlian covering cooperation against human trafficking.

Protection

During the reporting period, the government referred 18 victims to an NGO shelter. The NGO reported assisting these victims, and identifying and assisting an additional 61 victims not identified by the government, most of whom were referred from friends and family members of victims. The government did not demonstrate use of systematic procedures to proactively identify victims of trafficking among vulnerable groups, such as women detained for involvement in prostitution, or migrant laborers returning from abroad, and did not maintain statistics on the number of trafficking victims identified by authorities. The government did not provide specialized training to officials on victim identification. Victims were sometimes punished for unlawful acts committed as a direct result of their being trafficked, such as being prosecuted on prostitution charges. Officials did not refer trafficking victims to appropriate services. The government did not run any shelters for victims of trafficking, nor did it provide direct assistance to Mongolian trafficking victims repatriated from other countries or foreign victims of trafficking identified in Mongolia. The government provided $10,000 to the National Center Against Violence, which primarily sheltered domestic violence victims but also sometimes shelters trafficking victims. The government provided one NGO with $3,000 to counsel and assist children vulnerable to trafficking. Although the government encouraged victims to assist in the investigation and prosecution of trafficking offenders, Mongolian law continued to lack protection provisions for victims who served as prosecution witnesses, which put victims in great danger. The Mongolian government provided legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship.

Prevention

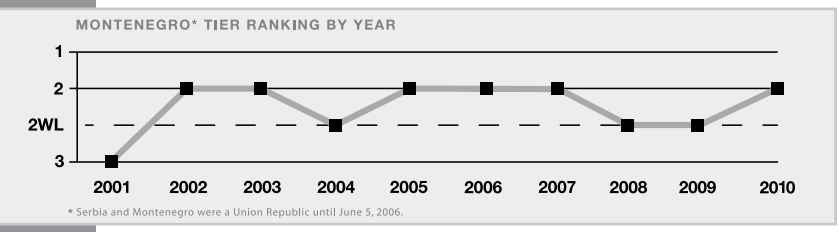
The Government of Mongolia continued modest trafficking prevention activities through partnerships with NGOs, international organizations, and foreign donors. Officials continued the distribution of NGO-sponsored passport and train ticket inserts on the dangers of trafficking and resources available for victims to some Mongolians traveling abroad. With NGO funding, the government cooperated on the production of public service announcements to raise public awareness about trafficking, and broadcasted them on television channels. During the reporting period, Mongolia forged partnerships with Kazakhstan and the OSCE to host an international workshop on trafficking. The government did not take any measures during the reporting period to reduce the demand for commercial sex acts. Mongolian troops were briefed on the criminal nature of solicitation of prostitution, but did not receive training specific to human trafficking.

MONTENEGRO (Tier 2)

Montenegro is a transit, source, and destination country for men, women, and girls who are subjected to trafficking in persons, specifically conditions of forced prostitution and forced labor. Trafficking victims are mostly females from Ukraine, Moldova, Serbia, Albania, and Kosovo, who migrate or are smuggled through the country *en route* to other destinations and subjected to conditions of forced prostitution in Montenegro. Roma children are coerced into organized street begging in the country. According to NGOs and international experts, mainly foreign men and boys are subjected to forced labor in Montenegro's growing construction industry. Montenegrin women and girls are subjected to forced prostitution within the country and in other Balkan countries; anecdotal reports indicate at least one Montenegrin girl was subjected to conditions of forced prostitution in Serbia during the reporting period. Anecdotal reports in 2009 also indicated some women and girls from Kosovo and other countries in this region are subjected to conditions of forced prostitution in Montenegro. Criminal networks operating in Montenegro's expanding tourism industry are reportedly engaged in trafficking for the purpose

forced prostitution. According to the Human Rights Commissioner for the Council of Europe, several sources question the Montenegrin government's official stance that Montenegro does not have a considerable trafficking problem.

The Government of Montenegro does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Montenegro made some important progress during the reporting period and, for the first time, publically acknowledged a trafficking problem in Montenegro. During 2009, the government improved the referral of some potential victims to providers of victim assistance, took initial steps to address trafficking-related complicity, and implemented anti-trafficking prevention programs aimed at vulnerable populations in Montenegro. However, NGOs and international organizations continued to report insufficient capacity among relevant government agencies to identify potential trafficking victims. Moreover, trafficking-related complicity impeded the government's ability to genuinely tackle its trafficking problem. Despite conducting numerous labor inspections of construction sites throughout the year, the government did not identify any suspected victims of forced labor in the construction sector during the year.



Recommendations for Montenegro: Vigorously investigate and aggressively prosecute sex trafficking and labor trafficking crimes in Montenegro, and convict and sentence trafficking offenders, including public officials complicit in trafficking; increase efforts to identify potential victims among vulnerable groups, such as women arrested for prostitution violations, undocumented migrants, refugees and displaced persons – particularly Roma – and child beggars, and refer them to the government shelter or NGO service providers; improve protections for potential victim witnesses to empower more victims to become witnesses who testify against their traffickers; improve specific protections for child victims of trafficking; and improve anti-trafficking training for labor inspectors to increase identification of potential forced labor victims.

Prosecution

The Government of Montenegro demonstrated some improvement in its law enforcement response to human trafficking in 2009. Montenegro prohibits sex and labor trafficking through Article 444 of its criminal code, which prescribes penalties of up to 10 years' imprisonment – penalties that are sufficiently stringent and commensurate with those prescribed for rape. In 2009, the government investigated and prosecuted 14 trafficking suspects and convicted 11 trafficking offenders; courts acquitted three persons. Sentences imposed on the 11 convicted offenders ranged from one to five years in prison. According to the government, five convicted traffickers were actually serving their sentences at the time of this report. Under Montenegrin law, some convicted offenders, including traffickers, were entitled to four weekend furloughs a year, if they met certain conditions and have completed two-thirds of their jail time. During the reporting period, the government arrested and initiated prosecutions of 10 adults for organizing and forcing their own relatives, young Roma children, to beg. The government, through its anti-trafficking National Coordinator, established a mechanism to greatly improve the government's ability to provide information on its anti-trafficking law enforcement efforts in 2009. According to a Council of Europe's 2009 Report, corruption involving low-level law enforcement and customs officials hampered the government's anti-trafficking efforts, particularly with officers working overtime providing security in bars and nightclubs. Notably, in February 2010, law enforcement officers arrested three policemen working as guards in night clubs in Podgorica and Ulcin for their suspected involvement in the forced prostitution of girls. The government, however, subsequently charged these officers for abuse of authority. The government continued to mandate that all police trainees receive anti-trafficking training at an academy in Danilovgrad and continued to ensure one officer in each police station in Montenegro to handle trafficking cases. Throughout the year, the National Coordinator's office organized and funded anti-trafficking training of law enforcement personnel, members of the judiciary, and other stakeholders; through partnerships with the government, anti-trafficking NGOs provided government officials with specific training on the identification of trafficking victims and sensitive questioning techniques.

Protection

The Government of Montenegro made important progress in protecting trafficking victims in 2009. NGOs continued to report, however, that the government's implementation of victim identification procedures remained inadequate. The government funded a trafficking victim shelter during the reporting period, providing approximately $109,200 to cover the costs of the NGO's provision of psychological care, legal aid, and vocational training to trafficking victims. The government improved its implementation of a formal victim referral mechanism, evident in its referral of an increased number of potential sex trafficking victims for care in 2009 – 13, compared with only two referred in 2008. Police also referred a higher number of Roma children subjected to conditions of forced begging in 2009. The government provided temporary care and shelter for most of these rescued children in the Center for Children and Youth. However, many of the suspected traffickers were believed to be the victim's relatives; 76 of these victims were returned to their places

of residence in Serbia and Bosnia and Herzegovina. Local police misunderstanding of trafficking continued to be an impediment to proper victim identification; one international expert reported that police sometimes accused trafficking victims of being mentally disturbed.

During 2009, Montenegrin authorities conducted 13,518 labor inspections of construction sites and found 8,320 violations of labor standards, though there were no suspected victims of forced labor identified as a result of these inspections. The government encouraged victims to participate in the investigations or prosecutions of trafficking offenders, though in practice, few victims cooperated with authorities beyond giving statements to the police due to fear of reprisals. NGOs reported that victims often changed their initial statements to police out of fear. The government reported that it ensured that trafficking victims were not penalized for unlawful acts committed as a direct result of their being trafficked. The government reported it offered potential trafficking victims temporary residency status in Montenegro; however none of the potential trafficking victims chose to apply for this status in 2009.

Prevention

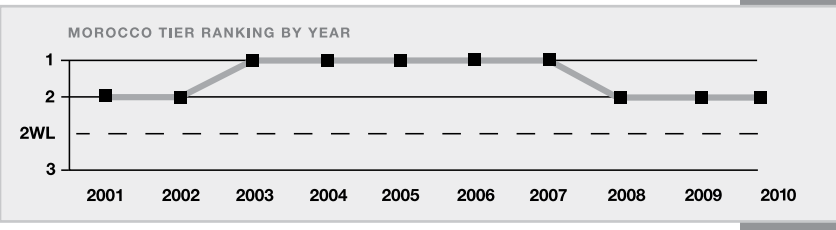
The Montenegrin government intensified its efforts in the prevention of human trafficking during the year, and for the first time, it acknowledged a human trafficking problem in Montenegro. During the reporting period, the government continued to fund various public awareness campaigns in partnership with international organizations to educate potential victims about trafficking. This included organizing roundtable discussions, anti-trafficking workshops, and poster and hotline advertisements; holding classes in schools; distributing anti-trafficking brochures and passport inserts; posting anti-trafficking billboards; and producing and broadcasting a trafficking documentary. Further, the government updated its website to increase anti-trafficking information provided to the public.

In October 2009, the government, in partnership with an NGO forum, conducted training on recognizing trafficked children in an orphanage in Bijela and among Roma children in the Konik refugee camp in Podgorica. In February 2010, the national anti-trafficking Office of TIP Coordinator, in coordination with OSCE organized a regional conference of national coordinators in the Balkans.

MOROCCO (Tier 2)

Morocco is a source, destination, and transit country for men, women, and children who are subjected to trafficking in persons, specifically forced labor and forced prostitution. Children are trafficked within the country from rural areas to urban centers to work as maids or laborers, or for commercial sexual exploitation. Moroccan men, women, and children are exploited for forced labor and prostitution in European and Middle Eastern countries. Young Moroccan girls from rural areas are recruited to work as child maids in cities, but often experience non-payment of wages, threats, and physical or sexual abuse, and sometimes face restrictions on movement. These practices indicate that these girls are subjected to involuntary servitude. Moroccan boys experience forced labor as apprentices in the artisan and construction industries and in mechanic shops. Moroccan women are forced into prostitution in Gulf States – including the United Arab Emirates and Bahrain – Jordan, Libya, Syria, and European countries; some of them experience restrictions on movement, threats, and emotional and physical abuse. Some Moroccan men reportedly are promised jobs in the Gulf but experience confiscation of their passports and are coerced into debt bondage after arrival. A few Moroccan men and boys are lured to Europe by fraudulent job offers, and are subsequently forced to sell drugs. 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 prostitution or, less frequently, forced into domestic service. Nigerian gangs, who engage in a variety of criminal activities like people smuggling and drug trafficking, compete to control the trafficking of sub-Saharan Africans in Morocco.

The Government of Morocco does not comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government convicted one person who subjected a 13 year-old child domestic worker to forced labor, though it continued to lack overall progress in the following areas: convicting and punishing trafficking offenders with punishments commensurate with the heinous nature of the offense; proactively identifying trafficking victims among vulnerable groups; and ensuring that foreign trafficking victims are not subject to arrest and deportation. The government also continues to conflate migrant smuggling and human trafficking.



Recommendations for Morocco: Enact comprehensive anti-trafficking legislation that increases prescribed penalties for forced labor; significantly increase prosecutions of trafficking offenders; institute a victim identification mechanism; ensure that identified victims are not punished for acts committed as a direct result of being trafficked; encourage victims to participate in investigations against their traffickers, including by offering relief from deportation; improve data collection and reporting, including the disaggregation of data between human trafficking and people smuggling; ensure

that potential trafficking victims do not suffer physical abuse at the hands of Moroccan police; conduct public awareness campaigns, encompassing child sex tourism; and heed the recommendations of the IOM's recent report on human trafficking in Morocco.

Prosecution

The Government of Morocco made progress in investigating trafficking offenses and punishing trafficking offenders during the reporting period. Moroccan law 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; however, it has not provided any information on cases tried under these laws. Penalties prescribed by these various statutes for sex trafficking offenses are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In contrast, penalties prescribed for labor trafficking offenses 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. The government took criminal action against at least one high-profile case of physical or sexual abuse of child domestic workers. In October 2009, a court convicted the wife of a judge who subjected a child domestic worker to forced labor; she was convicted of intentional assault and battery on a child under the age of 15, as well as the use of a weapon with malicious intent, and sentenced to three and a half years' imprisonment. The Ministry of Justice reported that it prosecuted 138 individuals for exploitation of a child for begging and 203 individuals for facilitating the prostitution of a child for the most recent year in which data was available; it is unclear how many, if any, of these prosecutions involved human trafficking offenses. Their sentences ranged from one month to two years' imprisonment. The government reported that it broke up 130 trafficking or smuggling rings in 2009. However, the government made no distinction between migrant smuggling and trafficking, so it was unclear how many, if any, were truly human trafficking rings.

Protection

Morocco made limited progress in protecting victims of trafficking over the last year. Foreign trafficking victims are often treated as undocumented migrants, subject to arrest and deportation. Government officials continued to detain and deport large numbers of undocumented sub-Saharan migrants without taking adequate steps to identify trafficking victims among them. These detained migrants, some of whom may have been trafficking victims, were usually left 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 or hardship. Morocco does not encourage victims to participate in investigations against their traffickers. Some victims reportedly testified but were subsequently deported. Sub-Saharan African women who are forced into prostitution in Morocco were not likely to report crimes for fear of being deported. NGOs provided most services to domestic victims of trafficking. Undocumented migrants – some of whom may have been trafficking victims – reportedly suffered physical abuse at the hands of Moroccan police. Government-operated Child Protection Units in Casablanca and Marrakesh offered assistance to street children and other victims of violence, abuse, and sexual exploitation, possibly including victims of trafficking. The government also operated a hotline that referred women and children who are victims of violence and sexual assault to women's groups for possible assistance. It is uncertain if any trafficking victims were identified or protected through the hotline in the reporting period. According to the Ministry of Foreign Affairs, Moroccan diplomatic missions provided assistance to Moroccans who were trafficked abroad.

Prevention

The Moroccan government made some efforts in preventing human trafficking over the last year. The government included anti-human trafficking modules in training programs for the Royal Gendarmerie, the Auxiliary Forces, and the police. In April 2009, the Ministry of Justice conducted an awareness raising course for magistrates about victim protection and working with trafficking victims who have been affected by violence or sexual exploitation. The government's labor inspectors, who were appointed as child labor focal points in each of the 45 inspector offices, received training from an international organization during the year. Authorities did not raise public awareness of the commercial sexual exploitation of children and women and did not take any reported measures to reduce the demand for commercial sex acts. The Moroccan government provided birth certificates for all nationals, including children in isolated rural areas, and issued national identity cards for all citizens on their 18th birthday. All Moroccan soldiers participating in UN peacekeeping missions receive training on the issue of commercial sexual exploitation. The Moroccan government cooperated with the IOM in preparing a publically available report that included a comprehensive overview of the government's strengths and weaknesses on trafficking issues and included recommendations for legislative and policy reforms. Morocco is not a party to the 2000 UN TIP Protocol.

MOZAMBIQUE (Tier 2 Watch List)

Mozambique is a source and, to a much lesser extent, a destination country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. The use of forced and bonded child laborers is common in rural areas of the country, often with the complicity of family members. Women and girls from these rural areas are also lured to cities with promises of employment or education, as well as to South Africa for involuntary domestic servitude and forced prostitution. NGOs report that Mozambican victims of sex traffickers were taken by traffickers to "training centers" in Swaziland and South Africa in preparation for an expected increase in demand for prostitution during the 2010 World Cup. Young Mozambican men and boys are subjected to conditions of forced labor in South African farms and mines; they often labor for months in South Africa without pay and under coercive conditions before being turned over to police for deportation as illegal migrants. Mozambican adults are subjected to forced labor and forced prostitution in Portugal. Women and girls from Zimbabwe and Malawi who voluntarily migrate to Mozambique continue to be manipulated by traffickers into forced prostitution and domestic servitude subsequent to their arrival. Traffickers are typically part of loose, informal networks of Mozambican or South African citizens; however, larger Chinese and reportedly Nigerian trafficking syndicates are also active in Mozambique. Human traffickers' internal and cross-border routes are also used to smuggle illicit drugs; often the same facilitators transport both drugs and trafficked victims. In addition, South Asian alien smugglers who move South Asian undocumented migrants throughout Africa reportedly also transport trafficking victims through Mozambique. Internal and transnational trafficking in persons for the purposes of forcible organ removal to support an off-shoot of the traditional healing industry in South Africa and Mozambique is significant. Witch doctors in Mozambique and other countries forcibly remove various body parts from children and adults, either while the victims are still alive or immediately following violent death, for use in "traditional" medical concoctions intended 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. Despite these efforts, including work on the development of implementing regulations for its new anti-trafficking law, the government did not show evidence of increasing efforts to address human trafficking, particularly efforts to prosecute or convict trafficking offenders as it has done in the past, or to investigate continuing reports of government officials' complicity in trafficking crimes. Therefore, Mozambique is placed on Tier 2 Watch List.

Recommendations for Mozambique: Take concrete steps to implement regulations for the 2008 anti-trafficking law; make greater efforts to prosecute, convict, and punish trafficking offenders; launch a nationwide public awareness campaign; build the capacity of the police anti-trafficking unit and victim support units to investigate cases and provide short-term protection to victims; and investigate reports of official complicity in human trafficking and vigorously prosecute, where appropriate, those implicated in trafficking offenses.

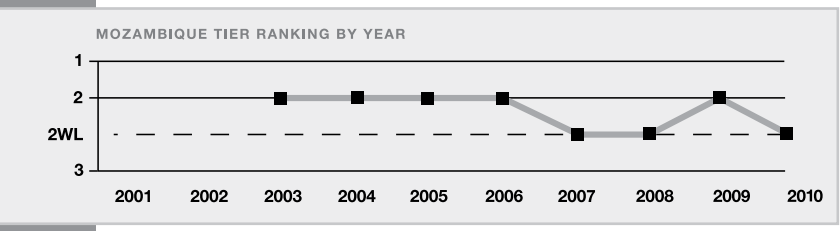
Prosecution

The government demonstrated minimal progress in its anti-trafficking law enforcement efforts during the reporting period. In September 2008, the government enacted a new comprehensive human trafficking law. The law prescribes 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 serious crimes. During 2009, the government again budgeted $360,000 to support enforcement of the law and for a second year did not allocate this funding to any government entity. Implementing regulations for the law have not been issued; without these regulations, the police were not generally in a position to arrest suspected trafficking offenders and conduct an investigation that could successfully support a court case. The government formed partnerships with NGOs to provide anti-trafficking seminars for new police officers throughout the country. Police reported arresting trafficking offenders and breaking up several trafficking schemes during the year, including the arrest of at least one suspected trafficking ringleader. In January 2010, police arrested a man in Beira for allegedly running a criminal ring involved in the sale of hard drugs and in sex trafficking. The media reported that the suspect had at least one police officer on her payroll. In March 2010, police arrested eight traffickers after being alerted by undercover journalists that the traffickers had offered to "sell" them several girls and women. Within weeks, all of the suspects were released on bail. Traffickers commonly bribed law enforcement officials to allow their movement of trafficking victims internally and across national borders into South Africa and Swaziland, sometimes without passports. There is no evidence of widespread government involvement in or tolerance of trafficking; however, there are known cases of government officials facilitating human trafficking. No officials have been investigated, detained, or prosecuted for complicity in trafficking crimes. For the first time, police began to keep statistics on trafficking victims; this data was not available at the time of publication.

Protection

The Mozambican government showed little progress in its efforts to protect victims, as it continued to suffer from limited resources and a lack of political commitment. Funding for victims' assistance remained rudimentary,

and government officials regularly relied on NGOs to provide shelter, counseling, food, and rehabilitation. The government continued to lack formalized procedures for identifying potential victims of trafficking and referring them to organizations providing protective services. The Office of Assistance to Women and Vulnerable Children continued its partnership with a network of anti-trafficking NGOs to respond quickly to tips on potential trafficking cases and provide care and protection to victims. UNICEF helped police establish the first-ever police station specifically designed to assist women and children, including trafficking victims, in Maputo. A dedicated toll-free number, "116," became fully operational in November 2009, allowing persons to report crimes against children, including trafficking. Line "116" received 5,239 calls from November through December 2009, though it is not known how many of these were related to human trafficking. An NGO managed the country's only permanent shelter for child trafficking victims, which operated on land donated by the Moamba District government. 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 being trafficked. The government did not provide legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution.



Prevention

The government's prevention efforts remained weak during the reporting period. The government did not launch a nationwide campaign to foster awareness of trafficking among government officials and private citizens. As a result, most Mozambicans, including many law enforcement officials, reportedly lacked a clear understanding of what constitutes trafficking. Officials met regularly with the Anti-Trafficking Forum, which provided a mechanism through which the government and its NGO partners could discuss trafficking issues and coordinate their anti-trafficking activities. Most anti-trafficking educational workshops were run by NGOs with some government participation. Media coverage of trafficking cases or issues significantly diminished over the past year, although a sting operation which led to the arrest of eight Mozambican and Chinese sex traffickers in March 2010 was featured prominently in the news. Law enforcement officials and partner NGOs monitored major border crossings and immigration patterns for indications of potential trafficking victims, but these officials remained prone to complicity with traffickers. The Ministry of Justice worked with a network of NGOs to develop an anti-trafficking strategy for the 2010 World Cup, which may increase the incidence of trafficked Mozambicans transported to South Africa for commercial sexual exploitation, but implementation was poor. The government did not take any significant measures to reduce the demand for forced labor or commercial sex acts during the year.

NAMIBIA (Tier 2)

Namibia is a country of origin, transit, and destination for foreign and Namibian women and children, and possibly for men subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. Traffickers exploit Namibian children, as well as children from Angola and Zambia, through forced labor in agriculture, cattle herding, involuntary domestic servitude, charcoal production, and commercial sexual exploitation. In some cases, Namibian parents unwittingly sell their children to traffickers. Reports indicate that vulnerable Namibian children are recruited for forced prostitution in Angola and South Africa, typically by truck drivers. There is also some evidence that traffickers move Namibian women to South Africa and South African women to Namibia to be exploited in forced prostitution. Namibian women and children, including orphans, from rural areas are the most vulnerable to trafficking. Victims are lured by traffickers to urban centers and commercial farms with promises of legitimate work for good wages they may never receive. Some adults subject children to whom they are distantly related to forced labor or commercial sexual exploitation. Small business owners and farmers may also participate in trafficking crimes against women or children. Victims are forced to work long hours to carry out hazardous tasks, and may be beaten or raped by traffickers or third parties.

The Government of Namibia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government created a national database on gender-based violence which will include statistics of trafficking and child labor victims, cooperated in a baseline study to assess the scope and scale of its trafficking in persons problem, investigated child labor cases, rescued child victims of labor trafficking, and began renovating buildings to use as shelters for trafficking victims. No suspected trafficking offenders, however, were prosecuted, and traffickers involved in cases of forced child labor received insufficient civil punishments.

Recommendations for Namibia: Use the new anti-trafficking legislation, the Prevention of Organized Crime Act, to prosecute sex and labor trafficking offenses and adequately punish trafficking offenders; conduct additional national anti-trafficking public awareness campaigns, particularly in the border areas; provide further training to law enforcement and social service personnel on the identification and provision of

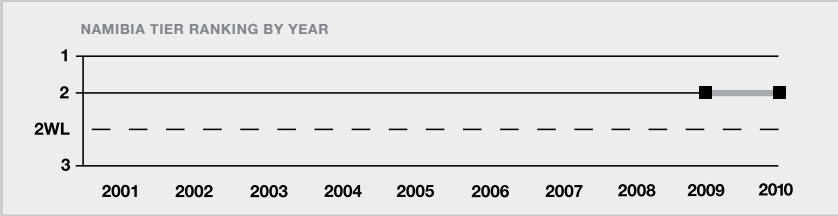
assistance to trafficking victims; increase communication and coordination among law enforcement, ministries, and federal agencies involved in trafficking issues; expand cooperation between national and local police; continue to dedicate adequate time and resources in order to complete the shelter and safe house renovations; and continue efforts to improve and expand record-keeping on specific human trafficking offenses.

Prosecution

The Government of Namibia modestly increased its anti-trafficking law enforcement efforts during the year. National police and the Ministry of Justice handled no trafficking cases during the reporting period. In May 2009, the government enacted the Prevention of Organized Crime Act (POCA) of 2004, which explicitly criminalizes all forms of trafficking. Under the POCA, persons who participate in trafficking offenses or aid and abet trafficking offenders may be fined up to $133,000 and imprisoned for up to 50 years. The Act does not differentiate between trafficking for commercial sexual exploitation and trafficking for non-sexual purposes. In addition, Section 4 of the Labor Act of 2007 prohibits forced labor and prescribes penalties of up to four years' imprisonment or a fine of up to $2,700, or both. Section 3 of the Labor Act prohibits various forms of exploitative child labor, prescribing penalties equal to those for other forced labor offenses. Penalties for these crimes are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The draft Child Care and Protection Bill is expected to address child trafficking offenses, among other crimes. Government officials are working with the Southern African Development Community to develop model comprehensive anti-trafficking legislation which could be effectively adopted in countries throughout the region. The government neither opened a criminal investigation into any suspected trafficking offenses nor prosecuted any trafficking cases during the reporting period. Officials investigated several cases of child labor; in all instances, offenders were issued compliance orders in accordance with the 2007 Labor Act, but were not arrested or otherwise penalized. The Ministry of Labor removed 17 children found working on farms in Kavango in hazardous conditions and returned them to their parents. Police operated a toll-free hotline for the public to call in with tips on trafficking cases.

Protection

During 2009, the government increased its efforts to protect victims and ensure their access to appropriate services offered by non-governmental entities, as it continued to lack the financial resources and capacity to directly care for victims. During the reporting period, the Ministry of Labor and Social Welfare identified 17 cases of children illegally working in the charcoal industry, 88 cases of children performing hazardous labor in other work places, and 57 cases of children in forced labor. The Ministry of Gender Equality and Child Welfare (MGECW) handled three trafficking cases; the victims were Zambian boys brought into the country by a Zambian trafficker, a girl from Walvis Bay forced into prostitution by her mother, and Namibian girls from Kavango and possibly the Caprivi region trafficked to wine farms in the south for forced labor as babysitters and domestic workers. In 2009, the MGECW created a national database on gender-based violence that will include statistics on trafficking and child labor victims.



The government has no specific formal procedures in place for referring trafficking victims for care, although the police are responsible for finding temporary shelter for all victims as well as medical assistance. The MGECW provided social workers to work in partnership with the police, who counsel or otherwise assist victims of violent crimes, including human trafficking. Law enforcement and other officials referred victims to NGOs and other entities that provided short-term shelter facilities. Officials were aware that the shelters are often full and cannot accommodate all victims who need assistance. Neither long-term shelter facilities nor services designed to meet the specific needs of victims of trafficking existed in Namibia. The Woman and Child Protection Unit (WACPU) of the Namibian Police Force designated examination rooms in major hospitals for treatment of victims of violent crimes that are staffed by physicians trained to deal with trauma victims, including victims of trafficking. WACPU also had referral agreements with two NGOs to provide victims of trauma with counseling and legal services that were available to trafficking victims. The government subsidized some shelter facilities for victims of gender-based violence and the worst forms of child labor which may have unknowingly aided trafficked women and children. Officials began renovating 13 government-owned buildings, one in each region, to be used as shelters for women and child victims of gender-based violence and human trafficking, but these facilities would most likely not provide services for men. 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 may face hardship or retribution through provisions in other laws. Official understanding of what constitutes human trafficking remained limited, and it is possible that trafficking victims were jailed or prosecuted for violating laws related to immigration and prostitution before they were identified as victims.

Prevention

The Namibian government made efforts during the year to raise awareness of trafficking throughout the

country. The government conducted a media campaign against gender-based violence and trafficking, in which it encouraged victims and members of the public to report suspected trafficking offenders and assist in investigations and prosecutions. Fewer WACPU and MGECW officials received training to identify victims of trafficking in the reporting period than in previous years. The government did not provide specific training on identifying and assisting Namibian trafficking victims overseas to diplomats, but continued to encourage them to maintain relations with NGOs that follow trafficking issues. During the year, the Ministry of Home Affairs forged a partnership with UNICEF to open offices at hospitals and deploy mobile units throughout the country to provide birth certificates for newborns and identity documents for orphans and vulnerable children. The government made no discernible efforts to reduce the demand for commercial sex acts during the reporting period.

NEPAL (Tier 2)

Nepal is mainly a source country for men, women, and children who are subjected to trafficking in persons, specifically commercial sexual exploitation and forced labor within the country and abroad. NGOs continue to report an increase in both transnational and domestic trafficking, although a lack of reliable statistics makes the problem difficult to quantify. Some Nepali women and girls are subjected to forced prostitution in Nepal, India, and the Middle East, and also are subjected to forced labor in Nepal and India as domestic servants, beggars, factory workers, and, to a lesser extent, circus entertainers. Nepali women are also forced to work in Nepal's growing pornography industry. They are subjected to forced prostitution and forced labor in other Asian destinations, including Malaysia, Hong Kong, and South Korea. Nepali boys also are also exploited as forced domestic servants and – in addition to some Indian boys – are subjected to forced labor in Nepal, especially in brick kilns and the embroidered textiles industry. There is anecdotal evidence that Nepal's role as a destination for foreign child sex tourists is growing, possibly as efforts to confront this problem in traditional Southeast Asian destinations have become more effective. Several NGOs reported an increase in the number of teenage boys in Kathmandu engaged in prostitution; many of these boys are suspected to be trafficking victims. It is suspected that bonded labor remains a significant problem; many laborers who were freed in 2000 – when the government outlawed bonded labor – were not provided land as required by the law, leaving them vulnerable to falling back into exploitative labor.

According to the Department of Foreign Employment (DFE), approximately three million Nepalis have migrated to countries other than India for work, both through regular and irregular channels; India remains the most popular destination for Nepali workers. Many Nepali migrants seek work as domestic servants, construction workers, or other low-skill laborers in Gulf countries, Malaysia, Israel, South Korea, and Afghanistan with the help of labor brokers and manpower agencies. They travel willingly but subsequently face conditions 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. Some are deceived about their destination country, the terms of their contract, or are subjected to debt bondage, which can in some cases be facilitated by fraud and high recruitment fees charged by unscrupulous agents. While some workers migrate through legal or regular channels from Nepal directly, many others migrate via India; this is illegal, due to the 2007 Foreign Employment Act that requires all workers to leave for overseas work via Nepal's sole international airport in Kathmandu. Many migrants leave in this manner to avoid the scrutiny of a labor migration desk in the airport which examines the papers of all workers heading overseas.

According to law enforcement officials, trafficking is increasingly dominated by well-organized syndicates that are often family-based and involved in other criminal activities such as drug trafficking. Trafficking offenders are usually acquainted with the victims and provide parents of victims a "salary advance" in order to place the victims in a state of indebtedness. This indebtedness may be used to compel those victims to perform labor or a service to avoid threatened serious harm, particularly financial harm. Traffickers generally target uneducated people, especially from lower castes and other socially marginalized groups. However, a growing number of victims are relatively well-educated and from high castes, a development that reflects an increasingly dire economic situation.

The Government of Nepal does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so despite limited resources. The government continued modest efforts to prosecute traffickers and allocated financial support to NGO-operated rehabilitation centers. 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 being trafficked; improve protection services available for victims of all forms of trafficking; strengthen the National Human-Trafficking Task Force and complete implementation of district-level anti-trafficking committees; and put in place more effective tracking mechanisms for both sex and labor trafficking cases.

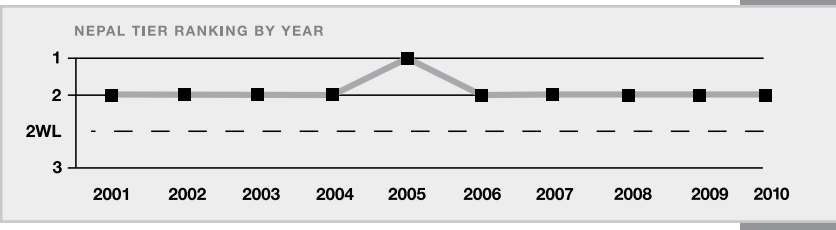
Prosecution

Nepal made some progress in its anti-trafficking law enforcement efforts over the reporting period. Through its 2007 Trafficking in Persons and Transportation (Control) Act, the government 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 serious 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 through fraudulent recruitment promises or without the proper documentation, prescribing penalties of three to seven years' imprisonment for those convicted; fraudulent recruitment for the purpose of exploitation constitutes human trafficking. The Nepal Police Major Crimes Unit and the Office of Attorney General reported 12 convictions, two less than in the previous year. The government did not provide the number of prosecutions or acquittals and the punishments, and did not disaggregate whether convictions were for sex or labor trafficking.

Trafficking-related complicity by government officials remained a serious problem in Nepal, with traffickers using ties to politicians, business persons, state officials, police, customs officials, and border police to facilitate trafficking. Many dance bars, "cabin restaurants," and massage parlors in Kathmandu that facilitate sex trafficking are reportedly co-owned by senior police and army officials. The large number of genuine Nepali passports containing false information that Indian officials have encountered in trafficking cases may be the result of some Nepali officials working with traffickers to provide them with these documents. Despite these serious concerns, there were no investigations, prosecutions, or convictions of government officials complicit in trafficking during the reporting period. No Maoist official has yet been charged in connection with the recruitment of child soldiers, which was a common practice during the 10-year insurrection, nor is the issue of child soldiers addressed in the pending legislation aimed at establishing a Truth and Reconciliation Commission. The Nepal Police routinely provide its personnel specific training on investigating trafficking cases; however, due to a lack of resources, the number of personnel trained has been limited.

Protection

Nepal made limited efforts to protect victims of trafficking during the reporting period. The Government of Nepal does not have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact. Police made arrests during indiscriminate raids on commercial sex establishments but did not attempt to identify victims. In late 2009, police conducted a series of "blind" raids on establishments suspected for being fronts for prostitution. Dozens of "employees" – including children – were arrested. Despite indications that some of the women and most of the girls in those establishments were trafficking victims, the police made no effort to identify trafficking victims before releasing the women and girls. All facilities that assist trafficking victims were run by NGOs and most provided a range of services, including legal aid, medical services, psychosocial counseling, and economic rehabilitation. Even so, there were not facilities to meet the needs of all survivors. The Ministry of Women, Children and Social Welfare (MWCSW) allocated approximately $110,000 in the 2009-2010 fiscal year for eight NGO-run shelter homes, three of which were already operating. MWCSW also allocated approximately $275,000 to open 15 emergency shelters across the country for victims of abuse (including trafficking). The government rented several rooms near its embassies in Doha and Riyadh that were used as shelters for female migrant workers. District governments reportedly worked with NGOs to ensure that survivors were provided with available shelter and medical services; however, there was a severe shortage of facilities, and it was difficult to determine how many survivors received assistance because this number is not tracked. When 18 stranded Nepali workers were repatriated from Kuwait in December 2009, the Government of Kuwait provided the airline tickets and Nepal fed the workers for four months while arrangements for repatriation were made. In fiscal year 2008-2009, MWCSW used its small rehabilitation fund to assist in the repatriation of 16 trafficking victims from India. Nepal encouraged trafficking victims to participate in investigations against their traffickers but lacked sufficient resource to ensure their personal safety. Victims who were material witnesses in court cases were not permitted to obtain employment or leave Nepal until the case had concluded, and they were often pressured in their communities not to pursue a case; as such, many victims were reluctant to testify. Between early January to early February 2010, in a cooperative agreement between the Government of Nepal, the Maoists, and the UN, nearly 3,000 former child soldiers were released from UN-monitored Maoist cantonments, where they had been living since the signing of the November 2006 peace agreement. The Government of Nepal provided rehabilitation services to those released from the cantonments.



Prevention

Nepal made limited efforts to prevent human trafficking during the reporting period. The federal government

organized rallies to mark the third annual National Anti-Trafficking Day. Women Development Officers (WDOs) in trafficking-prone districts conducted awareness campaigns based on the direction of the federal government. The prime minister convened a cabinet-level task force on violence against women, including trafficking. A Joint Secretary and senior police officials participated in some high-level events to increase awareness of trafficking. In 2009, the government announced plans to post an additional five labor attachés in countries with a significant number of Nepali workers; however, this plan was stalled by a dispute between the Ministry of Labor and Transport Management and the Ministry of Foreign Affairs. Regardless, insufficient resources had limited the ability of attachés who had been posted to carry out their mandated duties. A National Human Trafficking Task Force exists but, according to senior government officials, had limited impact. The MWCSW was in the process of replacing its district task forces with anti-trafficking committees in all 75 districts, beginning with the 26 most trafficking-prone districts. In 2009, the MWCSW ordered its district-level women development officers to begin systematic tracking of trafficking-related developments, with assistance from these anti-trafficking committees. However, officials acknowledge that both the WDOs and the district committees will be constrained by insufficient resources. Despite national registration drives and committees responsible for registering births, the Central Child Welfare Committee in 2008 reported that only 40 percent of children had birth registration certificates. All Nepali military troops and police assigned to international peacekeeping forces were provided some pre-deployment anti-trafficking training funded by a foreign government. Nepal is not a party to the 2000 UN TIP Protocol.

NETHERLANDS (Tier 1)

The Netherlands is primarily a source and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor, though, to a lesser extent, it is a transit country for such trafficking. Women from the Netherlands, Nigeria, Romania, Hungary, Bulgaria, and Guinea are the top six countries of origin for victims of sex trafficking in the country. Approximately 138 victims identified last year were male; these men and boys were subjected to forced prostitution and various forms of forced labor, including in: agriculture, horticulture, construction, food processing, catering, cleaning, and the drug trade. These male victims were primarily from Romania, China, Ghana, Indonesia, and Nigeria. Groups vulnerable to trafficking include single underage asylum seekers, women with dependent residence status obtained through fraudulent or forced marriages, women recruited in Africa, and East Asian women in massage parlors. Criminal networks are often involved in forced prostitution and forced labor involving foreigners, while those involved in forced prostitution of Dutch residents work independently, often recruit through the Internet, and exploit one to two victims at a time.

The Government of the Netherlands fully complies with the minimum standards for the elimination of trafficking. The Dutch national anti-trafficking rapporteur and police continued to take a self-critical approach to addressing human trafficking, further enhancing Dutch anti-trafficking efforts. Officials demonstrated particular progress in the difficult task of identifying victims. The government also forged partnerships with other countries to enhance global anti- trafficking efforts.

Recommendations for the Netherlands: Vigorously investigate, prosecute, convict, and punish labor trafficking offenders; continue efforts to ensure traffickers receive sentences commensurate with the gravity of this human rights abuse; enhance overall awareness of trafficking crimes among judges; continue to closely monitor, scrutinize, and advance the government's response to human trafficking; and continue to share best practices with other countries, in particular on victim identification and assistance, protection of unaccompanied foreign minors, and establishment of rapporteurs, to enhance global anti-trafficking efforts.

Prosecution

The government demonstrated progress in convicting sex trafficking offenses, though prosecutions of labor trafficking offenses remained low. The Netherlands prohibits all forms of trafficking through Criminal Code Article 273. In July 2009, at the initiative of the Justice Minister, the government toughened the maximum sentences for trafficking in persons from 15 years' to 18 years imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes. The 2009 national rapporteur's report stated that the law does not precisely define where poor employment conditions end and labor trafficking begins. In 2009, eleven regional human trafficking prosecutors were appointed to handle complicated human trafficking cases. Police completed and referred for prosecution 215 human trafficking investigations in 2008, the last year for which trafficking statistics were available, compared with 281 in 2007. In 2008, verdicts were handed down in 116 cases, of which 79 were convictions, compared with 73 convictions in 2007. There were 33 acquittals, and 4 dismissals in 2008, compared with 14 acquittals and 2 dismissals in 2007. According to the national rapporteur, since 2006, when the definition of trafficking was expanded to include labor exploitation, the government has prosecuted 12 labor trafficking cases, resulting in convictions of two trafficking offenders in 2007, and one in 2008 and 2009. The average sentence for convicted sex trafficking offenders was approximately 21 months, the same average for sentences imposed in 2007. The highest sentence for labor trafficking – a four-year prison term – was handed down in 2009. During the year, the Justice Minister tightened the rules for granting parole to convicted criminals after two convicted trafficking offenders escaped during temporary parole. There were

no reports of trafficking-related official complicity during the reporting period. In 2009, the government-funded Judiciary Study Center began to offer special anti-trafficking courses to public prosecutors as well as judges. The Dutch government forged anti-trafficking partnerships with other governments by providing trafficking-specific technical expertise on investigating and prosecuting trafficking cases, specifically collaborating with the Netherlands Antilles, Aruba, Nigeria, Bulgaria, Romania, and Hungary.

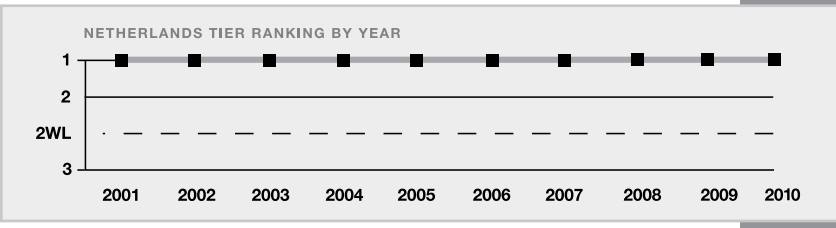
Protection

The Netherlands made clear progress in ensuring the protection of trafficking victims during the reporting period, specifically by identifying and assisting an increased number of victims. The government continued to provide training to help law enforcement officials, labor inspectors, immigration officers, and other authorities identify and assist trafficking victims, and in 2009, the government registered 909 victims, an increase from 826 victims in 2008. Local governments were responsible for regulating and inspecting legalized prostitution venues, on average six times per year; the national police monitored performance of this requirement.

The Netherlands has an extensive network of facilities providing a full range of trafficking-specialized services for children, women, and men; the government provided victims with legal, financial, and psychological assistance, shelter (in facilities that also serve victims of other crimes), medical care, social security benefits, and education financing. In addition, the Dutch national victim registration center gave workshops in the Netherlands Antilles and Curacao on setting up referral mechanisms for trafficking victims. Dutch authorities provided temporary residence permits to allow foreign trafficking victims to stay in the Netherlands during a three-month reflection period, a time for victims to receive immediate care and assistance while they consider whether to assist law enforcement, and separately, during the investigation and prosecution of their traffickers. The government provided permanent residence status to some victims, based on particular conditions. Since January 2008, the government has provided single underage asylum seekers with intensive counseling in secure shelters that protect them from traffickers; since then, the Justice Ministry has reported that fewer have disappeared from state care. The government encouraged victims to assist in the investigation and prosecution of traffickers. Nevertheless, victims were often reluctant to assist law enforcement personnel, due to fear of reprisals from traffickers. There were no reports that victims were punished for unlawful acts committed as a direct result of being trafficked. To facilitate safe and voluntary repatriation, the Ministry of Foreign Affairs has developed a system to evaluate victims' safety in five countries of return. The Ministry considers the country's legal framework, women's social and economic situation, availability of shelter and social reintegration programs, and the risk of reprisals, among other criteria.

Prevention

The government made progress in trafficking prevention during the reporting period. The Justice Ministry continued to fund a multimedia awareness campaign about trafficking targeted at people in, and clients, of prostitution, as well as residents, shopkeepers, and taxi-drivers in areas where prostitution occurs. An NGO that received government funding organized an open-air exposition in The Hague with pictures and stories of 20 trafficking victims. The government-funded, autonomous, national rapporteur on trafficking monitored the government's anti-trafficking efforts and, during the reporting period, published its seventh report. The government continued implementation of its national anti-trafficking action plan and maintained an inter-ministerial national task force, chaired by the chief public prosecutor of Amsterdam, to coordinate governmental anti-trafficking efforts. During the year, the Justice Minister launched a child sex tourism awareness campaign that informs Dutch tourists that child sex abuse is a punishable offense, and that they can report suspect situations to a special website. The government provided over $2.7 million for anti-trafficking and anti-child sex tourism programs in many countries in various regions throughout the world during the reporting period. 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.



NETHERLANDS ANTILLES (Tier 2)*

The five islands of the Netherlands Antilles are a transit and destination area for women and children who are subjected to trafficking in persons, specifically forced prostitution and for men and women who are in conditions of forced labor. The women in prostitution in the Netherlands Antilles' regulated and illegal sex trades are highly vulnerable to human trafficking, as are unaccompanied minors traveling to or through Curacao. Local authorities believe that men and women have also been subjected to involuntary domestic servitude and other forms of forced labor in the agriculture and construction industries. Groups vulnerable to this labor trafficking include foreign males in the agriculture, gardening, and construction sectors. Some migrants in restaurants and local businesses may be vulnerable to debt bondage.

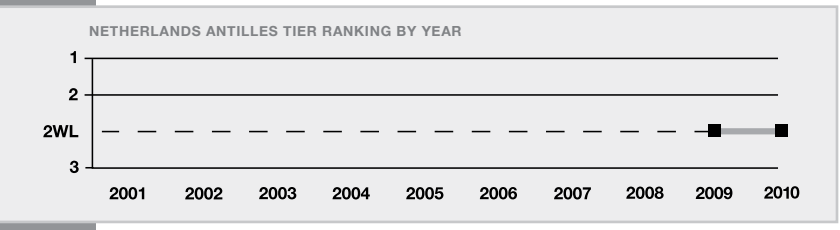
*The Netherlands Antilles is a semi-autonomous entity within the Kingdom of the Netherlands. The Kingdom Charter divides responsibility among the three co-equal parts of the Kingdom based on jurisdiction and matter. For the purpose of this report, the Netherlands Antilles is not a "country" to which 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 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. The government over the last year made progress in prosecuting and punishing trafficking offenders; it also boosted victim identification efforts. Comprehensive anti-trafficking legislation remained pending, and there were few specialized services available for trafficking victims.

Recommendations for the Netherlands Antilles: Enact legislation criminalizing all forms of human trafficking and prescribing punishment commensurate with other serious crimes; vigorously prosecute and convict sex and labor trafficking offenders in all five islands of the Netherlands Antilles; continue to build capacity for assisting trafficking victims throughout the Netherlands Antilles; expand awareness activities, including consideration of ways to educate clients of the sex trade and ultimate consumers of products resulting from the use of forced labor about the causes and consequences of trafficking; and explore the possible development of a hotline accessible to residents on all five islands.

Prosecution

The Government of the Netherlands Antilles improved anti-trafficking law enforcement efforts during the reporting period. The government has not yet passed comprehensive legislation prohibiting all forms of trafficking; however, during the reporting period, the government prosecuted at least 11 people in Curacao for human trafficking offenses and convicted nine trafficking offenders — a significant increase from the one conviction reported last year. The average prison sentence imposed on the eight offenders was 21 months. The government did not report any human trafficking prosecutions or convictions in St. Maarten, St. Eustatius, or Saba during the reporting period. There were no reports of trafficking-related complicity during the reporting period. The Curacao anti-trafficking coordinator provided training for law enforcement officials during the reporting period. Officials participated in a Kingdom-partnership training for Curacao, St. Maarten, and Bonaire law enforcement and immigration officials on identifying and treating victims of trafficking and investigating trafficking crimes.



Protection

The government made limited progress in providing specialized services for trafficking victims but improved its efforts to identify victims. The government enhanced victim identification capability through training and, in a positive step, identified 16 trafficking victims during the reporting period. Curacao's anti-trafficking coordinator formally trained officials, including health officials working with women in a government-regulated brothel compound in Curacao, on identifying trafficking and providing victim assistance. The Bonaire anti-trafficking working group provided training for immigration officials on identifying trafficking victims. The government implemented a special trafficking victim referral mechanism to guide officials in referring potential trafficking victims to services. Government officials referred identified trafficking victims to limited, short-term assistance provided by a combination of government agencies and by NGOs that received government subsidies and to government-run care facilities for crime victims. The government placed child trafficking victims in facilities with their parents or in an institution for abused children. Government health care providers were available to assist foreign trafficking victims. The government did not officially offer access to legal aid for victims during the last year, though it had provided legal aid to some victims in the past.

The government maintained a policy of encouraging trafficking victims to participate in investigations and prosecutions of trafficking offenders; the legal system allowed witnesses to trafficking crimes to provide anonymous testimony or testimony from abroad. The government has the authority to issue temporary residency status for foreign trafficking victims as an alternative to their removal, though it did not report issuance of such status to victims over the last year. The government has not developed a policy regarding longer term residency for trafficking victims. The government tried to ensure that identified trafficking victims were not penalized for unlawful acts committed as a direct result of being trafficked. Trained law enforcement officials regularly visit prison and detention facilities to prevent potential trafficking victims from being punished. The anti-trafficking coordinator convened regular meetings with service providers and law enforcement to encourage anti-trafficking partnerships on victim assistance. Netherlands Antilles officials forged a partnership with Dutch authorities to establish new procedures allowing foreign women in Curacao's regulated brothel compound to maintain control of all of their travel documents. This was a significant development as international organizations have expressed strong concern about the working conditions – including possible involuntary servitude – at this brothel.

Prevention

The government continued modest efforts to raise awareness of human trafficking during the reporting period. The Justice Ministry added anti-trafficking content to its website. The public prosecutor and justice minister spoke publically about human trafficking, and the Curacao anti-trafficking coordinator gave lectures and presentations to live audiences and on television. The government continued to provide in-kind support for human trafficking hotlines in St. Maarten and Bonaire. The Netherlands Justice Ministry funded a sex trafficking

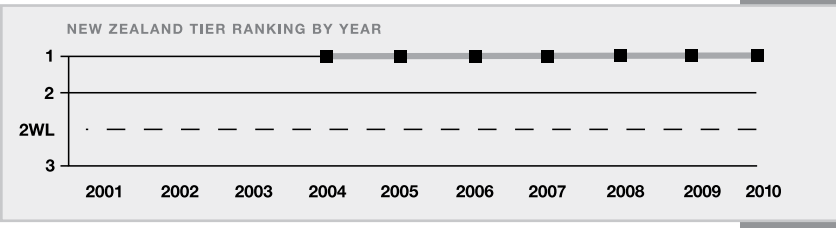
awareness campaign at schools throughout the Antilles and funded a six-week public service announcement radio campaign that resulted in a significant increase in hotline calls and two criminal investigations. Formal interagency anti-trafficking working groups operated in Bonaire, Curacao, Saba, St. Eustatius, and St. Maarten during the reporting period. The Curacao anti-trafficking coordinator conducted self-assessment meetings after trafficking investigations. There were no awareness campaigns specifically targeting potential clients of the sex trade in the Netherlands Antilles in an effort reduce demand for commercial sex acts.

NEW ZEALAND (Tier 1)

New Zealand is a source country for underage girls subjected to trafficking in persons, specifically forced prostitution, and a destination country for foreign men and women in forced labor. In the past New Zealand had reportedly been a destination country for women from Hong Kong, Thailand, Taiwan, China, other Asian countries, and Eastern Europe trafficked into forced prostitution, but no new information about such cases was reported in the past year. Of all persons in the legal sex industry, approximately 1.3 percent are children, some of whom are victims of sex trafficking. Some of these girls under 18 years old engage in prostitution occasionally on the street without the obvious control of a third party. Child trafficking victims, however, are found engaging in prostitution illegally in brothels, and other teenage girls who engage in prostitution on the street are closely controlled by local gangs. 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 excessive and escalating recruiting fees, imposing unjustified salary deductions on them, restricting their travel by confiscating their passports, and significantly altering contracts or working conditions without their permission. 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. The government continued to fund and participate in international anti-trafficking initiatives, and introduced a national Plan of Action. New Zealand offers an extensive network of protective services to both internal and transnational trafficking victims, regardless of whether they are recognized as trafficking victims. It is possible, however, that citizens and foreigners in New Zealand exploited in forced labor and the legal or illegal commercial sex trade have not been identified by the government as trafficking victims.

Recommendations for New Zealand: Develop and implement a visible anti-trafficking awareness campaign directed at clients of the legal and illegal sex trades; identify child trafficking victims engaged in commercial sexual activity; continue to train law enforcement and labor officials to proactively identify trafficking victims in other vulnerable populations such as adults in prostitution and foreign laborers; and investigate and prosecute employment recruiting agencies or employers who subject foreign workers to positions of involuntary servitude or debt bondage.



Prosecution

The Government of New Zealand made little discernible progress in its anti-trafficking law enforcement efforts during the past year. New Zealand does not have a comprehensive anti-trafficking law, and authorities did not arrest or prosecute any trafficking offenders during the past year. Part 5 and various amendments of the Crimes Act of 1961 prohibit transnational sex and labor trafficking. Laws against sexual slavery, the receipt of financial gain from exploiting children in prostitution, and labor exploitation prohibit forms of internal trafficking. Such crimes are not specifically included within the anti-trafficking provisions of the Crimes Act and therefore cases of internal trafficking are not recognized by the government as trafficking crimes. Fraudulent employment and recruiting practices are prohibited under the Crimes Act of 1961 and the Wages Protection Act of 1983. New Zealand has never prosecuted trafficking offenders under these laws. Sufficiently stringent penalties of up to 20 years' imprisonment and/or a fine of $250,000 under the above statutes are commensurate with those prescribed for other serious crimes. The government released no information about the progress or conclusion during the year of trafficking-related arrests and prosecutions opened during previous years. During the reporting period, the government continued prosecution of an accused sex trafficking offender who allegedly subjected two underage girls to prostitution in a brothel. One girl was a New Zealand citizen and one was a foreign exchange student. Since 2007, all Immigration Compliance Officers received training in identifying trafficking indicators in sectors considered high risk for the exploitation or trafficking of foreigners. Police constables, health and safety inspectors, and labor inspectors received training on how to identify exploitative offenses involving citizens and residents. In accordance with its Plan of Action, the government began developing programs to train front-line staff from the Department of Labor (DOL), Customs, and the New

Zealand Police to detect trafficking activity in the course of their routine duties involving both citizens and foreign nationals. The police also recently began to identify and train specialized interviewers for both trafficking victims and offenders. The government provided training in trafficking indicators to all new detectives in the Criminal Investigation Branch, and sent officers to Australia for training from trafficking specialists in the Australian Federal Police. Officials made two brothel compliance inspections during the past year, a significant decrease from the 29 compliance inspections it conducted in 2008. The government significantly decreased its efforts to monitor the agricultural sector for labor trafficking offenses. In 2008, it conducted 264 agricultural labor compliance checks, but reported conducting only 46 compliance visits and 90 educational visits during this reporting period.

Protection

The Government of New Zealand continued to provide strong support and social services for victims of all crimes through the New Zealand Council of Victim Support Groups. The government reports it did not assist any trafficking victims during the year, even though it provided support services for children involved in commercial sexual exploitation. No victims of trafficking were identified by the government during the reporting period, despite ongoing reports of children exploited in the commercial sex trade and foreign workers subjected to involuntary servitude and debt bondage. Under the Victim's Rights Act of 2002, police attend to victims' immediate welfare needs, such as food and shelter. There are currently no shelters specifically dedicated to trafficking victims. Youth and Cultural Development in Christchurch ran the "Street Youth Work Project" for girls and boys under 18 years of age at risk of or already engaging in commercial sex. The law allows foreign victims temporary legal residence and relief from prosecution for immigration offenses. In accordance with the national Plan of Action, the DOL began formulating a policy to regularize a foreign trafficking victim's immigration status to allow that person to lawfully remain in New Zealand long-term and continue to access a wide range of support services. No identified victims were jailed, fined, or deported. It is possible, however, that foreigners were deported instead of being investigated as possible trafficking victims because police and immigration officials do not routinely employ formal procedures for identifying trafficking victims among vulnerable populations such as illegal migrants and women engaging in prostitution. New Zealand contributed personnel and a significant amount of funding to victim protection programs in the Mekong Sub-Region and the Pacific Island region.

Prevention

The Government of New Zealand continued making efforts to prevent the transnational trafficking of foreigners into New Zealand, and made few discernible efforts to prevent internal trafficking. During the year, it did not run campaigns in New Zealand to raise public awareness of trafficking risks, nor did it take steps to reduce demand for commercial sex acts in the decriminalized commercial sex industry. In July 2009 the New Zealand government released its Plan of Action to Prevent People Trafficking, developed in consultation with NGOs and relevant government agencies. The DOL, which coordinates anti-trafficking activity on behalf of the Inter-Agency Working Group, launched an intranet page dedicated to raising trafficking awareness among its frontline labor inspectors. It also began preparing educational materials to be given to airlines, NGOs, and other victim service providers. To date, the government's policies on trafficking and prostitution have failed to give adequate priority to the problems of adult and child sex trafficking. The government made significant efforts to reduce the participation of its nationals in sex tourism. In 2009, the government established the Online Child Exploitation Across New Zealand (OCEANZ) program. OCEANZ team members, working with international partner organizations, conducted investigations of potential child sex tourists when online activity uncovered links between online exploitation of children and child sex tourism. New Zealand remained active in international efforts to monitor and prevent trafficking. Immigration New Zealand provided the publication entitled "Information for Migrant Workers from the Philippines - A Guide to Work and Work Rights in New Zealand" to all work visa applicants in the Philippines. Its foreign assistance agency provided substantial funding to foreign countries and international organizations to build countries' anti-trafficking capacity, to prevent trafficking, and to provide services to victims. The government provided anti-trafficking training to military personnel prior to their deployment abroad on international peacekeeping missions. 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 subjected to trafficking in persons, specifically forced prostitution and forced labor. Nicaraguan women and children are trafficked for commercial sexual exploitation within the country as well as in neighboring countries, most often to El Salvador, Costa Rica, Guatemala, Honduras, Mexico, and the United States. Trafficking victims are recruited in rural areas for work in urban centers, particularly Managua, and subsequently coerced into prostitution. Adults and children are subjected to conditions of forced labor in agriculture, the fishing industry, and for involuntary domestic servitude within the country and in Costa Rica. There are reports of some Nicaraguans forced to engage in drug trafficking. To a lesser extent, Nicaragua is a destination country for women and children recruited from neighboring countries for forced prostitution. Managua, Granada, Esteli, and San Juan del Sur are destinations for foreign child sex tourists from the United

States, Canada, and Western Europe, and some travel agencies are reportedly complicit in promoting child sex tourism. Nicaragua is a transit country for migrants from Africa and East Asia *en route* to the United States; some may fall victim to human trafficking.

The Government of Nicaragua does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Last year the government convicted two trafficking offenders and sentenced them to 12 years' imprisonment. Despite such efforts, the government showed little overall evidence of progress in combating human trafficking, particularly in terms of providing adequate assistance and protection to victims, confronting trafficking-related complicity by government officials, and increasing public awareness about human trafficking; therefore, Nicaragua remains on Tier 2 Watch List for the second consecutive year.

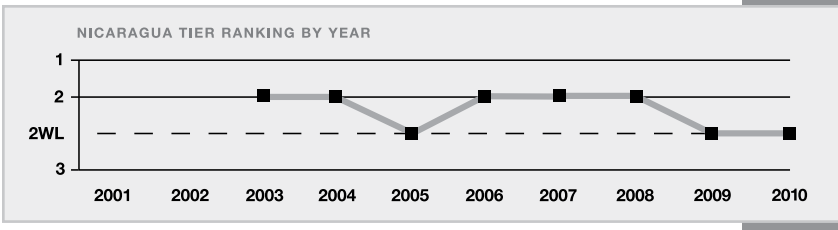
Recommendations for Nicaragua: Increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including government officials who may be complicit in trafficking crimes; increase law enforcement efforts against forced labor; institute clear, formal, and proactive procedures for identifying trafficking victims among vulnerable populations such as women and children in prostitution; dedicate additional resources for assistance to trafficking victims; provide adequate care for adult trafficking victims; and raise public awareness about human trafficking in general and child prostitution in particular.

Prosecution

The Government of Nicaragua sustained modest efforts to combat human trafficking through law enforcement activities during the reporting period. Nicaragua criminalizes all forms of human trafficking. Article 182 of the Penal Code prohibits trafficking in persons for the purposes of slavery, sexual exploitation, and adoption, prescribing penalties of 7 to 10 years' imprisonment. A separate statute, Article 315, prohibits the submission, maintenance, or forced recruitment of another person into slavery, forced labor, servitude, or participation in an armed conflict; this offense carries penalties of five to eight years imprisonment. These prescribed punishments are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. During the reporting period, the government investigated nine trafficking cases and initiated three prosecutions, compared with 13 investigations and 10 prosecutions initiated in 2008. The government convicted two trafficking offenders, each of whom received a sentence of 12 years' imprisonment, which represents an increase in convictions from the previous year when no trafficking offenders were convicted. Nicaraguan authorities collaborated with the governments of neighboring countries to jointly investigate two trafficking cases over last year. Despite credible reports from NGOs and the local media regarding local officials' complicity in or tolerance of human trafficking, particularly in border regions, the government did not investigate or prosecute any officials for suspected involvement in trafficking offenses. During the year, international organizations and NGOs reported a decrease in law enforcement efforts to combat trafficking, and authorities often did not take action or investigate cases, even when given specific details regarding the whereabouts of suspected traffickers.

Protection

The Nicaraguan government made inadequate efforts to protect trafficking victims during the last year, and NGOs and international organizations continued to be the principal providers of services to victims. The government provided basic shelter and services to some child trafficking victims, but such assistance was not readily accessible in all parts of the country, and the government reportedly decreased its already limited assistance to these shelters over the past year. There were no government-operated shelters for trafficking victims, though NGOs operated shelters for sex trafficking victims. Adult trafficking victims were largely unable to access any government-sponsored victim services, although the government provided limited legal, medical and psychological services to some victims. During the reporting period, eight Nicaraguan trafficking victims were repatriated from El Salvador and Guatemala; most victims receiving services were reported to be Nicaraguans who had been trafficked abroad. The government encouraged victims to participate in trafficking investigations and prosecutions, though most were reluctant to do so due to social stigma and fear of retribution from traffickers, as the government offers no witness protection for victims who serve as prosecution witnesses. While the rights of trafficking victims are generally upheld, some victims may not have been identified as victims of human trafficking by authorities. The government provided a temporary legal alternative to the removal of foreign victims to countries where they may face hardship or retribution. NGOs provided limited training on human trafficking to some law enforcement and immigration officials.



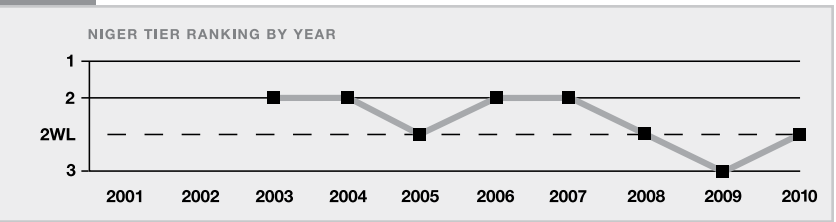
Prevention

The Nicaraguan government's efforts to prevent trafficking remained inadequate. The government conducted no anti-trafficking outreach or education campaigns in 2009, although NGOs and international organizations conducted public awareness campaigns with limited government collaboration. The government

converted a hotline formerly dedicated to human trafficking into a hotline for reporting on the general welfare of children. The government's interagency anti-trafficking committee was responsible for coordinating anti-trafficking efforts, but conducted few activities, and NGOs questioned the committee's capability and commitment to combat trafficking. Government partnership with NGOs on anti-trafficking activities is reported to be better at the local level. Authorities partnered with an NGO in northern Nicaraguan to raise awareness about the commercial sexual exploitation of children; however, the government made limited efforts to combat child sex tourism. The government undertook no other initiatives to reduce demand for commercial sexual acts, such as conducting national awareness raising campaigns on child prostitution, and it did not report any efforts to reduce demand for forced labor.

NIGER (Tier 2 Watch List)

Niger is a source, transit, and destination country for children and women subjected to trafficking in persons, specifically forced labor and forced prostitution. Caste-based slavery practices, rooted in ancestral master-slave relationships, continue primarily in the northern part of the country. Children are trafficked within Niger for forced begging by religious instructors known as *marabouts*; forced labor in gold mines, agriculture, and stone quarries; as well as for involuntary domestic servitude and forced prostitution. The ILO estimates at least 10,000 children work in gold mines in Niger, many of whom may be forced to work. 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 along the main highway, and boys are trafficked to Nigeria and Mali for forced begging and manual labor. There were reports Nigerien girls entered into "false marriages" with citizens of Nigeria, Saudi Arabia, and the United Arab Emirates: upon arrival in these countries, the girls are often forced into involuntary domestic servitude. Child marriage was a problem, especially in rural areas, and may have contributed to conditions of human trafficking. Niger is a transit country for women and children from Benin, Burkina Faso, Gabon, Ghana, Mali, Nigeria, and Togo *en route* to Northern Africa and Western Europe; some may be subjected to forced labor in Niger as domestic servants, forced laborers in mines and on farms, and as mechanics and welders. To a lesser extent, Nigerien women and children are trafficked from Niger to North Africa, the Middle East, and Europe for involuntary domestic servitude and forced commercial sexual exploitation.



The Government of Niger does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, including two convictions for traditional slavery offenses, the Nigerien government lagged in enforcing sentences and in providing victim assistance, particularly to victims of traditional slavery, during the last year; therefore, Niger is placed on Tier 2 Watch List.

Recommendations for Niger: Enact draft comprehensive anti-trafficking legislation, which has been pending since 2007; strengthen efforts to prosecute and punish trafficking offenders, particularly those guilty of slavery offenses and child trafficking; enforce the judgments of the court; increase efforts to rescue victims of traditional slavery practices; establish a victim referral mechanism and enhance efforts to track victims who have been referred to NGOs for assistance; dedicate financial or in-kind support for NGOs providing shelter or services to trafficking victims; increase efforts of government anti-trafficking committees; and increase initiatives to raise public awareness about the law criminalizing traditional slavery practices.

Prosecution

The Government of Niger demonstrated improved but limited 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, and Article 181 prohibits encouraging child begging or profiting from child begging. Niger does not, however, prohibit other forms of trafficking, such as forced prostitution of adults. 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. The lack of clear anti-trafficking legislation impeded law enforcement efforts: a draft law prohibiting human trafficking written in 2007 remained pending.

In the last year, law enforcement authorities arrested several individuals suspected of trafficking children: two suspects were released without being charged, and others were charged with the abduction of minors. In one case, police and prosecutors rescued 78 trafficked children, but made no arrests because the children had been sent by their families to look for work. Marabouts arrested for exploiting children for economic purposes were released after their pretrial custody. Two alleged trafficking offenders arrested for recruiting six girls and two boys for a prostitution ring in Nigeria were released after serving two months in jail; it is unclear whether this was imprisonment imposed post-conviction or was pre-trial detention.

In November 2009, the Tribunal of N'Guigmi sentenced a man to five years' imprisonment in addition to a fine of $20,000 in damages to the victim and $2,000 both to the government and an anti-slavery NGO. The defendant was found guilty of maintaining the victim as a slave in his village: at the year's end, the defendant had not appealed the sentence and had not paid the amounts ordered by the court.

There were further developments in the slavery case of Hadidjtou Mani Koraou vs. Souleymane Naroua. In October 2008, the ECOWAS Court of Justice ruled the Government of Niger had failed to protect the victim, a former slave, and ordered damages in the amount of $20,000. In July 2009, a local Nigerien court convicted and sentenced the defendant to a two-year suspended prison term and ordered him to pay $2,000 in damages to the woman he had enslaved and $1,000 to the Government of Niger. The defendant complained the sentence was excessive and filed an appeal before the Court of Appeals of Niamey: the same day, a human rights NGO also appealed before the same court, claiming the sentence against the trafficking offender was not sufficiently stringent. No date has been set for hearings, and the status of seven other women – who reportedly remained enslaved by the trafficking offender after the complaining victim's escape – is unknown. The whereabouts of the victim's two children, who were also enslaved by the trafficking offender, is also unknown. There were no reported developments in the 2006 slavery case Midi Ajinalher vs. Hamad Alamine.

Nigerien authorities collaborated with Malian, Togolese, and Nigerian officials in human trafficking investigations, and transferred one suspected trafficker to the custody of Interpol Mali. A local NGO trained 30 law enforcement officers in identifying and assisting trafficking victims. There is no evidence Nigerien officials were complicit in human trafficking crimes.

Protection

The Government of Niger demonstrated limited efforts to provide care to child trafficking victims and victims of traditional slavery practices. Authorities identified child trafficking victims in partnership with NGOs and international organizations, but did not report efforts to proactively identify victims of traditional slavery practices. 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. 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 partnered with UNICEF and a local NGO to rescue and assist 78 exploited children. In partnership with another local NGO working in Makalondi and Niamey and international organizations, authorities rescued, rehabilitated, and returned to their families 141 exploited children. Out of these 219 children assisted by these two NGOs in 2009, 138 were Nigerien, and the remaining 77 children were from neighboring countries. During the previous year, authorities and NGOs reported assisting 81 child trafficking victims.

During the year, government officials reported no efforts to assist individuals subjected to traditional slavery practices, compared with providing assistance to 40 such victims during the previous reporting period. The government provided some basic health care to child trafficking victims and assisted in returning them to their home villages. Authorities encouraged trafficking victims to participate in investigations and prosecutions, and NGOs assisted victims in filing lawsuits and seeking legal action. The government did not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. Identified victims were not inappropriately incarcerated or fined for unlawful acts committed as a direct result of being trafficked.

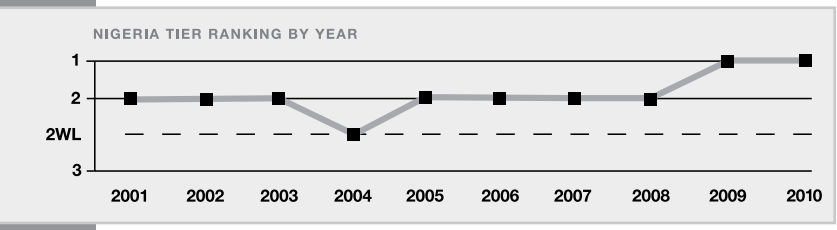
Prevention

The Government of Niger made limited efforts to prevent human trafficking through campaigns to educate the public about child trafficking during the reporting period. The government forged partnerships with NGOs and international organizations, and officials attended workshops and training sessions organized by these entities. During the reporting period, authorities supported a group of local NGOs and associations in organizing a conference on trafficking and exploitation. A multi-agency anti-trafficking commission and a national commission against forced labor and discrimination existed on paper, but were not fully operational. In 2008, the government partnered with UNICEF to establish regional committees to prevent child trafficking, although the outcome and actions of these committees remained unclear. A 2006 draft anti-trafficking agreement between Niger and Nigeria remained unsigned. The Nigerien government did not take measures to reduce demand for commercial sex acts during the year. Authorities did not report providing Nigerien troops deployed abroad as part of international peacekeeping missions with human trafficking awareness training prior to deployment.

NIGERIA (Tier 1)

Nigeria is a source, transit, and destination country for women and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. Trafficked Nigerian women and children are recruited from rural areas within the country's borders – women and girls for involuntary domestic servitude and forced commercial sexual exploitation, and boys for forced labor in street vending, domestic servitude, mining, and begging. Nigerian women and children are

taken 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. Children from West African states like Benin, Togo, and Ghana – where Economic Community of West African States (ECOWAS) rules allow for easy entry – are also forced to work in Nigeria, and some are subjected to hazardous jobs in Nigeria's granite mines. Nigerian women and girls are taken to Europe, especially to Italy and Russia, and to the Middle East and North Africa, for forced prostitution. Traffickers sometimes move their victims to Europe by caravan, forcing them to cross the desert on foot, and subjecting them to forced prostitution to repay heavy debts for travel expenses. During the reporting period, Nigerian girls were repatriated from Libya and Morocco, where they were reportedly held captive in the commercial sex trade.



The Government of Nigeria fully complies with the minimum standards for the elimination of trafficking. It demonstrated sustained progress to combat human trafficking during the reporting period. In 2009, the government convicted 25 trafficking offenders and provided care for 1,109 victims, increases over the previous reporting period. It also continued to undertake strong efforts to raise awareness of human trafficking. In addition, its National Agency for the Prohibition of Trafficking in Persons (NAPTIP) ceased the practice of interrogating trafficking suspects at the same Lagos facility housing its shelter for trafficking victims. To better ensure victims' rights are respected, NAPTIP formed a committee in mid-2009 to review victim care policies, aiming to strike a balance between ensuring victims' safety in shelters and promoting their freedom of movement. The Nigerian government in 2009 pledged over $7 million in annual funds for NAPTIP's operation and activities; all government programs received partial payment pending budget approval by legislative and executive branches. Due to a four-month delay in approval of the 2010 national budget, funds were distributed to all federal agencies in April 2010.

Recommendations for Nigeria: In response to reports that labor trafficking, particularly among children, is nearly as widespread as Nigeria's sex trafficking problem, increase investigations, prosecutions, and convictions of labor trafficking offenses; investigate and prosecute, where appropriate, government officials suspected of trafficking-related corruption and complicity in trafficking offenses; work to strengthen penalties for labor trafficking offenses to equal those prescribed for sex trafficking offenses; increase the provision of vocational training services to victims at government shelters; disburse assets confiscated from convicted trafficking offenders to victims through the Victims' Trust Fund; and begin to take measures to reduce the demand for commercial sex acts.

Prosecution

The Government of Nigeria sustained law enforcement efforts to combat trafficking during the last year. The 2003 Trafficking in Persons Law Enforcement and Administration Act, amended in 2005 to increase penalties for trafficking offenders, prohibits all forms of human trafficking. The law's prescribed penalties of five years' imprisonment and/or a $670 fine for labor trafficking, 10 years' imprisonment for trafficking of children for forced begging or hawking, and 10 years to life imprisonment for sex trafficking are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Nigeria's 2003 Child Rights Act also criminalizes child trafficking, though only 23 of the country's 36 states, including the Federal Capital Territory, have enacted it. According to the Nigerian constitution, laws pertaining to children's rights fall under state purview; therefore, the Child Rights Act must be adopted by individual state legislatures to be fully implemented. NAPTIP reported 149 investigations, 26 prosecutions, and 25 convictions of trafficking offenses during the reporting period under the 2003 Trafficking in Persons Act. Sentences ranged from two months to 10 years, with an average sentence of 2.66 years' imprisonment; only two convicted offenders were offered the option of paying a fine instead of serving prison time. Together with international partners, the government provided specialized training to officials on how to recognize, investigate, and prosecute instances of trafficking. Police and immigration officials, including those who work at border posts and airports, at times allegedly accepted bribes to overlook trafficking crimes. NAPTIP dismissed two staff members from public service who were found to have diverted victims' funds; they were made to refund the money.

Protection

Nigeria continued its efforts to protect trafficking victims in 2009. Police, customs, immigration, and NAPTIP officials systematically employed procedures to identify victims among high-risk persons, such as young women or girls traveling with non-family members. Data provided by NAPTIP reflected a total of 1,109 victims identified and provided assistance at one of NAPTIP's eight shelters throughout the country during the reporting period; 624 were cases of trafficking for commercial sexual exploitation and 328 for labor exploitation. Various government agencies referred trafficking victims to NAPTIP for sheltering and other protective services: immigration referred 465; police referred 277; Social Services referred 192; and the State Security Service referred nine. Shelter staff assessed the needs of victims upon arrival and provided food, clothing, shelter,

recreational activities, and instruction on various skills, including vocational training; psychological counseling was provided to only the most severe cases. While at NAPTIP's shelters, 70 victims received vocational training assistance provided by government funding. NAPTIP estimated the government's 2009 spending on its shelter facilities to be $666,000. The 2003 Trafficking in Persons Law Enforcement and Administration Act provides for treatment, protection, and non-discriminatory practices for victims. The law specified no trafficking victim could be detained for any offense committed as a result of being trafficked. During the reporting period, the government took steps to relocate victims' quarters a considerable distance from detention areas for trafficking offenders, greatly reducing the possibility traffickers could exert undue influence over their victims. Victims were allowed to stay in government shelters for six weeks. If a longer time period was needed, civil society partner agencies were contacted to take in the victim. Officials encouraged victims to assist with the investigation and prosecution of traffickers, and victims served as witnesses in all of NAPTIP's successful cases. Victims could theoretically seek redress through civil suits against traffickers, or claim funds from a Victims' Trust Fund set up in 2009 through which assets confiscated from traffickers are transferred to victims. The Trust Fund committee is chaired by the Minister of Justice and meets four times per year. The government provided a limited legal alternative to the removal of foreign victims to countries where they face hardship or retribution – short-term residency that cannot be extended.

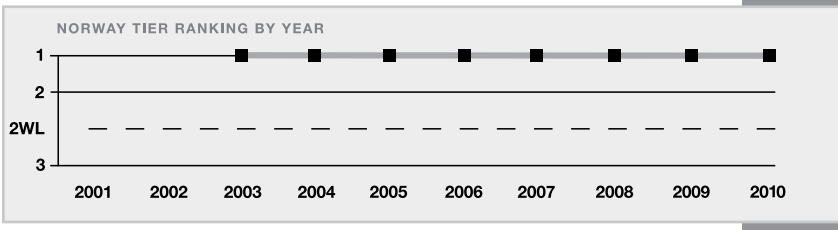
Prevention

The Government of Nigeria sustained strong efforts to raise awareness of human trafficking over the last year. NAPTIP's Public Enlightenment Unit worked throughout the reporting period on national and local programming to raise awareness. For example, in rural Benue, Kogi, and Edo States, NAPTIP introduced grassroots programs and held its first annual race against human trafficking in Edo State with 5,000 runners. On the national level, it convened the 2009 Model UN Conference for secondary students with a theme of combating human trafficking. Furthermore, a nine-state tour was launched to establish state working groups against human trafficking. The objective of these and several related programs was to sensitize vulnerable people, sharpen public awareness of trends and tricks traffickers used to lure victims, warn parents, and share ideas among stakeholders. Audiences ranged from 50 to 5,000 persons. NAPTIP worked with Immigration Services to monitor emigration and immigration patterns for evidence of trafficking. The long-established Stakeholder Forum continued quarterly meetings in Abuja to foster collaboration among agencies. In August 2009, NAPTIP held a stakeholders' workshop in Kaduna to set program priorities and cost estimates for implementing the National Plan of Action, which was established in 2008. Nigerian troops undergo mandatory human rights and human trafficking training in preparation for peacekeeping duties abroad.

The government did not take major action to reduce the demand for commercial sex acts, though officials moved to shut down two brothels in Lagos during the first quarter of 2010. At these brothels, authorities rescued 12 females, including six underage victims of trafficking. One property owner was convicted, sentenced to two years in prison, and required to forfeit his hotel; his case remained under appeal at the end of the reporting period. The second brothel owner's trial was ongoing and he remained free on bail.

NORWAY (Tier 1)

Norway is a destination and, to a lesser extent, a transit and origin country for women and girls subjected to trafficking in persons, specifically forced prostitution and men and women in conditions of forced labor in the domestic service and construction sectors. Some foreign migrants may also be subjected to forced labor in the health care sector. Victims identified in 2009 originated in 45 countries, but most originated in Nigeria, other African countries, and Eastern Europe. Often victims were from minority groups in their countries of origin. Criminal organizations were often involved in human trafficking in Norway, and trafficking schemes varied by victims' countries of origin. Children in Norwegian refugee centers and migrants denied asylum were vulnerable to human trafficking in Norway; 44 children went missing from refugee centers during the 2009 calendar year.



The Government of Norway fully complies with the minimum standards for the elimination of trafficking. The government continued to increase the number of victims identified and forge partnerships with NGOs in Norway and in countries where trafficking victims have originated. Norway convicted and punished a police officer under Norway's anti-trafficking law, sending a strong message of intolerance for trafficking-related official complicity.

Recommendations for Norway: Continue efforts to vigorously prosecute and convict both sex and labor trafficking offenders and analyze why some criminal investigations into suspected human trafficking offenses are dropped or downgraded to pimping; ensure male trafficking victims receive adequate protection services; improve partnerships between anti-trafficking authorities, local police, and child welfare officers; increase training for immigration authorities and refugee reception center staff on identifying and assisting human trafficking

victims; fund a national anti-trafficking awareness campaign; and establish a national anti-trafficking rapporteur to draft critical assessments of Norway's efforts to address human trafficking.

Prosecution

The government made some progress in prosecuting sex trafficking offenders and demonstrated a strong response to official complicity in human trafficking. Norway prohibits all forms of trafficking in persons through Criminal Code Section 224, which prescribes a maximum penalty of five years' imprisonment – a penalty sufficiently stringent and commensurate with punishments for other serious offenses, such as rape. Law enforcement officials initiated 31 sex trafficking and 7 labor trafficking investigations in 2009, compared with 41 sex trafficking and four labor trafficking investigations initiated in 2008. Norwegian authorities prosecuted seven people under Section 224 for sex trafficking and initiated no forced labor prosecutions in 2009, compared with one forced labor and five sex trafficking prosecutions in 2008. In 2009, six people were convicted of sex trafficking under Section 224, compared with six convictions obtained in 2008. All of the trafficking offenders convicted in 2009 received jail time; there were no suspended sentences. The average sentence was over 30 months' imprisonment. In January 2010, a Norwegian police officer was convicted and sentenced to 10 years' imprisonment for human trafficking under Section 224. Some government officials suggested that analysis on why some trafficking investigations do not progress to prosecutions or why other sex trafficking cases have been downgraded to charges of pimping would be useful. Some NGOs suggested police drop cases due to a lack of resources for investigations. Norwegian authorities forged partnerships with counterparts in at least 15 countries to advance specific trafficking investigations during the reporting period.

Protection

The Norwegian government made progress in the identification and protection of trafficking victims during the reporting period. Through employment of proactive identification procedures, government officials reported identifying 292 possible trafficking victims, 80 of whom were forced labor victims, in 2009 – an increase from 256 victims, 71 of whom were forced labor victims, identified in 2008. In September 2009, the government conducted a three-day seminar on trafficking victim identification for NGOs and over 200 officials, including police, prosecutors, child welfare specialists, asylum reception center workers, and immigration authorities. The government provided direct assistance services to victims as well as funding for NGOs offering victim services. The government gave trafficking victims in Norway shelter in domestic violence centers, medical care, vocational training, stipends, Norwegian classes, and legal assistance. The government encouraged victims to participate in trafficking investigations and prosecutions; all victims who assisted in the conviction of their traffickers received $20,000 or more in restitution from the government for their trafficking experiences. Victims were permitted to stay in Norway without conditions during a six-month reflection period, a time for victims to receive immediate care and assistance while they consider whether to assist law enforcement – 73 applied for the reflection period, of which 50 were approved and 23 were denied. After the reflection period and deciding to cooperate with the police, 20 victims applied for longer term residency permits, and 10 received such permits. Trafficking victims reportedly were not penalized during the reporting period for unlawful acts committed as a direct result of being trafficked. The government funded the IOM to provide voluntary and safe repatriation to foreign trafficking victims.

Prevention

The government made some progress in preventing human trafficking during the reporting period. The government acknowledged trafficking as a serious problem, but it did not fund a national anti-trafficking awareness campaign during the reporting period. In an effort to reduce the demand for commercial sex acts, Norway charged 334 people with the purchase or attempted purchase of sex services. Norway coordinated the government's anti-trafficking efforts through an anti-trafficking inter-ministerial commission chaired by a senior advisor at the Ministry of Justice. The inter-ministerial commission systematically monitored Norway's anti-trafficking efforts through annual statistical reports, which are available to the public. The government enhanced its global partnership against trafficking by disbursing approximately $17.8 million in anti-trafficking aid over the last two years to international organizations and NGOs operating outside of Norway, including in Nigeria. The government provides funding to ECPAT in an effort to reduce the demand for participation in international child sex tourism by Norwegian nationals. The government provided anti-human trafficking training to Norwegian troops prior to their deployment overseas on international peacekeeping missions.

OMAN (Tier 2)

Oman is a destination and transit country for men and women, primarily from India, Pakistan, Bangladesh, Sri Lanka, the Philippines, and Indonesia, some of whom are subjected to trafficking in persons, specifically conditions indicative of forced labor. Most of these South and Southeast Asian migrants travel willingly to Oman with the expectation of employment in domestic service or as low-skilled workers in the country's construction, agriculture, or service sectors. Some of them subsequently face conditions indicative of forced labor, such as the withholding of passports and other restrictions on movement, 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 in migrants' original communities in South Asia, as well as labor brokers in the United Arab Emirates (UAE), Oman, and Iran, may deceive workers into accepting work that in some instances constitutes forced labor. Many of these agencies provide false contracts for employment either with fictitious employers or at fictitious wages, charge workers high recruitment fees (often exceeding $1,000) at usurious rates of interest, and urge workers to enter Oman on tourist visas. Oman is also a destination and transit country for women from China, India, Morocco, Eastern Europe, and South Asia who may be forced into commercial sexual exploitation, generally by nationals of their own countries. Male Pakistani laborers, and others from India, Bangladesh, Sri Lanka, and East Asia, transit Oman *en route* to the UAE; some of these migrant workers are exploited in situations of forced labor upon reaching their destination.

The Government of Oman does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government's prosecution and conviction of trafficking offenders under its anti-trafficking legislation demonstrated an increased commitment to combating trafficking during the reporting period. Omani authorities continued to lack comprehensive procedures to proactively identify trafficking victims among undocumented migrants and women in prostitution.

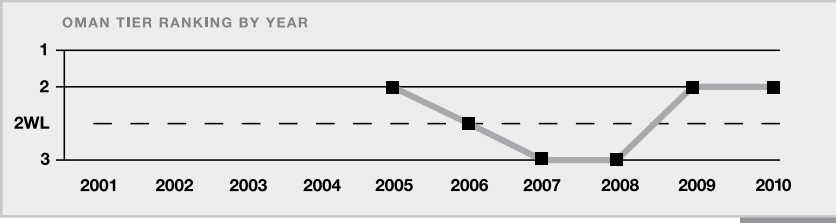
Recommendations for Oman: Continue to increase investigations and prosecutions of trafficking offenses, and convictions and punishments of trafficking offenders, including recruitment agents and employers who subject others to forced labor; institute formal procedures for identifying trafficking victims among all vulnerable populations and transferring them to care facilities; enact and enforce penalties for employers who withhold their employees' passports as a measure to prevent labor trafficking; continue training government officials in all relevant departments to recognize and respond appropriately to human trafficking crimes; and complete construction and support the operation of a permanent shelter to provide appropriate protection services – including shelter and medical, psychological, and legal assistance – to both labor and sex trafficking victims, and to those suspected victims whose alleged traffickers have not yet been indicted for trafficking crimes.

Prosecution

The Omani government made clear progress in its law enforcement efforts against sex trafficking over the last year. Royal Decree No. 126/2008, the Law Combating Human Trafficking, prohibits all forms of trafficking and prescribes punishments of three to 15 years' imprisonment, in addition to financial penalties. These punishments are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. A legally enforceable circular prohibits employers' withholding of migrant workers' passports, a practice contributing to forced labor; the circular, however, does not specify penalties for noncompliance, and this practice continues to be widespread.

The Government of Oman indicted nine Omanis and 13 foreigners for trafficking in seven cases during the reporting period. Oman convicted one Omani for labor trafficking and another Omani for involuntary manslaughter after forcing an expatriate to work on a fishing vessel. The victim was pushed from the boat, hit his head, and drowned; the case was awaiting final sentencing. The remaining six cases involved trafficking for sexual exploitation; two of these cases were still in progress. Of the four cases completed, nine people were convicted of trafficking and given sentences ranging from two years' imprisonment, to seven years' imprisonment with a fine of $26,000. Five people were convicted of trafficking related crimes, and one person was acquitted for lack of evidence.

In February 2010, the Royal Oman Police conducted a week-long seminar for police, public prosecutors, and judges led by a counter-trafficking expert. The seminar promoted awareness on trafficking and included sessions on victim identification. The Police Academy, public prosecution training center, and police officers' institute trained government officials on human trafficking; this training was incorporated into the initial police training curriculum.



Protection

The Government of Oman made some progress protecting victims of human trafficking. Overall, the government continued to lack formal procedures to proactively identify victims of trafficking among all vulnerable groups, including migrants detained for immigration violations and women in prostitution. Omani authorities made some efforts, however, to identify victims among particular groups. For example, Ministry of Manpower (MOM) representatives interviewed all employees who ran away from sponsors to determine if they experienced a labor violation, and the MOM had a mechanism in place to identify trafficking victims as part of inspections of private companies. Immigration officials also interviewed all migrant workers leaving Oman to determine if there were outstanding labor complaints. However, it is unknown how many victims were identified using these methods.

The government placed identified trafficking victims into government-run shelter facilities. The country continued to lack permanent shelter facilities to provide protection services to both labor and sex trafficking victims.

However, during the reporting period, the government provided shelter, legal and medical assistance, and psychological care to 21 identified sex trafficking victims at a small shelter in Muscat, and rented villas in other areas of Oman. The government encourages potential trafficking victims to assist in the investigation and prosecution of crimes against them. Due to a lack of comprehensive victim identification procedures, Oman may not have ensured expatriates subjected to forced labor and prostitution were not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. Government officials indicated the government paid for airfare and spending money for the victims to return home if they wished at the completion of legal procedures. One hundred sixty MOM labor inspectors received ILO training on victim identification during inspections of private companies.

Prevention

The government made some progress in preventing human trafficking. Oman published amendments via Royal Decree 63/2009 to Omani Labor Law 35/2003 in November 2009. While the amendments are meant to combat illegal "free" visas which may contribute to human trafficking, they did not loosen the restrictions on expatriate workers working for anyone other than their sponsor. The amendments also provided further protections to employees who are unfairly terminated.

In 2009, MOM's labor inspectorate inspected 2,226 business establishments representing 36 percent of expatriate workers in Oman. Education on human trafficking took place at 41 percent of the visited sites. Oman continued to distribute brochures in numerous languages highlighting the rights and services to which workers are legally entitled to source country embassies and to new migrant laborers at airports, recruitment agencies, and in their places of work. Other brochures in multiple languages were distributed, summarizing the trafficking law and providing detailed information on how to report a trafficking crime and the types of assistance available to victims. The National Committee to Combat Human Trafficking (NCCHT) met regularly during the reporting period. In October 2009, the NCCHT launched a website, which received over 25,000 visits a month, and provided information on pertinent legislation, tools for identifying trafficking victims, and a method for reporting trafficking cases to the relevant authorities. The NCCHT also launched a trafficking-specific hotline; it received ten calls, primarily related to labor law violations. It also published Oman's National Plan to Combat Human Trafficking. The government continued its public awareness campaign, which included placement of at least one article or editorial each week in the press about trafficking, press interviews on trafficking, and six hours of radio and two hours of TV on national stations addressing trafficking issues. In April 2010, Oman released its first anti-human trafficking report, which included details on prosecutions, victim care, prevention efforts, and public awareness efforts. The government recently issued a decision to gender segregate massage facilities not associated with hotels; such standalone businesses are often a front for prostitution.

Twelve senior officials from the Government of Oman attended a two-day anti-trafficking workshop led by the ILO in October 2009. In April 2010, the Ministry of Social Development (MoSD) conducted training, in conjunction with UNSAFE, on preventing child trafficking. MoSD also worked with the Oman Women's Associations to conduct lectures for Omani women on the human trafficking law, with an emphasis on domestic servants. Two members of the NCCHT attended the UNODC conference in Geneva and also attended a conference on trafficking held in Qatar.

PAKISTAN (Tier 2)

Pakistan is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced labor and prostitution. The largest human trafficking problem is bonded labor, concentrated in the Sindh and Punjab provinces in agriculture and brick making, and to a lesser extent in mining and carpet-making. Estimates of bonded labor victims, including men, women, and children, vary widely, but are likely well over one million. In extreme scenarios, when laborers speak publicly against abuse, landowners have kidnapped laborers and their family members. Boys and girls are also bought, sold, rented, or kidnapped to work in organized, illegal begging rings, domestic servitude, prostitution, and in agriculture in bonded labor. Illegal labor agents charge high fees to parents with false promises of decent work for their children, who are later exploited and subject to forced labor in domestic servitude, unskilled labor, small shops and other sectors. Agents who had previously trafficked children for camel jockeying in the United Arab Emirates (UAE) were not convicted and continue to engage in child trafficking. Girls and women are also sold into forced marriages; in some cases their new "husbands" move them across Pakistani borders and force them into prostitution. NGOs and police reported markets in Pakistan where girls and women are bought and sold for sex and labor. Non-state militant groups kidnap children or coerce parents with fraudulent promises into giving away children as young as 12 to spy, fight, or die as suicide bombers. The militants often sexually and physically abuse the children and use psychological coercion to convince the children that the acts they commit are justified.

Many Pakistani women and men migrate voluntarily to the Gulf States, Iran, Turkey, South Africa, Uganda, Greece, and other European countries for low-skilled employment such as domestic work, driving or construction work; once abroad, some become victims of labor trafficking. False job offers and high fees charged

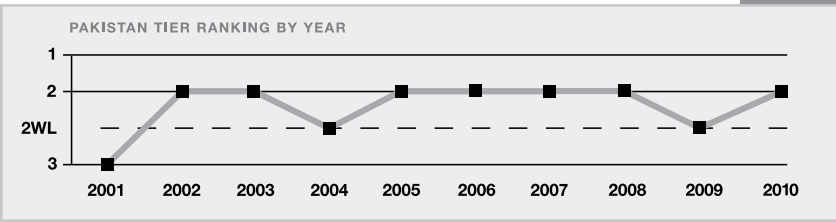
by illegal labor agents or sub-agents of licensed Pakistani Overseas Employment Promoters increase Pakistani laborers' vulnerabilities and some laborers abroad find themselves in involuntary servitude or debt bondage. Employers abroad use practices including restrictions on movement, non-payment of wages, threats, and physical or sexual abuse. Moreover, traffickers use violence, psychological coercion and isolation, often seizing travel and identification documents, to force Pakistani women and girls into prostitution in the Middle East and Europe. There are reports of child and sex trafficking between Iran and Pakistan; Pakistan is a destination for men, women and children from Afghanistan, Azerbaijan and Iran who are subjected to forced labor and prostitution.

The Government of Pakistan does not fully comply with the minimum standards for the elimination of human trafficking, but is making significant efforts to do so. The government's prosecutions of transnational labor trafficking offenders and substantive efforts to prevent and combat bonded labor – a form of human trafficking – demonstrated increased commitment, but there were no criminal convictions of bonded labor offenders or officials who facilitated trafficking in persons. It also continued to lack adequate procedures to identify trafficking victims among vulnerable populations and to protect these victims.

Recommendations for Pakistan: Significantly increase law enforcement activities, including imposing adequate criminal punishment for labor and sex traffickers, as well as labor agents who engage in illegal activities; vigorously investigate, prosecute and convict public officials at all levels who participate in or facilitate human trafficking, including bonded labor; sensitize government officials to the difference between human trafficking and smuggling; improve efforts to collect, analyze, and accurately report counter-trafficking data; improve methods for identifying victims of trafficking, especially among vulnerable persons; consider increasing collaboration with civil society, the Bureau of Emigration and the Ministry of Overseas Pakistanis' Community Welfare Attachés to identify and protect trafficking victims; consider replicating the successes of the Federal Investigation Agency (FIA) office in Oman to other labor-importing countries; and consider replicating Punjab's project to combat bonded labor in the other provinces.

Prosecution

The Government of Pakistan made progress in law enforcement efforts to combat human trafficking in 2009. While the lack of comprehensive internal anti-trafficking laws hindered law enforcement efforts, a number of other laws were used to address some of these crimes. Several sections in the Pakistan Penal Code, as well as provincial laws, criminalize forms of human trafficking such as slavery, selling a child for prostitution, and unlawful compulsory labor, with prescribed offenses ranging from fines to life imprisonment. Pakistan prohibits all forms of transnational trafficking in persons with the Prevention and Control of Human Trafficking Ordinance (PACHTO); the penalties range from seven to 14 years' imprisonment. Government officials and civil society report that judges have difficulty applying PACHTO and awarding sufficiently stringent punishments, because of confusion over definitions and similar offenses in the Pakistan Penal Code. In addition, the Bonded Labor (System) Abolition Act (BLAA) prohibits bonded labor, with prescribed penalties ranging from two to five years' imprisonment, a fine, or both. Pakistani officials have yet to record a single conviction and have indicated the need to review and amend the BLAA. Prescribed penalties for above offenses vary widely; some are sufficiently stringent and commensurate with those for other serious crimes such as rape. Others – with minimum sentencing of a fine or less than a year in prison – are not sufficiently stringent.



During 2009, the government convicted 385 criminals under PACHTO – 357 more than 2008. The government did not disclose the punishments given to the trafficking offenders. Reported sentences under this law in previous years were not sufficiently stringent. Moreover, despite reports of transnational sex trafficking, the FIA reported fewer than a dozen such cases under PACHTO. Government officials also often conflated human smuggling and human trafficking, particularly in public statements and data reported to the media. In 2009, Pakistan reported 2,894 prosecutions and 166 convictions under the vagrancy ordinances and various penal code sections which authorities sometimes use to prosecute trafficking offenses; it is unclear how many of these prosecutions and convictions involved trafficking. It is confirmed that the government convicted at least three child traffickers; it is unknown whether these convictions were for forced prostitution or labor and what the imposed penalties were. The government prosecuted at least 500 traffickers: 416 for sex trafficking, 33 for labor trafficking, and 51 for either sex or labor trafficking. Only one person was prosecuted under the Bonded Labor System Abolition Act, with no conviction.

Some feudal landlords are affiliated with political parties or are officials themselves and use their social, economic and political influence to protect their involvement in bonded labor. Furthermore, police lack the personnel, training and equipment to confront landlords' armed guards when freeing bonded labors. Additionally, media and NGOs reported that some police received bribes from brothel owners, landowners, and factory owners who subject Pakistanis to forced

labor or prostitution, in exchange for police to ignore these illegal human trafficking activities. In 2009, 108 officials were disciplined, 34 given minor punishments, four permanently removed, and one was compulsorily retired for participating in illegal migration and human smuggling; some of these officials may have facilitated human trafficking.

In efforts to enhance victim identification practices, FIA officials and more than 250 law enforcement officers participated in anti-human trafficking training in 2009, provided in partnership with NGOs and governments of other countries. Various Pakistani government agencies provided venue space, materials, and travel and daily allowances, and law enforcement officers led and taught some of the training workshops. Police and FIA officials continued to receive anti-trafficking training in their respective training academies.

Protection

The Government of Pakistan made some progress in its efforts to protect victims of human trafficking. The government continued to lack adequate procedures and resources for proactively identifying victims of trafficking among vulnerable persons with whom they come in contact, especially child laborers, women and children in prostitution, and agricultural and brick kiln workers. The FIA and the police referred vulnerable men, women and children, many of whom were trafficking victims, to federal and provincial government shelters and numerous NGO-operated care centers. There are reports, however, that women were abused in some government-run shelters. Shelters also faced resource challenges and were sometimes crowded and under-staffed. Sindh provincial police freed over 2,000 bonded laborers in 2009 from feudal landlords; few charges were filed against the employers. The FIA expanded protection services overseas and provided medical and psychological services to Pakistani trafficking victims in Oman. Some NGOs provided food, legal, medical, and psychological care to vulnerable children, including child trafficking victims, in facilities provided by and partially staffed by the Government of Pakistan. Some NGOs and government shelters, like the Punjab Child Protection and Welfare Bureau, also rehabilitated and reunited children with their families. Female trafficking victims could access 26 government-run Shaheed Benazir Bhutto Centers and the numerous provincial government "Darul Aman" centers offering medical treatment, vocational training, and legal assistance. In September 2009, the government opened a rehabilitation center in Swat, which included a team of doctors and psychiatrists, to assist child soldiers rescued from militants.

The federal government, as part of its National Plan of Action for Abolition of Bonded Labor and Rehabilitation of Freed Bonded Laborers, continued to provide legal aid to bonded laborers in Punjab and Khyber-Pakhtunkhwa (formerly the North West Frontier Province), and expanded services to Balochistan and Sindh provinces. The Sindh provincial government continued to implement its $116,000 project (launched in 2005) which provided state-owned land for housing camps and constructed 75 low-cost housing units for freed bonded laborer families.

The government encouraged foreign victims to participate in investigations against their traffickers by giving them the option of early statement recording and repatriation or, if their presence was required for the trial, by permitting them to seek employment. During 2009, all foreign victims opted for early statement recording and did not have to wait for or testify during the trial. The government did not provide foreign victims with legal alternatives to removal to countries where they may face hardship or retribution. Foreign victims reportedly were not prosecuted or deported for unlawful acts committed as a direct result of being trafficked. Not all trafficking victims were identified and adequately protected. Pakistani adults deported from other countries, some of whom may have been trafficking victims, were fined up to $95, higher than one month's minimum wages. Due to lack of sufficient shelter space and resources, police sometimes had to keep freed bonded laborers in the police station for one night before presenting them to a judge the next day.

During 2009, the Government of Pakistan completed a four-year project to repatriate and rehabilitate child camel jockeys who had been trafficked to the United Arab Emirates. The federal and provincial governments also collaborated with NGOs and international organizations to provide training on human trafficking, including victim identification, protective services, and application of laws.

Prevention

The Pakistani government made progress in its efforts to prevent human trafficking. The Punjab provincial government continued implementation of its $1.4 million project, Elimination of Bonded Labour in Brick Kilns (launched in 2008). To date, this project helped nearly 6,000 bonded laborers obtain Computerized National Identification Cards, in collaboration with the government National Database and Registration Authority. It has also provided $140,000 in no-interest loans to help free laborers from debt and established 60 on-site schools that educated over 1,500 children of brick kiln laborers. The Bureau of Emigration continued to give pre-departure country-specific briefings to every Pakistani who traveled abroad legally for work; these briefings included information on how to obtain assistance overseas. The Punjab Child Protection and Welfare Bureau continued to fund 20 community organizations aimed at preventing child labor trafficking. The federal and provincial governments developed and began implementation of the Child Protection Management Information System, a national monitoring system that collects district-level data in five thematic areas, including child trafficking.

In 2009, all 250 Pakistani UN Peacekeeping Mission forces received training in various government training academies that included combating human trafficking.

The government also took measures to reduce the demand for commercial sex acts, some of which may have been forced prostitution, by prosecuting, but not convicting, at least 64 clients of prostitution. Government officials also participated in and led various public events on human trafficking during the reporting period. In February 2010, the federal government hosted an inter-agency conference for more than 30 federal and provincial officials that focused on practices for identifying and combating child trafficking, transnational trafficking, and bonded labor. Pakistan is not a party to the 2000 UN TIP Protocol.

PALAU (Tier 2)

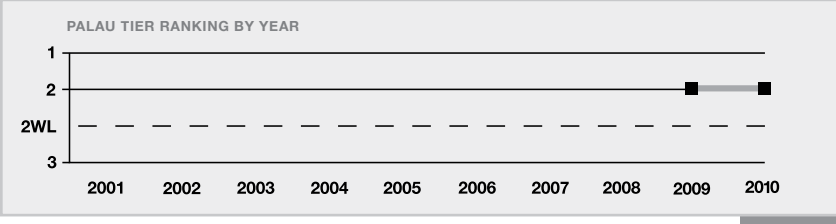
Palau is a transit and destination country for a undetermined, but relatively small, number of women from countries in the Asia-Pacific region who are subjected to trafficking in persons, specifically forced prostitution and, to a lesser extent, men from the Philippines, China, and Bangladesh who are in conditions 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, threats of physical or financial harm, confiscation of their travel documents, and the withholding of salary payments are used as tools of coercion to obtain and maintain their compelled service. Some women migrate to Palau expecting to work as waitresses or clerks, but are subsequently forced into prostitution in karaoke bars and massage parlors. Non-citizens are officially excluded from the minimum wage law making them vulnerable to involuntary servitude and debt bondage.

The Government of Palau does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Available information suggests that the extent of Palau's trafficking problem continues to be modest. Although the government began useful actions to address trafficking during the previous reporting period, in the past year it did not make similar efforts to prosecute trafficking offenders, identify victims, ensure victims' access to appropriate victim services, or educate the public on the dangers of human trafficking.

Recommendations for Palau: Investigate, prosecute, and punish trafficking offenders; develop a national plan of action; monitor employment agents recruiting foreign men and women for work in Palau for compliance with existing labor laws to prevent their facilitation of trafficking; establish formal procedures to identify and refer trafficking victims to protective services; work with NGOs or international organizations to provide additional services to victims; and develop and conduct anti-trafficking information and education campaigns.

Prosecution

The Government of Palau made minimal progress in its anti-human trafficking law enforcement efforts during the reporting period. Palau's Anti-Smuggling and Trafficking Act of 2005 prohibits all forms of trafficking in persons, and prescribes sufficiently stringent penalties for these offenses, ranging from 10 to 50 years' imprisonment and fines up to $500,000; these are commensurate with penalties prescribed for other serious crimes, such as rape. The convictions of four traffickers successfully prosecuted in 2007 were overturned in 2008 and 2009 because the court felt the foreign defendants had been offered insufficient translation services during the trials, and the cases have not yet been re-filed by the government or re-prosecuted, available options under governing Palau laws. These convicted traffickers had forced 15 Filipinas and nine Chinese waitresses into prostitution, subjecting them to food deprivation, confinement, and illegal salary deductions. Since winning his appeal, one of the traffickers has re-opened the karaoke bar where he had previously exploited trafficking victims. Allegations of labor recruiters, facilitators, and employers importing foreign trafficking victims to Palau were not investigated, and no labor trafficking offenders were prosecuted or punished. 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 to available services. The government did not identify or assist any victims of trafficking during the year, though it has done so in the past. A faith-based organization provided limited assistance to victims of any crime. In the past their services were accessible to trafficking victims and would be made available again, as needed. Palauan authorities did not penalize potential trafficking victims for illegal acts committed as a direct result of being trafficked and has previously encouraged victims to assist in the investigation and prosecution of trafficking offenders. The government did not remove victims to

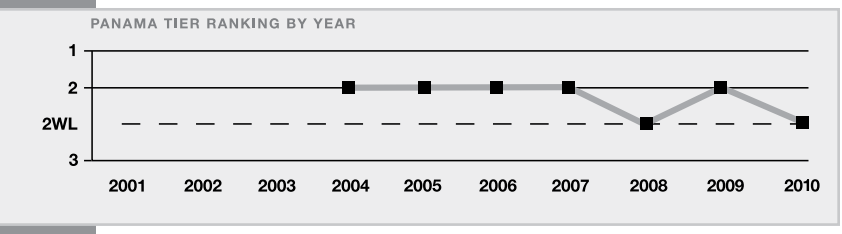
countries where they may face hardship or retribution. In the past, the government did not provide victims with financial assistance, but allowed them to remain in Palau and seek legal employment if they did not wish to return home.

Prevention

The government made no discernible efforts to prevent human trafficking through planned campaigns to educate the public about its dangers. The government did not take steps to establish a national anti-trafficking policy, action plan or multi-agency coordination mechanism. Agencies, however, have informally cooperated with each other, with foreign governments, and with international organizations on trafficking matters in the past and continued to do so. In August 2009, the government charged the Chief of the Division of Labor in the Ministry of Commerce and Trade and the Director of the Department of Immigration with alien smuggling, falsification of travel documents, bribery, and misconduct in public office. Although authorities have not yet shown that the cases clearly involved the transnational movement of trafficking victims, the officials were assisting irregular migrants in avoiding standard immigration procedures; these migrants were from populations which had been identified as trafficking victims in Palau in the past. The government made no discernible efforts to address the demand for commercial sex acts or the demand for forced labor during the reporting period. Palau is not a party to the 2000 UN TIP Protocol.

PANAMA (Tier 2 Watch List)

Panama is a source, transit, and destination country for women and children subjected to trafficking in persons, specifically forced prostitution. Although some Panamanian women and girls are found in forced prostitution in other countries in Latin America and in Europe, most Panamanian trafficking victims are exploited within the country. Although statistics were lacking, both NGOs and government officials anecdotally reported that commercial sexual exploitation of children was greater in rural areas and in the city of Colon than in Panama City. NGOs report that some Panamanian children, mostly young girls, are subjected to involuntary domestic servitude. 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 irregular migrants, from Latin America, East Africa, and Asia, some of who may fall victim to human trafficking.



The Government of Panama does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period authorities increased public awareness about the prostitution of children through seminars in schools and an outreach campaign with the tourism sector. Despite such efforts, the government showed little evidence of progress in combating human trafficking. Law enforcement efforts remained weak, the Panamanian penal code did not prohibit trafficking for forced labor, and the government failed to provide adequate assistance to victims and to identify trafficking victims among vulnerable populations; therefore, Panama is placed on Tier 2 Watch List.

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; train government officials in anti-trafficking laws and victim identification and care; 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 maintained its law enforcement efforts against trafficking crimes during the reporting period. Article 178 of the Panamanian penal code, which was updated in 2008, prohibits the internal and transnational movement of persons for the purpose of sexual servitude or forced commercial sexual activity. The prescribed sentence is four to six years imprisonment, which is increased to six to nine years if trafficking offenders use deceit, coercion, or retain identity documents, and is further increased to 10 to 15 years if the victim is under 14 years of age. Article 177 prohibits sexually exploiting another person for profit. Under aggravated circumstances of threat, force, or fraud, this constitutes human trafficking as defined by international protocol, and carries a sentence of eight to 10 years. Article 180 prohibits the internal and transnational trafficking of minors for sexual servitude, prescribing prison terms of eight to 10 years imprisonment, and Article 179 prohibits subjecting an individual to sexual servitude using threats or violence. Prosecutors may also use other statutes, such as anti-pimping laws, to prosecute trafficking crimes. 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. During the reporting period, the government investigated eight human trafficking cases and seven cases of commercial

sexual exploitation of a child, which is comparable with last year's efforts. During the year, however, authorities achieved only one conviction, compared with two achieved during the previous reporting period. The trafficking offender was sentenced to 72 months for pimping a child, which was reduced to 48 months incarceration for unreported reasons. This sentence does not appear to meet the standards established in the Panamanian penal code for this crime

Authorities maintained a small law enforcement unit to investigate sex trafficking and related offenses, and Panamanian law required that one prosecutor in each of Panama's 13 provinces be trained to prosecute trafficking crimes. One prosecutor based in Panama City was dedicated exclusively to prosecuting trafficking crimes. There were no reports of partnerships with foreign governments in joint investigations of trafficking crimes during the reporting period, although Panamanian authorities met with Colombian officials to exchange information. The government opened no formal trafficking-related corruption investigations during the reporting period. Some judges received training on sex trafficking. There were no reports of training for the members of the diplomatic corps abroad.

Protection

The Panamanian government sustained limited efforts to assist trafficking victims during the reporting period, though overall victim services remained inadequate, particularly for adult victims. Authorities did not employ systematic procedures for identifying trafficking victims among vulnerable populations, such as women in prostitution or detained irregular migrants. Panamanian law requires the National Immigration Office's trafficking victims unit to provide assistance to foreign trafficking victims. During the reporting period, however, authorities did not report extending victim services to repatriated Panamanian victims or foreign victims of trafficking, and the Immigration Office indicated that there were no foreign victims of trafficking over the past year. The government continued to provide partial funding to an NGO-operated shelter with dedicated housing and social services for child trafficking victims. This shelter, in addition to another NGO shelter working with at-risk youth, and the government's network of shelters for victims of abuse and violence could provide services to child victims of trafficking, although the government did not report assisting any child victims last year. A shelter for child trafficking victims, funded by a foreign government, was in the process of being constructed. There was no shelter care available exclusively for adult victims of trafficking. The government could house adult victims in hotels on an *ad hoc* basis but did not report doing so or providing any legal, medical, or psychological services or long-term care to adult trafficking victims during this reporting period. In past years, Panamanian authorities encouraged victims to assist with the investigation and prosecution of trafficking offenders, although few victims chose to do so. The government did not provide foreign victims with legal alternatives to their return to countries where they may face hardship or retribution, although in past years foreign victims were allowed to remain in country during investigations. Trafficking victims were not penalized for unlawful acts committed as a direct result of being trafficked; however, due to the lack of victim identification strategies, not all foreign victims may have been identified before deportation.

Prevention

The government maintained efforts to prevent human trafficking during the reporting period. To raise awareness about commercial sexual exploitation of children, the government conducted seminars in 84 schools, reaching 6,900 students, 230 teachers, and 140 parents. In collaboration with the ILO, the National Commission for the Prevention of Crimes of Sexual Exploitation, a multi-agency task force, sent 300 letters to the tourism sector to raise awareness of commercial sexual exploitation of children. Child sex tourism is prohibited by law, though there were no reported prosecutions of sex tourists during the reporting period. During the reporting period, the government implemented its National Plan for Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents by publishing a comprehensive guide on health care of children and adolescent victims of commercial sexual exploitation and through supporting a study of sex trafficking in Panama. The government undertook no initiatives to reduce demand for forced labor.

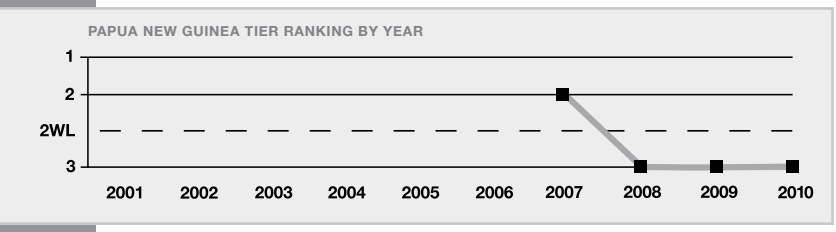
PAPUA NEW GUINEA (Tier 3)

Papua New Guinea is a source, destination, and transit country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Women and children are subjected to commercial sexual exploitation and involuntary domestic servitude; trafficked men are forced to provide labor in logging and mining camps. Children, especially young girls from tribal areas, are most vulnerable to being pushed into commercial sexual exploitation or forced labor by members of their immediate family or tribe. Families traditionally sell girls into forced marriages to settle their debts, leaving them vulnerable to involuntary domestic servitude, and tribal leaders trade the exploitative labor and service of girls and women for guns and political advantage. Young girls sold into marriage are often forced into domestic servitude for the husband's extended family. In more urban areas, some children from poorer families are prostituted by their parents or sold to brothels. Migrant women and teenage girls from Malaysia, Thailand, China, and the Philippines are subjected to forced prostitution and men from China are transported to the country for forced labor.

Asian crime rings, foreign logging companies, and foreign businessmen arrange for some women to voluntarily enter Papua New Guinea with fraudulently issued tourist or business visas. Subsequent to their

arrival, the smugglers turn many of the women over to traffickers who transport them to logging and mining camps, fisheries, and entertainment sites where they are exploited in forced prostitution and involuntary domestic servitude. Foreign and local men are exploited for labor at mines and logging camps, where some receive almost no pay and are compelled to continue working for the company indefinitely through debt bondage schemes. Employers foster workers' greater indebtedness to the company by paying the workers sub-standard wages while charging them artificially inflated prices at the company store; employees' only option becomes to buy food and other necessities on credit. Government officials facilitate trafficking by accepting bribes to allow illegal migrants to enter the country or to ignore victims forced into prostitution or labor, by receiving female trafficking victims in return for political favors, and by providing female victims in return for votes.

The Government of Papua New Guinea does not fully comply with the minimum standards for the elimination of trafficking, and is not making significant efforts to do so. Despite the establishment of an interagency anti-trafficking committee, initial efforts to address forced child labor, and new programs to educate the public about trafficking, the government did not investigate any suspected trafficking offenses, prosecute or convict any trafficking offenders under existing laws in Papua New Guinea, or address allegations of officials complicit in human trafficking crimes.



Recommendations for Papua New Guinea: Complete drafting, passage, and enactment of legislation prohibiting and punishing all forms of trafficking; increase collaboration with civil society, religious, and tribal leaders to raise awareness and reduce demand for forced labor and commercial sex acts; investigate, prosecute, and punish officials who facilitate or directly benefit from trafficking; develop and institute a formal procedure to identify victims of trafficking among vulnerable groups, especially children in prostitution and foreign women at ports of entry; 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 to identify and protect victims.

Prosecution

The Government of Papua New Guinea showed negligible progress in its anti-trafficking law enforcement efforts during the year. No trafficking offenders were arrested or prosecuted during the year. Papua New Guinea does not have a comprehensive anti-trafficking law, and the penal code does not prohibit all forms of trafficking. Its criminal code does not specifically prohibit the trafficking of adults, but prohibits trafficking of children for commercial sexual exploitation and slavery. Penalties prescribed for trafficking children of up to life imprisonment are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The Criminal Code prescribes various penalties for the forced prostitution of women. Low fines or sentences of up to two years' imprisonment for these offenses, including holding a woman in a brothel against her will, are not sufficiently stringent. Prescribed penalties of up to seven years' imprisonment for perpetrators who use fraud, violence, threats, abuse of authority, or drugs to procure a person for purposes of forced prostitution are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. Labor laws prohibit forced labor and fraudulent employment recruiting. Prescribed penalties of up to two years' imprisonment are not sufficiently stringent. The government showed no signs of investigating suspected trafficking offenses or prosecuting trafficking offenders. The Ministry of Justice continued to deliberate on a comprehensive anti-trafficking law, which will include implementation and monitoring guidance. 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 criminal penalties assigned to the trafficking offender. Wealthy business people, politicians, and police officials who benefit financially from the operation of commercial sex establishments where trafficking victims are reportedly exploited were not prosecuted. Most law enforcement offices and government offices remained weak as the result of corruption, cronyism, a lack of accountability, and a promotion system based on patronage.

Protection

The Government of Papua New Guinea maintained minimal efforts to protect and assist victims of trafficking during the reporting period. Due to severe resource and capacity constraints, it continued to rely on NGOs to identify and provide most services to potential victims. The government did not proactively identify trafficking victims among vulnerable populations, and did not regularly refer victims to NGO service providers. Potential victims who came to the attention of police could be jailed. Immigration inspectors at ports of entry who suspected foreigners would engage in illegal prostitution denied them entry without first determining whether they might be victims of sex trafficking. Officials informally referred crime victims to appropriate service providers, who reported that some of these appear to be victims of trafficking. The government contributed some funds to a shelter for victims of domestic violence in Port Moresby run by an NGO, which could provide shelter and legal aid to trafficking victims, although it did not knowingly do so during the year. The Public Solicitor's office could provide

free legal advice and representation to victims. Women's shelters in Port Moresby and Lae could also house foreign and local victims. The Department of Health, with NGO assistance, continued to set up support centers in hospitals throughout the country to provide trafficking victims with counseling and short-term medical care. Survivors of internal trafficking often received customary compensation payments from the offender and were reluctant to notify police or bring additional criminal charges against their traffickers.

Prevention

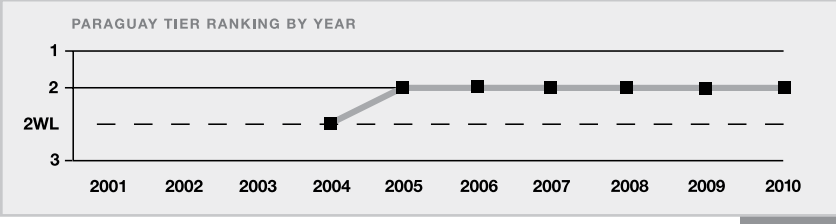
During the past year, the Papua New Guinean government made few efforts of its own to prevent trafficking during the reporting period. The government did, however, sustain partnerships with international organizations and NGOs to raise public awareness. The Constitutional Law Reform Commission (CLRC) took the lead in coordinating and communicating on trafficking issues, and established an inter-agency Anti-Trafficking Committee including foreign government and NGO members. In partnership with IOM, the CLRC conducted the first National Human Trafficking and Smuggling Conference in March 2009, involving over 120 participants from both the government and NGO groups. Participants produced a resolution to ratify the 2000 UN TIP Protocol and harmonize the country's laws with bi-lateral law enforcement cooperation agreements already forged with surrounding countries. The Department of Labor addressed issues of child labor trafficking in partnership with the ILO as part of the TACKLE Project, and became a partner in the Government of Australia's efforts to prevent the labor trafficking of migrant workers from Papua New Guinea through the Pacific Seasonal Worker Pilot Scheme. Officials took steps to reduce the demand for commercial sex acts through public awareness campaigns against prostitution, the proliferation of pornographic material, and the country's growing HIV/AIDS epidemic. Papua New Guinea is not a party to the 2000 UN TIP Protocol.

PARAGUAY (Tier 2)

Paraguay is a source and transit country for women and children subjected to trafficking in persons, specifically sex trafficking, as well as a source and transit country for men, women, and children in forced labor. Most Paraguayan trafficking victims are found in Argentina, Spain, and Bolivia; smaller numbers of victims are exploited in Brazil, Chile, France, Korea, and Japan. In one case last year, 44 suspected Paraguayan trafficking victims were detained at the international airport in Amsterdam, and Dutch authorities arrested the alleged trafficking offender. In another case, 13 Paraguayan women were found in conditions of forced prostitution in a brothel in La Paz, Bolivia. Paraguay was a destination country for 30 Indonesian orphans, who were allegedly brought into the country for a long-term soccer camp, but whom the government suspects are trafficking victims.

The involuntary domestic servitude of adults and children within the country remains a serious problem. Indigenous persons are particularly at risk of being subjected to forced labor or forced prostitution both in Paraguay and abroad. Poor children from rural areas are subjected to forced commercial sexual exploitation and domestic servitude in urban centers such as Asuncion, Ciudad del Este, and Encarnacion, and a significant number of street children are trafficking victims. Many undocumented migrants, some of whom could be trafficked, travel through the Tri-Border Area of Paraguay, Argentina, and Brazil.

The Government of Paraguay does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government increased law enforcement efforts against sex trafficking offenders, but lagged in providing adequate services to trafficking victims. Revisions in the Penal Code strengthened the government's ability to prosecute international cases of trafficking, but failed to adequately prohibit internal cases of forced labor or forced prostitution. Paraguayan authorities made no discernible progress in confronting acts of official complicity.



Recommendations for Paraguay: Address deficiencies in anti-trafficking laws to prohibit internal trafficking for both forced labor and commercial sexual exploitation; intensify efforts to identify and prosecute trafficking offenses, including forced labor crimes, as well as efforts to convict and punish trafficking offenders; dedicate more resources for victim assistance; launch criminal investigations of public officials who may have facilitated trafficking activity; and increase efforts to raise public awareness about human trafficking, particularly among those seeking work abroad.

Prosecution

The Paraguayan government increased its anti-trafficking law enforcement actions overall during the past year, but made little progress against official complicity in human trafficking. Paraguay's penal code does not sufficiently prohibit all forms of trafficking in persons. Article 129 of the 1997 penal code prohibits the transnational movement of persons for the purpose of prostitution, prescribing penalties of six years' imprisonment. Articles 129(b) and (c) of a new penal code, which came into force in July 2009, prohibit transnational 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 of these prescribed penalties are sufficiently stringent and

commensurate with penalties prescribed for other serious crimes, such as rape. Although Paraguayan law does not specifically prohibit internal trafficking, prosecutors can draw on exploitation of prostitution and kidnapping statutes, as well as other penal code provisions, to prosecute cases of trafficking for commercial sexual exploitation or forced labor that occur entirely within Paraguay. During the reporting period, Paraguayan authorities opened investigations into at least 138 possible trafficking cases, compared with 43 cases in 2008. Authorities indicted 47 trafficking offenders and secured the convictions of two trafficking offenders, who both received sentences of two years. These efforts represent a decrease in the number of convictions and the length of sentences from the previous year, when four trafficking offenders were each sentenced to six years in prison.

In addition to the trafficking in persons division in Asuncion and an existing unit in Puerto Elisa, the police established anti-trafficking units in Colonel Oviedo, Encarnacion, Caaguazu, and Ciudad del Este in 2009. The government dedicated a total of 33 employees to anti-trafficking law enforcement efforts. During the past year, however, some government officials, including police, border guards, judges, and elected officials, reportedly facilitated trafficking crimes by accepting payments from trafficking offenders. Other officials reportedly undermined investigations, alerted suspected trafficking offenders of impending arrests, or released trafficking offenders from incarceration. Paraguayan authorities took no discernible steps to investigate or prosecute these acts of trafficking-related complicity. The government continued to work closely with foreign governments in their law enforcement efforts: Paraguayan authorities extradited one trafficking offender to Argentina, and a government prosecutor worked closely with Bolivian government counterparts in the case of 13 Paraguayans subjected to forced prostitution in La Paz.

Protection

The government maintained efforts to protect victims of trafficking, but victims' assistance remained inadequate. Authorities did not employ a formal system for proactively identifying trafficking victims among vulnerable populations such as prostituted women, domestic servants, or street children. They did, however, identify several trafficking victims and arrested 24 suspected trafficking offenders during 26 raids on brothels in 2009. The government ran one women's shelter and supported other assistance programs to provide some short-term services, such as medical, psychological, and legal assistance, including three drop-in centers – these services can collectively accommodate 100 victims at a time. The government could not, however, meet the demands for services, and most victim assistance is funded at least in part by NGOs and international donors. The Paraguayan government did not have shelter facilities for male victims. The government provided limited assistance to foreign trafficking victims as well as limited legal, medical, psychological, and shelter assistance to Paraguayans trafficked abroad and later repatriated to the country. During the reporting period, authorities identified 138 trafficking victims, and provided assistance to 78 victims, 30 of which were children, compared with 51 victims assisted in the previous year. Paraguayan authorities encouraged victims to participate in the investigation and prosecution of their traffickers, and some victims filed complaints to open investigations. Victims generally avoided the court system, however, due to social stigma, fear of retaliation, and lack of confidence in the judicial system. Victims generally were not jailed, deported, or otherwise penalized for acts committed as a direct result of being trafficked. Paraguay offered temporary or permanent residency status for foreign trafficking victims on a case-by-case basis.

Prevention

The Paraguayan government sustained prevention activities last year and focused its efforts on training officials. The government maintained partnerships with NGOs and international organizations on anti-trafficking efforts and worked with one international partner on a campaign advertising the contact numbers for hotlines used by anti-trafficking police units. The government also forged partnerships with the governments of neighboring countries, and hosted two anti-trafficking seminars with Brazilian and Argentinian anti-trafficking experts; 300 individuals attended the seminar in Asuncion. The Women's Secretariat conducted 12 regional workshops highlighting the local government response to human trafficking, with a total of 1,000 participants. The government sponsored an anti-trafficking expert to train Paraguayan consular officers in Spain, Italy, and Argentina on how to handle human trafficking cases. The government reported no efforts to reduce demand for commercial sex acts or forced labor. Paraguay was not a well known destination for child sex tourists, though foreign citizens from neighboring countries are reported to engage in commercial sexual exploitation of children in Ciudad del Este. The government provided human rights training, which included a human trafficking component, to troops deployed on international peacekeeping missions.

PERU (Tier 2)

Peru is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. Several thousand persons are estimated to be subjected to conditions of forced labor within Peru, mainly in mining, logging, agriculture, brick making, and domestic servitude. 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 debt bondage. Forced child

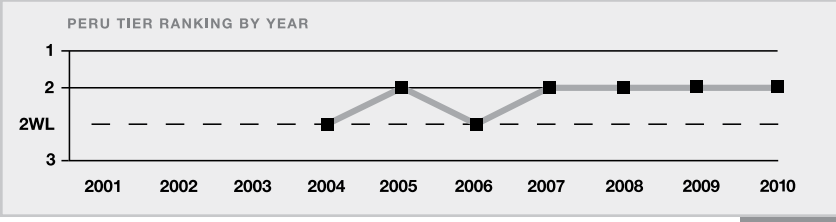
labor remains a problem, particularly in informal gold mines, cocaine production, and transportation. There were reports the terrorist group Sendero Luminoso, or Shining Path, recruited children as soldiers and drug mules. To a lesser extent, Peruvians are subjected to forced prostitution in Ecuador, Spain, Italy, Japan, and the United States, and forced labor in Argentina, Chile, and Brazil. Peru also is a destination country for some Ecuadorian and Bolivian females in forced prostitution, and some Bolivian citizens in conditions of forced labor. Child sex tourism is present in Iquitos, Madre de Dios, and Cuzco. Traffickers reportedly operate with impunity in certain regions where there is little or no government presence.

The Government of Peru does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Last year, the government increased law enforcement efforts against trafficking crimes and maintained public awareness initiatives. However, the government failed to provide adequate victim services and made insufficient efforts to address the high incidence of labor trafficking in the country.

Recommendations for Peru: Vigorously investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including corrupt officials who may facilitate trafficking activity; increase investigations and prosecutions of forced labor crimes; fund a shelter for victims or fund NGOs with capacity to provide trafficking victims, including adult males, with specialized care; increase anti-trafficking training for prosecutors, judges, and law enforcement personnel; and increase public awareness of the dangers of human trafficking, possibly through civil society partnerships.

Prosecution

The Government of Peru improved efforts to combat human trafficking through law enforcement last year. Law 28950 prohibits all forms of trafficking in persons, prescribing penalties of eight to 25 years' imprisonment depending on the circumstances. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, police investigated 137 trafficking cases; of these, 34 involved forced labor and 103 involved sex trafficking, with a total of 185 reported victims. Authorities brought forth 78 trafficking cases to the judiciary and secured the convictions of nine sex trafficking offenders, who received sentences ranging from three to 30 years' imprisonment, in addition to fines. In comparison, Peruvian authorities prosecuted 54 cases and convicted five sex trafficking offenders the previous year. However, there were very few prosecutions and no convictions reported for forced labor offenses, despite an estimated high incidence of forced labor in the country. The government's dedicated anti-trafficking police unit consisted of approximately 30 officers. Police maintained and expanded the use of an electronic case tracking system for human trafficking investigations, although this system did not track judicial activity, such as prosecutions and convictions. Corruption among low-level officials enabled trafficking in certain instances, and individual police officers tolerated the operation of unlicensed brothels and the prostitution of children. No investigations or allegations of official complicity with trafficking activity were reported last year. The government provided training on human trafficking to law enforcement officials, immigration officials, diplomats, and legal officials, among others. The government collaborated with foreign governments on anti-trafficking initiatives and investigations



Protection

The government provided limited assistance to trafficking victims last year. The government did not employ a formal mechanism for identifying trafficking victims among vulnerable populations, such as adult women in prostitution. While the government had no formal process for referring trafficking victims for treatment, authorities could refer child victims of trafficking to government-operated children's homes for basic shelter and care, two of which provide specialized care to victims of commercial sexual exploitation. Similarly, the government operated general shelters for adult female victims of abuse, which some trafficking victims accessed during the reporting period. NGOs provided care to sexually exploited women; however, specialized services and shelter for trafficking victims remained largely unavailable. The government did not provide financial assistance to anti-trafficking NGOs, though it provided in-kind support; adequate victim services remained unavailable in many parts of the country. Foreign victims had access to the same services as Peruvian victims. Last year, Peruvian authorities identified 185 trafficking victims, 159 women and 26 men – though the number of victims in the country is thought to be much higher – and provided 19 of these victims with legal, social, and psychological services. Some trafficking victims were not advised of their rights or provided with medical treatment, and some police officers released them without recognizing their victim status or referring them to shelters; some of these victims 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, in addition to the lack of a witness protection program. Some victims may not have pursued legal redress because they could not afford legal

representation. The government did not penalize victims for unlawful acts committed as a direct result of being trafficked. Trafficking victims were eligible for temporary and permanent residency status under Peruvian refugee law, and at least 11 victims were granted such permanent residency. During the year, authorities assisted foreign trafficking victims with voluntary repatriation. Many of the country's 412 labor inspectors have received training on forced labor; in 2009, the government created an elite team of five inspectors to address forced labor in the Amazon, but the team found their budget was insufficient to complete the mission.

Prevention

The Government of Peru sustained anti-trafficking prevention efforts. The government maintained an anti-trafficking campaign and operated and promoted a hotline for trafficking-related crimes and information, which received 44 reports of trafficking in 2009. The government continued to air anti-trafficking videos in transportation hubs, warning travelers of the legal consequences of engaging in trafficking activity or consuming services from trafficked persons. Although some areas of the country are known child sex tourism destinations and Peruvian laws prohibit this practice, there were no reported convictions of child sex tourists. The government trained 710 government officials and tourism service providers about child sex tourism, conducted a public awareness campaign on the issue, and reached out to the tourism industry to raise awareness about child sex tourism; to date, 60 businesses have signed code of conduct agreements nationwide. No efforts to reduce demand for commercial sex acts or forced labor were reported. The government provided Peruvian peacekeepers with human rights training prior to deployment.

PHILIPPINES (Tier 2 Watch List)

The Philippines is a source country, and to a much lesser extent, a destination and transit country for men, women, and children who are subjected to trafficking in persons, specifically forced prostitution and forced labor. A significant number of Filipino men and women who migrate abroad for work are subjected to conditions of involuntary servitude worldwide. Men, women, and children were subjected to conditions of forced labor in factories, construction sites, and as domestic workers in Asia and increasingly throughout the Middle East. Women were subjected to sex trafficking in countries such as Malaysia, Singapore, Hong Kong, South Korea, Japan, and various Middle Eastern countries. Within the Philippines, people were trafficked from rural areas to urban centers including Manila, Cebu, the city of Angeles, and increasingly to cities in Mindanao. Hundreds of victims are trafficked each day in well-known and highly visible business establishments. Women and children were trafficked internally for forced labor as domestic workers, small-scale factory workers, beggars, and for exploitation in the commercial sex industry. Traffickers, in partnership with organized crime syndicates and complicit law enforcement officers, regularly operate through local recruiters sent to villages and urban neighborhoods to recruit family and friends, often masquerading as representatives of government-registered employment agencies. There were reports that organized crime syndicates were heavily involved in the commercial sex industry, and that international syndicates transited victims from mainland China through the Philippines to third country destinations. Traffickers continue to use budget airlines and inter-island ferries and barges to transport their victims to major cities within the country. Trafficked Filipino migrant workers were often subject to violence, threats, inhumane living conditions, non-payment of salaries, and withholding of travel and identity documents. Child sex tourism remained a serious problem in the Philippines, with sex tourists coming from Northeast Asia, Australia, Europe, and North America to engage in the commercial sexual exploitation of children.

The Government of the Philippines does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government significantly increased the number of trafficking cases filed in courts and, with the help of NGOs, increased the number of sex trafficking convictions it achieved. Though the government filed several labor trafficking cases for prosecution, it has never convicted any offenders of labor trafficking, a significant problem for Filipinos within the country and around the world. The government also convicted its first official for trafficking-related complicity, but further efforts need to be taken to address the significant level of corruption that allows serious trafficking crimes to continue. Despite these overall efforts, the government did not show evidence of significant progress in convicting trafficking offenders, particularly those responsible for labor trafficking. The Philippines therefore remains on Tier 2 Watch List for the second consecutive year. Greater progress in prosecution and conviction of both labor and sex trafficking offenders is essential for the Government of the Philippines to demonstrate significant and increasing progress toward compliance with the minimum standards for the elimination of trafficking.

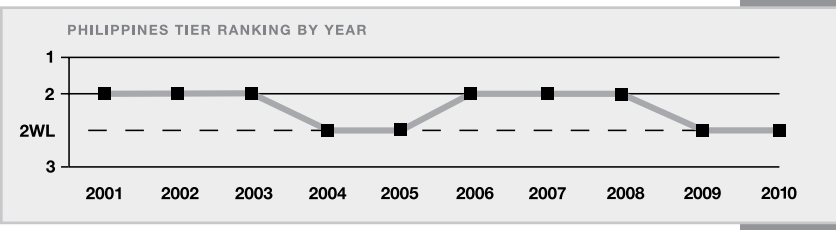
Recommendations for the Philippines: Demonstrate greater progress on efficiently investigating, prosecuting, and convicting both labor and sex trafficking offenders involved in the trafficking of Filipinos in the country and abroad; increase efforts to vigorously investigate and prosecute government officials complicit in trafficking; dedicate more resources and personnel to prosecuting trafficking cases; devote increased resources to victim and witness protection, including for shelters; increase efforts to engage governments of destination countries through law enforcement and diplomatic channels in the investigation and prosecution of trafficking offenders; ensure the terms of Memorandums of Understanding (MOUs) with foreign countries hiring Filipino workers

are met such that workers are adequately protected while abroad; assess methods to measure and address domestic labor trafficking; and continue to disseminate information on the 2003 Anti-Trafficking in Persons Act throughout the country and train law enforcement and social service officials, prosecutors, and judges on the use of the law.

Prosecution

The Government of the Philippines demonstrated some progress in convicting sex trafficking offenders during the reporting period, but failed to convict any offenders of labor trafficking. The Philippines criminally prohibits both sex and labor trafficking through its 2003 Anti-Trafficking in Persons Act, which prescribes penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, law enforcement agencies referred 228 alleged trafficking cases to the Philippines Department of Justice (DOJ), of which prosecutors initiated prosecutions in 206 cases, a significant increase from the previous year. However, only eight individuals in five sex trafficking cases were convicted during the year, including two individuals who remain at large. Four of the eight convictions were a result of cases filed and prosecuted by an NGO on behalf of victims in a system whereby the Philippine government allows private attorneys to prosecute cases under the direction and control of public prosecutors. In this arrangement, NGO lawyers carry the vast majority of the prosecution workload. Convicted offenders were sentenced to 10 years' to life imprisonment. In September 2009, in a case filed and prosecuted by an NGO with government participation, two trafficking offenders, including a police officer, were sentenced to life in prison and each fined $40,000 for trafficking children at the police officer's Manila nightclub in 2005. This marked the country's first public official ever convicted for human trafficking. The Philippines government has yet to obtain a labor trafficking conviction since the 2003 law's enactment. In June 2009, the Acting Justice Secretary ordered Department of Justice prosecutors to prioritize trafficking cases, but the court system, which is managed by the Supreme Court, does not have a method to fast-track trafficking cases. Philippine courts currently have over 380 pending or ongoing trafficking cases. Despite legal provisions designed to ensure a timely judicial process, trafficking cases in the Philippines take an average of three to four years to conclude. Widespread corruption and an inefficient judicial system continue to severely limit the prosecution of trafficking cases. The vast majority of initiated trafficking prosecutions are usually unsuccessful, largely due to lack of evidence after victims disappear or withdraw cooperation. NGOs continue to report a lack of political will to take on entrenched trafficking interests, and a lack of understanding of trafficking and the anti-trafficking law among judges, prosecutors, social service and law enforcement officials remains an impediment to successful prosecutions. In February 2010, the Philippine government forged a partnership with three NGOs – through the signing of a formal Memorandum of Understanding – to jointly prosecute corrupt government officials and train government employees in agencies vulnerable to trafficking-related corruption. To date there have not been any criminal cases filed against officials under this program. Government and law enforcement agencies had few personnel dedicated exclusively to anti-trafficking efforts, but increased the number of dedicated personnel in 2009.

Corruption remained pervasive in the Philippines, and there were reports that officials in government units and agencies assigned to enforce laws against human trafficking permitted trafficking offenders to conduct illegal activities, either tacitly or explicitly. It is widely believed that some government officials partner with traffickers and organized trafficking syndicates, or at least permit trafficking operations in the country, and that law enforcement officers often extract protection money from illegal businesses, including brothels. During the reporting period, there were allegations that police officers conducted indiscriminate raids on commercial sex establishments to extort bribe money from managers, clients, and sex workers. In some cases, police reportedly extorted sexual services in addition to money by threatening sex workers with imprisonment for vagrancy. In November 2009, the Department of Justice filed trafficking charges against an immigration officer for her role in facilitating the illegal movement of domestic workers through an airport to Malaysia. The case remains pending. Nevertheless, efforts to investigate and prosecute such cases have been infrequent and under-resourced.



Protection

The Philippine government continued efforts to provide some support services to victims. While the government encouraged victims to assist in the investigation and prosecution of trafficking crimes, extreme poverty, fear of retaliation by traffickers and the government's lack of victim and witness protection throughout the lengthy trial process caused many victims to decline cooperation with authorities and recant testimony. Some applications for witness protection were still pending with the Department of Justice more than a year after being filed. The Department of Social Welfare and Development (DSWD) and its partners at the local government level continued to operate 61 temporary shelters for victims of all types of crimes. The number of trafficking victims who used these shelters is not clear. The government's capacity to provide shelter and protection, however, is severely limited due to inadequate budgets, and there are regular

instances where victims are unable to access government protection services. DSWD also continued to refer victims to accredited NGOs for care, though the quality of the referral process varied by location. The Philippine Port Authority and the Manila International Airport Authority provided building space for halfway houses run by an NGO for trafficking victims. The government provides foreign victims immigration relief when necessary and gives them access to legal, medical, and psychological services. In 2009, law enforcement units strengthened a partnership with an NGO, conducting 25 raid-and-rescue operations throughout the country, leading to the rescue of 87 children in prostitution and 47 women identified as trafficking victims. In April 2010, the Inter-Agency Council Against Trafficking (IACAT) – the government's national body for the coordination of all anti-trafficking efforts in partnership with civil society chaired by the Undersecretary of Justice – conducted its first independent raid-and-rescue operation, through which 90 women and five girls were rescued from a sex-tourism operation, 25 of whom were identified as trafficking victims. The government reported identifying 182 trafficking victims overseas, most of whom were identified in Malaysia, the United Arab Emirates, and Singapore. Authorities identified an additional 210 victims of illegal recruitment who may have also been victims of trafficking. Most of these victims were in China, Lebanon, and Qatar. The government allocated $3.15 million to the Department of Foreign Affairs (DFA) for emergency assistance to trafficking victims overseas. The Department of Labor and Employment continued to deploy 44 labor attaches who served in embassies around the world to help protect migrant workers.

Prevention

The Philippine government continued efforts to prevent trafficking in persons during the reporting period. The Philippine Overseas Employment Agency (POEA) filed 173 administrative cases against licensed labor recruiters who used fraudulent and deceptive offers to lure workers or imposed illegal fees on prospective employees and referred an additional 20 cases to the Department of Justice for possible criminal prosecution. These cases are still pending. In 2009, POEA conducted 823 pre-employment orientation seminars and 1,185 pre-departure seminars for over 74,000 prospective and outbound Filipino overseas workers. DFA and POEA continue to train officials *en route* to foreign embassies to recognize and respond to trafficking cases. While these officials posted abroad played a key role in helping provide Filipino victims with shelter and compensation for lost wages or damages, the officials seldom advocated for criminal charges to be filed against abused workers' employers in the foreign country. IACAT and government agencies continued to partner with NGOs, international organizations, and foreign donors on efforts to train police, prosecutors, and other officials on anti-trafficking efforts. Despite significant local demand in the country's thriving commercial sex industry, the government's efforts to reduce the demand for commercial sex acts in the Philippines were limited, as were the government's efforts to address the demand for forced labor. In June 2009, the Bureau of Immigration began disseminating a public warning against human trafficking at airports and on immigration cards. In a notable failing of political support for the nation's anti-trafficking effort, the Philippine Congress did not allocate fiscal year 2010 funding to IACAT. Member agencies also failed to earmark funding for the IACAT, but did allocate staff resources, personnel time and funding for specific IACAT initiatives. In 2009, the Philippine Amusement and Gaming Corporation, a government agency, donated $200,000 to IACAT, which in turn donated $126,000 to five NGOs. In December 2009, IACAT launched a multi-agency trafficking database to report and track trafficking cases in courts and assistance given to victims. The government assisted U.S. authorities in several sex and labor trafficking cases prosecuted in the United States, including the December 2009 conviction in Florida of an American citizen who traveled to the Philippines to have sex with children. The government provided training, including a module on human trafficking, to Philippine troops prior to their deployment abroad on international peacekeeping missions.

POLAND (Tier 1)

Poland is a source and destination country for men and women subjected to trafficking in persons, specifically conditions of forced labor and for women and children in forced prostitution. Men and women from Poland are subjected to conditions of forced labor in Italy and Sweden. Women and children from Poland are trafficked for forced prostitution within Poland and also in Belgium, Germany, Italy, the Netherlands, Spain, and Sweden. Women and children from Moldova, Ukraine, Bulgaria, Romania, Belarus, and Russia are trafficked to Poland for forced prostitution. Men and women from Bangladesh, China, and the Philippines are found in conditions of forced labor in Poland. Men and women from Thailand, Nigeria, Iraq, Ukraine, Belarus, Romania, Bulgaria, Moldova, Mongolia, Vietnam, Turkey, Djibouti, and Uganda are found in conditions of forced labor, including forced begging and debt bondage, and also forced prostitution in Poland.

The Government of Poland fully complies with the minimum standards for the elimination of trafficking. The government sustained its law enforcement efforts and undertook important steps to improve victim access to government-funded assistance by establishing the National Intervention Consultation Center in April 2009. The government also made specific efforts to ensure identified male victims of forced labor were provided with shelter and necessary assistance, a notable improvement from the previous reporting period.

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; ensure child victims of sex trafficking are provided with adequate assistance and rehabilitative care; continue to increase the shelter system's capacity to assist victims, including men and children; amend Article 253 of the criminal code to define human trafficking; increase the number of trafficking offenses prosecuted and convicted under Article 253; continue trafficking training for both prosecutors and judges; and conduct additional awareness campaigns to reduce the demand for commercial sex acts.

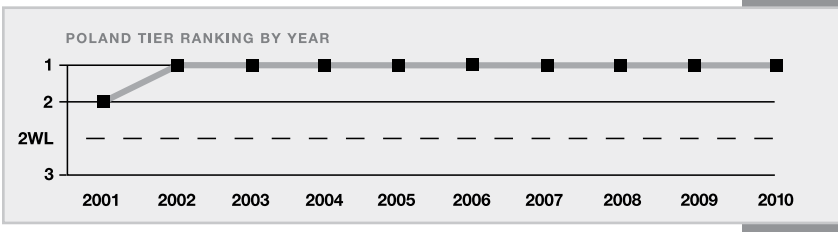
Prosecution

The Government of Poland demonstrated progress in its overall anti-human trafficking law enforcement efforts during the reporting period. Poland prohibits all forms of trafficking through Article 253, Article 204 Sections 3 and 4, and Article 203 of the criminal code. 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 forced labor. 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 serious 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. Prosecutors rely on trafficking definitions in the 2000 UN TIP Protocol when pursuing prosecutions against traffickers. Police investigated 105 alleged trafficking offenses in 2009 under Articles 253, 203, and 204 (Sections 3 and 4), compared with 119 alleged trafficking violations in 2008. Polish authorities prosecuted 79 individuals in 2009 under Articles 253, 203, and 204 (Sections 3 and 4), compared with 78 prosecutions in 2008. In 2009, 52 trafficking offenders were convicted in Courts of First Instance under Articles 253 and 203, compared with 46 convictions in 2008. Post-appeal sentences, which are considered final, are collected for Articles 253, 203, and 204 (Sections 3 and 4). In 2008, the most recent year for post-appeal sentencing data, 30 out of 57 convicted traffickers – or 53 percent – received suspended sentences. The remaining 27 convicted traffickers were issued sentences ranging from one to five years' imprisonment. In 2007, 24 out of 42 – or 57 percent – of convicted traffickers had their sentences suspended.

The government provided training on trafficking awareness and victim identification to officers in the national police, Border Guard, and the Internal Security Agency. In March 2009, the National School for Judges and Prosecutors provided trafficking-specific training for 60 prosecutors. Additional anti-trafficking training and victim identification and treatment training was provided to at least 614 police officers, border guard officials, and social workers. In partnership with a local NGO, the Ministry of Labor and Social Policy focused significant training for law enforcement and social workers on child trafficking issues, including identification and the special needs of children exploited in the sex trade.

Protection

The government continued to improve efforts to assist trafficking victims during the reporting period. During the reporting period, the government identified at least 206 victims of trafficking – including 123 children in prostitution – compared with 315 victims identified by NGOs and government authorities in 2008. In total, 193 victims received some government-funded assistance. The government referred 22 victims for assistance in 2009. In April 2009, the government established the National Intervention Consultation Center, which expanded the ability of authorities to assist victims. The NGO-operated center established a 24-hour hotline, provided direct assistance to victims of trafficking, and served as a consultation point for law enforcement working with victims of trafficking. The national center enhanced victim protection available to foreign victims of trafficking. Previously, only foreign victims who agreed to cooperate with law enforcement were eligible for government-funded emergency assistance. With the establishment of the national center, both Polish and foreign victims were no longer required to be identified by or cooperate with local law enforcement in order to receive government-funded emergency assistance through Poland's victim assistance program.



In 2009, the government allocated approximately $298,000 for victim assistance, including $59,000 for a shelter for use by adult female victims of trafficking. In response to criticism that there were no shelters dedicated to assisting male victims of trafficking, the government housed seven male trafficking victims in a government-run crisis center in January 2010 and enrolled them in the Victim/Witness Protection Program, ensuring they had access to necessary care. Under Polish law, all foreign victims are permitted to stay in Poland during a three-month reflection period, during which time they are eligible to access victim services while they decide whether or not to cooperate with law enforcement. In 2009, no victims took advantage of the 90-day reflection period. Those foreign victims who choose to cooperate are permitted to stay in Poland during the investigation and prosecution process. In 2009, two foreign victims were granted temporary residency permits to remain in Poland pending completion of the prosecution process. However, some trafficking experts expressed concern that some

victims who chose not to cooperate with law enforcement may not have been given victim status and therefore may not have received emergency victim assistance. Police encouraged victims to cooperate with law enforcement. In 2009, 22 victims assisted law enforcement, compared with 21 victims in 2008. There were no reports that identified victims were penalized for unlawful acts committed as a direct result of being trafficked.

Prevention

The government demonstrated adequate efforts to prevent trafficking through awareness-raising activities during the reporting period. The Ministry of Interior forged partnerships with IOM and MTV Polska to develop and air televised public service announcements entitled "Trafficking is a Fact" from October through November 2009. The government funded NGOs to conduct training for school teachers to discuss the basics of human trafficking with students. The government also published and distributed 100,000 copies of a leaflet titled "You are Not For Sale," targeted at high school and vocational students, educating them about their rights. The Ministry of Labor conducted an information campaign for Polish citizens looking to work abroad, including interactive question and answer sessions on its website that provided information about legal assistance and advice on how to determine the legitimacy of job offers abroad. The government did not conduct a specific campaign to reduce the demand for commercial sex acts targeted at potential clients of prostitution.

PORTUGAL (Tier 2)

Portugal is a destination, transit, and source country for women, men, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Trafficking victims in Portugal are from Brazil, Eastern Europe, and Africa. According to one NGO, some Portuguese girls are subjected to forced prostitution within the country. Men from Eastern European countries and Brazil are subjected to forced labor in agriculture, construction, hotels, and restaurants. According to local observers and media reports, Portuguese men and women are subjected to forced labor and/or forced prostitution after migrating to other destinations in Europe. Children from Eastern Europe, including Roma, are subjected to forced begging, sometimes by their families.

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 prosecuted a landmark trafficking case in 2009 resulting in significant jail time for eight convicted sex traffickers. It stepped up its anti-trafficking training for law enforcement and labor inspectors, improved collection of comprehensive national data on trafficking, and provided shelter and assistance to an increased number of trafficking victims. Despite these notable efforts, the government neither provided complete data on the overall number of trafficking offenders sentenced, nor indicated whether the majority of traffickers received jail time—a long-standing problem in Portugal. Furthermore, it did not systematically employ a victim-centered approach to front-line victim identification, which continued to result in few victims receiving care and assistance in 2009.

Recommendations for Portugal: Consider including victim trauma experts and NGOs in the initial identification process to ease victims' fear and foster more trust with law enforcement; continue the best practice of including NGOs to help stabilize potential victims in a post-raid environment; ensure adequate funding for all NGOs providing critical assistance and comprehensive care to victims, including resources for safe and responsible repatriations; ensure specialized services for child trafficking victims; continue to improve outreach to locate more potential trafficking victims, including men in forced labor and women and children engaged in prostitution; and provide yearly, complete data on law enforcement efforts to demonstrate adequate punishment of trafficking offenders.

Prosecution

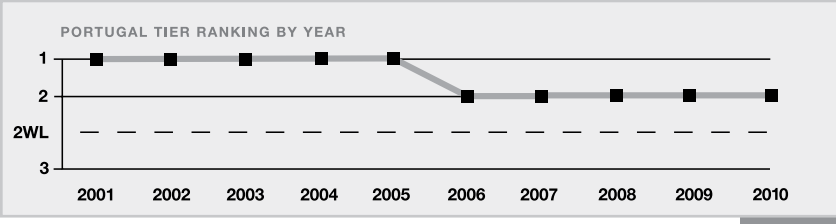
The Government of Portugal made some important progress towards meeting the minimum standards during the reporting period. In 2009, the government achieved a significant milestone in its anti-trafficking law enforcement efforts by aggressively prosecuting a sex trafficking case resulting in the highest penalties ever handed down for a trafficking crime in Portugal. In this case, the government convicted eight trafficking offenders for forcing 23 Romanian girls into prostitution, resulting in an average sentence of 12 years in prison. Portugal prohibits trafficking in persons for both forced labor and commercial 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. Although the government prohibits slavery and exploitation of prostitution by means of force, fraud, and coercion under Articles 159 and 169 respectively, it used its broader Article 160 to prosecute traffickers. During 2008 and 2009, police conducted 83 investigations of possible cases of trafficking. During the same time period, the government reported it prosecuted 207 suspected traffickers, convicting 298 under Article 160; the government reported this data was preliminary. This data could also include broader crimes involving sexual exploitation. The government did not provide sentencing information for all convicted traffickers to demonstrate that the majority of those convicted for trafficking received jail time in 2009. In previous years, courts suspended the sentences for the majority of convicted traffickers in Portugal. The government provided specialized anti-trafficking training to judges in December 2009 and trained labor inspectors in January 2010. Law enforcement officials continued to receive

periodic specialized anti-trafficking training. There were no reported cases of government officials complicit in trafficking; however an NGO reported Portuguese girls engaged in prostitution often possess forged government documents to indicate they are older than 18.

Protection

The Government of Portugal improved its efforts to protect identified trafficking victims. Authorities identified 272 potential victims during 2008 and 2009, confirming 48 as official victims during this two year period. During the reporting period, the government continued to employ a standardized method for collecting information on trafficking victims and informing those victims about available assistance while temporarily detaining them. The government's shelter took in 12 of these identified victims in 2009. One NGO reported assisting eight trafficking victims with government funding in 2009 and another reported assisting 30 trafficking victims; the government provided a stipend for each victim. The government continued to report very few victims accepted law enforcement's offers for protection and assistance while detained; thus, many confirmed trafficking victims continued to be exploited by their traffickers or potentially deported after showing indicators of trafficking. The government reportedly worked informally with labor inspectors to identify and refer victims of forced labor. According to local experts, victims' fear of traffickers and the stigma attached to prostitution render potential victims, particularly victims from Brazil and Nigeria, reluctant to disclose elements of their exploitation to law enforcement. To help address this, law enforcement included NGO shelter staff on three "smart" raids during the reporting period to help stabilize victims immediately after the operation.

The government continued to fund an NGO-run specialized trafficking shelter; other NGOs assisting trafficking victims received a fixed subsidy from the government for each victim. One NGO received approximately 80 percent of its budget from the government. However, NGOs report overall funding is inadequate in order to provide critical specialized care required for trafficking victims. The government encouraged victims to participate in investigations and prosecutions of trafficking offenders; six victims assisted in the investigation against their traffickers in 2009. The government reported all identified victims are permitted a 30- to 60-day reflection period during which to decide whether they wished to participate in a criminal investigation. The government provided foreign victims of trafficking with short-term legal alternatives to their removal; victims are given a limited time to legalize their residency status or are repatriated by government shelter staff on an *ad hoc* basis. The Portuguese chapter of the IOM also reported it can reintegrate and return trafficking victims through its Assisted Voluntary Return program and it is currently working with the government and NGOs to create a reintegration/return program specifically tailored for trafficking victims. The IOM reported it had no cases of return during the reporting period. The government reported it granted six permanent residency permits to victims of trafficking in 2009. The government has a stated policy of not punishing victims for unlawful acts committed as a direct result of their being trafficked. The government reported police made proactive efforts to identify sex trafficking victims within the legal prostitution sectors; unidentified victims are likely deported or continue to be subjected to exploitation. According to local experts, lack of awareness regarding the trafficking of children hindered the government's response and ability to protect these children.



Prevention

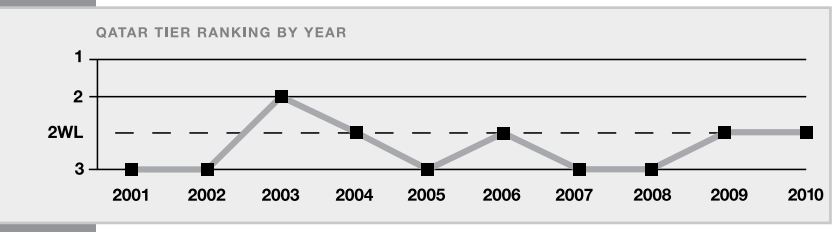
The Government of Portugal continued to take steps to prevent trafficking during the reporting period. It took the lead in coordinating and implementing an EU-wide database to develop, consolidate, and share common indicators on trafficking among partner countries. The government continued to fund public service ads warning against trafficking. It also broadcast a daily program on state television to raise awareness among migrants in Portugal on a wide range of issues, including trafficking. Portugal continued to train healthcare professionals on victim identification in 2009. The government set a date to begin developing a campaign to target demand during the reporting period, but did not conduct specific awareness campaigns to educate clients of prostitution about trafficking and forced prostitution in Portugal. The government conducted anti-trafficking awareness training to troops before their deployment on international peacekeeping efforts abroad.

QATAR (Tier 2 Watch List)

Qatar is a transit and destination country for men and women subjected to trafficking in persons, specifically forced labor and, to a much lesser extent, forced prostitution. Men and women from Nepal, India, Pakistan, Bangladesh, the Philippines, Indonesia, Vietnam, Sri Lanka, Ethiopia, Sudan, Thailand, Egypt, Syria, Jordan, and China voluntarily travel to Qatar as laborers and domestic servants, but some subsequently face conditions indicative of involuntary servitude. These conditions include threats of serious physical or financial harm; job switching; the withholding of pay; charging workers for benefits for which the employer is responsible;

restrictions on freedom of movement, including the confiscation of passports and travel documents and the withholding of exit permits; arbitrary detention; threats of legal action and deportation; false charges; and physical, mental, and sexual abuse. In some cases, arriving migrant workers have found that the terms of employment in Qatar are wholly different from those they agreed to in their home countries. Individuals employed as domestic servants are particularly vulnerable to trafficking since they are not covered under the provisions of the labor law. A small number of foreign workers transit Qatar and are forced to work on farms in Saudi Arabia. Qatar is also a destination for women who migrate and become involved in prostitution, but the extent to which these women are subjected to forced prostitution is unknown.

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. The government took steps to implement its sponsorship law, including through the granting of an exit permit to one migrant laborer without permission from his sponsor. Although the government has not yet enacted necessary anti-trafficking legislation, during the reporting period it reaffirmed its commitment to this goal over the next year. Despite these efforts, the government did not show evidence of overall progress in prosecuting and punishing trafficking offenders and identifying victims of trafficking; therefore, Qatar is placed on Tier 2 Watch List for the second consecutive year.



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; enforce the sponsorship law's criminalization of passport-withholding and mandate that employees receive residence cards within one week; abolish or significantly amend provisions of Qatar's sponsorship law to prevent the forced labor of migrant workers or strongly implement other provisions that make up for the law's shortcomings; implement and publicly disseminate the national plan of action; and collect, disaggregate, analyze and disseminate counter-trafficking law enforcement data.

Prosecution

The Government of Qatar made minimal 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 forced or coerced prostitution, and the prostitution of a child below age 15, even if there was no compulsion or redress; the prescribed penalty is up to 15 years' imprisonment, which is commensurate with penalties prescribed for other serious crimes, such as rape. The government has yet to enact a comprehensive trafficking law as anticipated during the last year, though it has reaffirmed its commitment to do so over the coming year, a commitment underscored by its ratification of the 2000 UN TIP Protocol in April 2009. The government reported the prosecution of sex trafficking offenders, but did not provide additional details. An unconfirmed report indicated four traffickers were charged with fraudulently issuing visas to workers who they then exploited. Two were reportedly deported, and two were reportedly convicted. The government neither confirmed nor denied the existence of this case. The government-established but independent Qatar Foundation for Combating Human Trafficking (QFCHT) and the Human Rights Office of the Ministry of Interior conducted a workshop on the legal, social, and security dimensions of trafficking. Participants included police officers, Internal Security Force staff, and others. The police academy trained police officers on the identification of trafficking victims and procedures to refer victims to Qatar's trafficking shelter. QFCHT also provided training for prosecutors and judges on how to manage trafficking cases.

Protection

Qatar made minimal progress in protecting victims of trafficking during the reporting period. Although health care facilities reportedly refer suspected abuse cases to the government's anti-trafficking shelter for investigation, the government lacked a systematic procedure for law enforcement to identify victims of trafficking among vulnerable populations, such as foreign workers awaiting deportation and women arrested for prostitution; as a result, victims may be punished and automatically deported without being identified as victims or offered protection. The government reported the MOI has a process by which it refers victims to the trafficking shelter; however, this process was underutilized in practice. The trafficking shelter assisted 24 individuals during the reporting period and provided them with a wide range of services, including full medical treatment and legal and job assistance. While this was an increase in the number of individuals served over the past year, it was not confirmed that all were trafficking victims. It was unknown how many of those cases were the result of law enforcement referrals. During the reporting period, the shelter assisted five victims in filing civil charges against their employers. The shelter also assisted one victim in filing criminal charges against her sponsor for sexual abuse under Articles 296 and 297. A criminal court

convicted the sponsor and sentenced him to five years imprisonment. Qatar commonly fined and detained potential trafficking victims for unlawful acts committed as a direct result of being trafficked, such as immigration violations and running away from their sponsors, without determining whether the individuals were victims of trafficking. Most potential victims remain in deportation centers for weeks or months pending resolution of their cases, but some remain in centers for up to one year. This prolonged period often depends on when an employer will approve an exit visa, but it also depends on pending resolution of their cases or retaliation for seeking to recover unpaid wages or request a new sponsor. Some employers and sponsors threatened victims in an attempt to keep them from seeking legal redress. Domestic workers are not permitted to file civil suits against their employers under the labor law since they are not covered by it. Civil suits can only be filed for failure to meet the financial obligations of the sponsor toward domestic help; in practice, civil suits are rare.

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

Prevention

Qatar made modest progress in preventing trafficking in persons during the reporting period. The QFCHT continued to produce and distribute informational anti-trafficking brochures and posters in several targeted languages, gave radio and television interviews, produced commercials in regional media outlets, and launched a media campaign entitled "No to Trafficking." The QFCHT distributed a circular to all applicable departments in the Ministry of Interior and other applicable ministries in an effort to raise government awareness about the trafficking victim status of workers who willingly migrate to Qatar and are subsequently subject to forced labor. In March, Qatar hosted a two-day regional workshop meant to establish a dialogue between scholars, government officials, and stakeholders to discuss regional and international efforts to combat trafficking in persons and how to help victims.

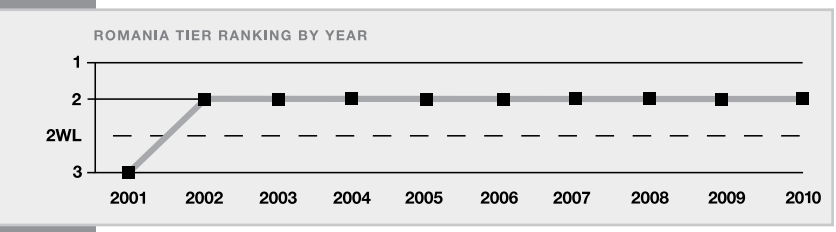
While the government made no apparent effort to amend provisions of Qatar's sponsorship law – enacted in March 2009 – to help prevent the forced labor of migrant workers, the government did start to enforce other parts of the law to the benefit of migrant workers. One provision in the sponsorship law continues to require foreign workers to request exit permits from their sponsors in order to leave Qatar. Although this may increase migrant workers' vulnerability to forced labor, the law created a new process through which a laborer who was not granted an exit permit due to a sponsor's refusal or other circumstances could seek an exit permit by other means. While this process is burdensome, the government reported the Ministry of Interior granted two workers – one of whom was a laborer – exit permits without permission of their employers since the passage of this law. Furthermore, four individuals temporarily transferred their sponsorship without approval from their previous employer; it was unclear whether they were white-collar workers or blue-collar laborers – a group vulnerable to trafficking. While the sponsorship law criminalizes the withholding of passports, passport confiscation was still a common practice; employers often made their employees sign waivers allowing them to hold passports. Although the sponsorship law requires an employer to secure a residence card for laborers within seven days, reports indicated that this often does not happen. Migrant workers need residence cards to get access to low cost health care, to lodge complaints at the labor department, and for increased protection from abuse of the legal process by their employers.

The government worked with labor attachés from South Asian countries to resolve cases of labor disputes via conflict mediation. However, Qatar restricted foreign government access to its nationals after labor concerns were raised. Qatar has a national plan of action to address trafficking in persons, but did not publicly disseminate the plan or take steps to implement it during the reporting period. The government did not undertake any public awareness campaigns aimed at reducing the demand for commercial sex acts in Qatar, but the government did utilize public awareness campaigns, involving radio, television, newspapers, and sermons at mosques, targeting citizens traveling to known child sex tourism destinations abroad. The Qatari government ratified the 2000 UN TIP Protocol in April 2009.

ROMANIA (Tier 2)

Romania is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and women and children in forced prostitution. Romanian men, women, and children are subjected to conditions of forced labor, including forced begging, in Spain, Italy, the Czech Republic, Greece, Finland, Germany, the United Kingdom, Cyprus, Australia, France, and the United States. Women and children from Romania are victims of forced prostitution in Italy, Spain, the Netherlands, the United Kingdom, Greece, Germany, Cyprus, Austria, and France. Romanian men, women, and children are trafficked within the country for commercial sexual exploitation and forced labor, including forced begging and petty theft. In 2009, the majority of trafficking victims identified within the country were victims of forced labor. Romania is a destination country for a small number of women from Moldova, Colombia, and France who are forced into prostitution. The majority of identified Romanian victims are victims of forced labor, including forced begging.

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. Although more than half of the victims identified in 2009 were victims of forced labor, the government was again unable to report significant efforts to address labor trafficking; specifically, the government did not disaggregate labor trafficking law enforcement statistics from sex trafficking statistics and thus was unable to report the number of labor trafficking investigations, prosecutions, and convictions, or the number of labor victims assisted by the government during the reporting period. In March 2009, the government reorganized its lead anti-trafficking agency – the National Agency Against Trafficking in Persons (NAATIP). It was changed from an independent, national agency with the authority to administer federal funding for anti-trafficking initiatives, to a subordinate agency of the National Police under the Ministry of Interior. Experts reported that the reorganization of NAATIP had a significant, negative impact on victim assistance during the year. Specifically, the government was much less cooperative with anti-trafficking NGOs and it allocated no federal funding for NGOs to provide victim services and conduct anti-trafficking prevention programs. As a result, nearly 30 anti-trafficking NGOs either closed or changed their focus to issues other than human trafficking in order to retain federal funding; some of these NGOs provided critical victim assistance including shelter, counseling, vocational training, and other rehabilitative care for victims. The number of victims who received government-funded assistance significantly decreased for another consecutive year, and the government identified significantly fewer victims compared with the previous reporting period. NGOs and international organizations reported that the reorganization of NAATIP has left Romania without a true national agency to provide direction to other ministries with anti-trafficking responsibilities.



Recommendations for Romania: Increase funding for trafficking victim assistance programs, including some funding for NGOs providing victim services; improve efforts to collect law enforcement data for trafficking crimes prosecuted under Law No. 678/2001 and other relevant laws by disaggregating sex trafficking offenses from labor trafficking offenses; demonstrate efforts to investigate and punish acts of labor trafficking and efforts to assist victims of labor trafficking; improve efforts to identify potential victims among vulnerable populations, such as undocumented migrants; continue to provide victim sensitivity training for judges; increase victim referrals to NGO-service providers by government officials; improve inter-ministerial communication and coordination on trafficking; improve the capacity of local governments to assist victims by: providing training to local officials, increasing communication and guidance from NAATIP, and allocating federal funding to ensure local officials are able to fulfill their mandated anti-trafficking responsibilities; and continue efforts to forge and sustain partnerships with regional governments to raise awareness and reduce the demand for trafficking.

Prosecution

Romania demonstrated law enforcement efforts over the reporting period; however, it did not report the number of investigations, prosecutions, and convictions obtained against labor trafficking offenders. Romania prohibits all forms of trafficking in persons through Law No. 678/2001, which prescribes penalties of three to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In 2009, authorities investigated 759 cases – including some investigations started in 2008, compared with 494 new cases in 2008. The government prosecuted 303 individuals for trafficking in 2009, compared with 329 individuals prosecuted in 2008. During the reporting period, Romania convicted 183 trafficking offenders, up from 125 individuals convicted in 2008. During the reporting period, only 39 percent – 72 of the 183 – of convicted trafficking offenders served some time in prison; one offender was sentenced to up to six months' imprisonment, 54 offenders were sentenced to five to 10 years' imprisonment, six offenders were sentenced to 10 to 15 years' imprisonment, and one child offender was sentenced to an undisclosed amount of time in prison. The remaining 111 convicted trafficking offenders did not receive imposed prison sentences. In 2009, Romanian law enforcement officials forged partnerships with foreign counterparts from five countries, leading to the arrest of at least 16 trafficking offenders and the identification of at least 107 victims. There were no reports that government officials were involved in trafficking during the reporting period.

Protection

The Government of Romania significantly decreased its efforts to protect and assist victims of trafficking during the reporting period. In 2009, the government provided no funding for anti-trafficking and victim-service NGOs, compared with $270,000 provided to four NGOs in 2008. This lack of government funding caused a significant decrease in the number of victims assisted by both government agencies and NGOs. In 2009, the government identified 780 victims – including at least 416 identified victims of forced labor and at least 320 identified victims of forced prostitution, a significant decrease from 1,240 victims identified in 2008. Of those victims identified in

2009, 176 were children, trafficked for both forced labor and prostitution. The government did not undertake proactive measures to identify potential victims among populations vulnerable to trafficking, including illegal migrant detention centers. No foreign victims were identified by the government or NGOs in 2009. Although the government continued to operate nine shelters for victims of trafficking, their quality varied and many victims preferred to go to NGO-operated shelters. Local governments were tasked with providing victims access to various types of assistance; however, the national government provided local governments with no funding, training, or guidance, and the capacity of local governments to address human trafficking was virtually nonexistent during the reporting period. The government reported that approximately 365 victims were provided with some type of government-funded assistance, compared with 306 victims assisted by the government in 2008. An additional 32 victims were assisted by non-government funded programs, compared with 234 victims assisted by NGOs in 2008.

Government authorities referred all 780 identified victims for assistance, compared with 540 victims referred for assistance in 2008. Victims were encouraged to participate in trafficking investigations and prosecutions; 158 victims served as witnesses in 2009, a significant decrease from 1,053 victims who assisted law enforcement in 2008. The law provides that foreign victims were eligible to benefit from a 90-day reflection period to remain in the country and decide whether they would like to cooperate in a criminal proceeding; however in practice, no foreign victims used this reflection period. The law permits foreign victims to request a temporary residence permit and remain in the country until completion of the trafficking investigation and prosecution; in 2009, no foreign victims applied for and received temporary residence permits. While the rights of victims were generally respected and identified victims were not punished for unlawful acts committed as a direct result of being trafficked, some judges continued to be disrespectful toward female victims of sex trafficking which discouraged victims from participating in trafficking cases.

Prevention

Romania maintained its efforts to raise awareness during the reporting period. The government conducted a public campaign to raise awareness about sex trafficking entitled "The Two-Faced Man." This campaign reached an estimated audience of 620,000 and ran for three months, consisting of advertisements for television and radio and posters displayed on public transportation. The government also conducted an awareness campaign targeted at approximately 30,000 school children and 530 teachers. The government concluded its demand reduction campaign targeted at clients of potential victims of forced prostitution and forced labor in June 2009.

RUSSIA (Tier 2 Watch List)

Russia is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced labor, and for women and children forced into prostitution. In 2009, the ILO reported that forced labor is the most predominant form of trafficking in Russia. Men from the Russian Far East are subjected to conditions of debt bondage and forced labor, including in the agricultural and fishing sectors. Men, women, and children from Russia and other countries, including Belarus, Kyrgyzstan, Tajikistan, Uzbekistan, Ukraine, and Moldova are subjected to conditions of forced labor in Russia, including work in the construction industry, in textile shops, and in agriculture. An estimated 40,000 men and women from North Korea are subjected to conditions of forced labor in Russia, specifically in the logging industry. Women from Russia are also subjected to conditions of forced labor in Armenia. Women from Russia are subjected to conditions of forced prostitution or are victims of sex trafficking in a number of countries, including South Korea, China, Japan, Turkey, Greece, South Africa, Germany, Poland, Italy, Israel, Spain, Vietnam, Thailand, Australia, New Zealand, and the Middle East. Women from Africa, including Ghana and Nigeria, as well as from Central Asia are subjected to forced prostitution in Russia, while children from Russia, Ukraine, and Moldova are subjected to forced prostitution and forced begging in Moscow and St. Petersburg. 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 trafficking 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 efforts, the government did not over the last year: develop a comprehensive strategy that addresses all forms of trafficking and provides comprehensive victim assistance, nor did it establish a national level body responsible for coordinating government efforts to combat trafficking, and victim identification and assistance remained inadequate and diminished during the reporting period; therefore, Russia is placed on Tier 2 Watch List for the seventh consecutive year. In November 2009, the government failed to allocate funding to prevent the closure of the IOM-run shelter and rehabilitation center in Moscow. The shelter and rehabilitation center opened in March 2006 with foreign funding and assisted 423 victims of both sex and labor trafficking, including men and women, through November 2009; its closure created a significant void in the availability of medical, rehabilitative, and reintegration services for trafficking victims in Russia. The federal government did not dedicate funding to anti-trafficking activities or trafficking victim assistance

during the reporting period. 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. There were also reports that identified foreign victims were held in detention centers and deported, rather than being referred to NGOs for assistance.

The North Korean (DPRK) regime provides contract labor for logging camps operated by North Korean companies in the Russian Far East. There are allegations that this labor is exploitative, specifically that the DPRK government and North Korean companies keep up to 85 percent of the wages paid to the North Korean workers and that workers' movement is controlled. Although there have been instances in which government officials were investigated, prosecuted, and convicted for trafficking in recent years, allegations of widespread complicity persist.

Recommendations for Russia: Develop and implement a comprehensive national strategy that addresses both sex and labor 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 both sex and labor trafficking victims identified and assisted; ensure victims of trafficking are not punished or detained in deportation centers for acts committed as a direct result of being trafficked; ensure victims have access to legal alternatives to deportation to countries in which they face hardship or retribution; improve efforts to investigate, prosecute, convict, and punish labor trafficking offenders; increase the number of investigations, prosecutions, and convictions for trafficking offenses, particularly government officials complicit in trafficking; create a central repository for investigation, prosecution, conviction, and sentencing data for trafficking cases; 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 efforts to raise public awareness of both sex and labor trafficking; increase efforts to investigate, prosecute, convict, and punish labor trafficking offenses; and take steps to prevent the use of forced labor in construction projects for the 2012 Asia-Pacific Economic Cooperation Summit in Vladivostok and the 2014 winter Olympics in Sochi.

Prosecution

The Government of the Russian Federation demonstrated important law enforcement efforts during the reporting period. Article 127 of the Russian Criminal Code prohibits both trafficking for commercial sexual exploitation and forced labor. Other criminal statutes are also used to prosecute and convict traffickers. Article 127 prescribes punishments of up to five years' imprisonment for trafficking crimes; aggravating circumstances may extend penalties up to 15 years' imprisonment. These penalties are commensurate with punishments prescribed for other serious crimes, such as rape. In 2009, police conducted 102 trafficking investigations under Article 127 – including at least eight investigations for forced labor cases – compared with 111 trafficking investigations – including at least 16 forced labor investigations conducted in 2008. The government reported prosecuting 99 individuals under Article 127 – including at least 13 individuals for forced labor in 2009, compared with 81 individuals – including at least 14 individuals for forced labor reported prosecuted in 2008.

The government reported that 76 individuals were convicted under Article 127 – including at least 10 individuals convicted for forced labor, compared with 38 convictions – including two for forced labor reported in 2008. The government did not report sentencing data for trafficking offenders convicted in 2009, however, based on reports in the media, at least 24 trafficking offenders were convicted and prescribed sentences ranging from six months to 13 years' imprisonment in 2009.

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. Some law enforcement officials were provided with anti-trafficking training; however, this training was sporadic and limited to a small number of police officers, investigators, and prosecutors.

The Government of the Russian Federation demonstrated minimal progress in combating government complicity in human trafficking during the reporting period. In February 2010, several media sources reported on one allegation that a high level official in the Ministry of Internal Affairs was involved in a forced labor trafficking ring spanning from 2006 through 2008. In that case, members of the elite riot police allegedly kidnapped dozens of migrant workers and forced them to work on police construction projects and also the personal homes of high-level police officials. In January 2010, a senior district police commissioner in Astrakhan was convicted and sentenced to eight years' imprisonment for taking passports and travel documents from migrants and forcing them to work as agricultural laborers.

During the reporting period, the Moscow district military court prosecuted, convicted, and sentenced one senior military officer to 10 years' imprisonment 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; the government did not report whether two additional high-level government officials investigated by authorities in this case in 2008 were prosecuted or convicted during the reporting period.

The government reported no progress on two additional investigations reported in the 2009 TIP Report – one investigation involved a low-level police officer arrested

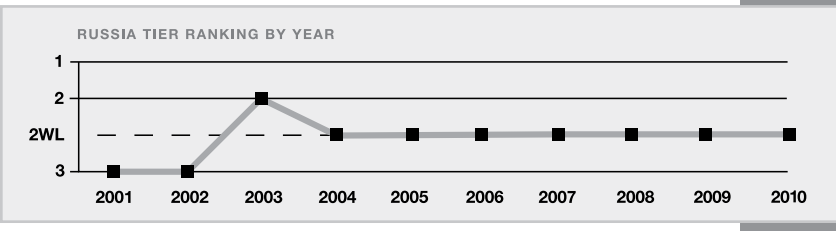
for trafficking women to the U.A.E. and the second investigation involved two low-level police officers arrested for trafficking women within Russia for forced prostitution; these investigations were still on-going at the end of the reporting period. There was no updated information on whether the three officials that were arrested for trafficking-related complicity in 2007 – as reported in the 2008 and 2009 TIP Reports – 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

The Russian government demonstrated very limited efforts to protect and assist victims during the reporting period. The government also showed 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, though there was no national policy or system of victim referrals. In November 2009, the government failed to allocate funding to prevent the closure of the IOM-run shelter and rehabilitation center in Moscow, creating a significant void in the availability of medical, rehabilitative, and reintegration services for trafficking victims. The Russian government continued to lack 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 in-kind and modest financial support to some anti-trafficking NGOs. A local government in the Russian Far East provided facility space and modest funding amounting to approximately $3,732 for utilities for a shelter for victims of domestic violence and trafficking that opened in February 2009, although the majority of the shelter's operation costs were funded by a foreign donor during the reporting period. The shelter did not receive adequate funding during the entire reporting period to consistently assist victims of trafficking, though efforts were underway to secure funds from a foreign donor for repatriation, medical services, and other specialized services for trafficking victims. Three of these victims were referred to the shelter for assistance by local government officials; the fourth victim was referred to the shelter by a Russian Consulate official in Gauangzhou, China.

The City of St. Petersburg funded and provided in-kind assistance to several local NGOs and the Russian Red Cross to conduct outreach programs to identify and assist street children, many of whom are victims of forced prostitution. The local government in Kazan continued to provide modest in-kind assistance to another foreign-funded trafficking shelter. Although the government did not track the number of victims assisted by local governments and NGOs in 2009, 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, many foreign and Russian victims found in regions where they did not reside were denied access to state-run general health care and social assistance programs, as local governments restricted eligibility to these services to local registered residents.

In 2009, IOM and NGOs reported assisting at least 143 victims of human trafficking – including 139 victims assisted by the IOM rehabilitation center in Moscow prior to its closure in November 2009. Government authorities referred at least 12 victims for assistance in 2009, compared with approximately 56 victims referred by authorities in 2008. In 2009, at least one victim of forced labor was placed in the witness protection program as part of an investigation conducted in the Russian Far East and was encouraged to participate in the trafficking investigation; authorities in some communities in Russia encouraged victims to participate in trafficking investigations and prosecutions.



In January 2010, the government placed four identified victims of sex trafficking from Africa in a temporary detention facility for foreign nationals pending deportation; the government did not report whether these victims were deported from Russia nor did it report efforts to handle these women as victims rather than illegal migrants, such as efforts to refer these victims to NGOs for assistance. In theory, 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. In March 2010, a news report alleged that a victim of forced labor from North Korea, who had previously fled from a logging camp, was approached by several men in plain clothing, and told to get into a vehicle before he was able to meet with officials from the international community to seek assistance; the article noted the possibility that the victim could be deported to North Korea, where he faced possible torture, imprisonment, and execution for escaping from the logging camp. The victim's immigration status and location were unknown at the conclusion of this reporting period.

Prevention

The federal government did not demonstrate significant efforts to raise awareness and prevent trafficking over the reporting period; however, a local government in the Russian Far East conducted outreach to students at schools and universities to sensitize them to the prevalence of trafficking. In Yekaterinburg, local governments continued to run two labor migration centers that provided legal, employment, and shelter services to labor migrants; services of this nature decreased migrants' vulnerability to becoming victims of trafficking. The Ministries of Internal Affairs and Foreign Affairs continued to place warnings on their respective websites about human trafficking. In September 2009, the government created the position of Ombudsman for Children's Rights, a step that may lead to improved efforts to prevent child trafficking; however, the ombudsman's mandate currently does not include specific anti-human trafficking responsibilities. The government did not take specific steps to reduce the demand for commercial sex acts. The government did not report trafficking-specific training for its troops deployed abroad as part of international peacekeeping missions. The government did not support efforts to develop a labor trafficking awareness campaign in advance of the 2014 Winter Olympics in Sochi.

RWANDA (Tier 2)

Rwanda is a source and, to a lesser extent, destination country for women and children subjected to trafficking in persons, specifically conditions of forced labor and commercial sexual exploitation. Rwandan girls are exploited in involuntary domestic servitude within the country; some of these children experience physical or sexual abuse within their employer's household. Older females offer vulnerable younger girls room and board, eventually pushing them into prostitution to pay for their keep. In limited cases, this trafficking is facilitated by women who supply females to clients or by loosely organized prostitution networks, some operating in secondary schools and universities. Rwandan children are also trafficked to Uganda, Tanzania, and other countries in the region for forced agricultural labor, commercial sexual exploitation, and domestic servitude, sometimes after being recruited by peers. In Rwanda there have been reports of isolated cases involving child trafficking victims from neighboring countries. Unlike in past years, there was no indication in 2009 that the National Congress for the Defense of the People (CNDP) duped or recruited Congolese men and boys from Rwanda-based refugee camps, as well as Rwandans from nearby towns, into forced labor and soldiering in the Democratic Republic of the Congo.

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 enacted a new labor code prohibiting forced labor and the enslavement of children; advanced penal code revisions containing anti-trafficking provisions through the legislative process; opened a care center for victims of gender-based violence, including trafficking victims; and launched a public awareness campaign on the commercial sexual exploitation of children. Rwanda remains the only African country in which the government is undertaking virtually all activities related to the demobilization and reintegration of former child soldiers. While government officials are quick to recognize and respond to suspected cases of transnational child trafficking, some officials do not believe internal trafficking is possible because of the country's small size and the government's effective security measures. Additional training is greatly needed to increase officials' awareness of the nature of human trafficking and to provide practical skills for responding to it.

Recommendations for Rwanda: Enforce the trafficking provisions in the 2009 Labor Law through increased investigations and prosecutions of trafficking offenders; enact and enforce trafficking provisions in the draft penal code, thereby creating an easily understandable legal regime with clear definitions of human trafficking; launch a nationwide anti-trafficking public awareness campaign; establish policies and procedures for government officials to proactively identify and interview potential trafficking victims and transfer them to the care, when appropriate, of local organizations; establish mechanisms for providing increased protective services to victims, possibly through the forging of partnerships with NGOs or international organizations; and institute a trauma counseling program at the government's center for former child combatants.

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 could be prosecuted. Law No. 58/2008 outlaws, but does not define, human trafficking for sexual exploitation and prescribes punishments of 15 to 20 years' imprisonment. In May 2009, the government enacted the "Law Regulating Labor in Rwanda" (13/2009), which prohibits forced labor and prescribes punishment of three to five years' imprisonment; it also prohibits subjecting children to slavery, child trafficking, debt bondage, forced labor, armed conflict, and child prostitution and prescribes punishment of six months to 20 years' imprisonment for these offenses. Taken together, these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. In December 2009, parliament's Chamber of Deputies passed revisions to the penal code, which contain articles defining and prohibiting human trafficking; the penal code is now under consideration by the Senate. A separate

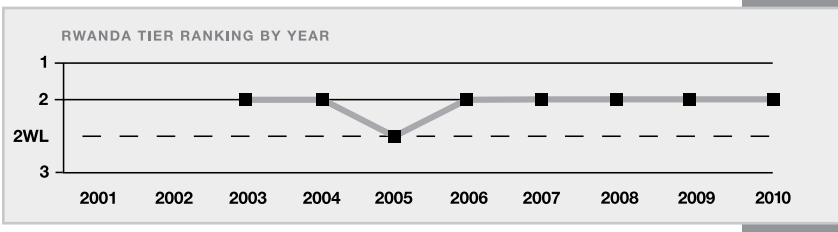
draft comprehensive anti-trafficking bill remained under review.

The government prosecuted no human trafficking offenses in 2009. Police investigated and forwarded for prosecution at least two cases of suspected child trafficking; as of March 2010, the National Public Prosecution Authority was still investigating these cases, both of which involved adults apprehended with children at the border with Uganda. Labor inspectors issued warnings and levied fines against those illegally employing children; no cases of forced labor were brought to court. While the government provided training on sex crimes and crimes against children as part of the standard police training curriculum, law enforcement officials received no trafficking-specific training. Police officers, however, made two presentations on trafficking to district police commanders and senior police officials in 2009.

Protection

With the exception of its care for former child combatants, many of whom are trafficking victims, the government provided few protective services to victims overall. The Rwandan Demobilization and Reintegration Commission (RDRC), with World Bank and limited government funding, continued operation of a center for child ex-combatants in Muhazi, which provided three months of care to children returned from the DRC by the UN Mission to the Congo. After undergoing initial screening at the adult demobilization center in Mutobo, 49 children arrived at the center in 2009 and seven in January 2010. 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 2009, 75 children were reunited with their families. During the reintegration phase, approximately 10 percent of children entered formal education, 40 percent received vocational training, and 50 percent undertook income generating activities.

In July 2009, the police, UNICEF, and a foundation chaired by Rwanda's First Lady opened the Isange Center, a one-stop holistic center that provides medical exams, counseling, short-term shelter, and police assistance to victims of gender-based violence, including trafficking victims. This one-year pilot project, located in the National Police Hospital, provided services to 367 victims of gender-based violence between July and December 2009, 218 of whom were children. The police headquarters in Kigali operated a hotline and examination room for victims of gender-based violence; both were staffed by counselors and could be used by trafficking victims. Fully equipped examination rooms were also operational in Gasabo and Rwamagana. Each police station nationwide has a gender desk, trained officer, and public outreach program. During the year, however, police arrested girls in prostitution and detained them at Kigali's Gikondo transit center; some girls were kept there three to six months despite not being charged with a crime or screened for victimization. The government has not developed a system for proactively identifying human trafficking victims among vulnerable populations or created a referral process to transfer such victims to service providers for care. The government encouraged victims to participate in investigations of trafficking crimes. Beyond providing a stay of 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.



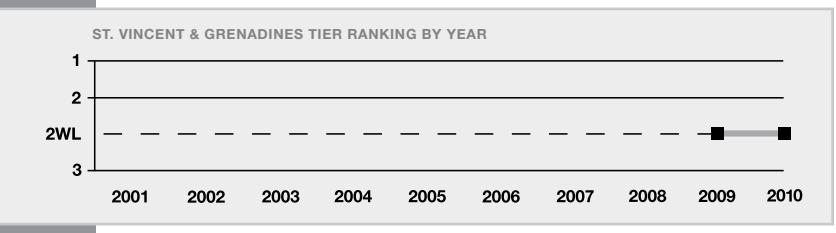
Prevention

The government's anti-trafficking prevention efforts increased during the reporting period. While government officials are quick to recognize and respond to suspected cases of transnational child trafficking, some officials believe internal trafficking is not possible due to Rwanda's small size and efficacy of government security measures. There is also a general lack of understanding among the general population of what constitutes human trafficking. In May 2009, the Ministry of Youth and the National AIDS Control Commission designed and launched, with foreign donor funding, a six-month campaign against the commercial sexual exploitation of children by people identified by the government as "sugar daddies" and "sugar mommies"; the campaign, entitled "SINIGURISHA" (I am not for sale!), included TV and radio spots, print materials, billboards, and community events. During the period, the Ministry of Public Service and Labor (MIFOTRA) trained the government's 30 district labor inspectors how to identify and respond to cases of child labor; inspectors held quarterly training sessions for employers and local authorities on child labor issues. In February and March 2010, MIFOTRA conducted campaigns in each district to sensitize private sector employers and their employees on the 2009 Labor Law, including the provisions against utilizing child labor. District child labor task forces met bi-monthly and conducted sensitization activities on the dangers and illegality of exploiting child labor. In March 2010, local authorities and security personnel in Gakenke implemented the district's child labor bylaws by detaining 350 primary school pupils at the market, some of whom were forced by their parents to porter and sell goods rather than attend school. Before releasing the children, the district mayor advised their parents to take advantage of the opportunity for free education. Police and immigration officials maintained strict border control measures that were a key component to prevention of cross-border trafficking. The government provided training on gender sensitivity and sexual exploitation to Rwandan troops prior to their deployment on UN peacekeeping missions in Darfur.

ST. VINCENT AND THE GRENADINES (Tier 2 Watch List)

St. Vincent and the Grenadines is a source country for some children subjected to trafficking in persons, specifically for the purpose of sexual exploitation within the country; it may also be a destination country for women in forced prostitution and men in forced labor. Reporting suggests that Vincentian children may participate in commercial sexual exploitation to supplement their families' income. In these situations, parents, relatives, or other care-givers receive in-kind or financial compensation or other benefits from a child engaging in sexual activities. Reporting suggests the number of victims trafficked in, to, or through St. Vincent and the Grenadines is comparatively small. Information on the extent of human trafficking in St. Vincent and the Grenadines, however, is lacking, as the government has conducted no related investigations, studies, or surveys.

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 efforts, including the government's public commitment to addressing human trafficking, the government did not provide evidence of 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, nor did it provide more than minimal protection to victims or suspected victims or make any effort to prevent human trafficking during the year. St. Vincent and the Grenadines is therefore placed on Tier 2 Watch List for the second consecutive year.



Recommendations for St. Vincent and the Grenadines: Increase efforts to develop and implement a comprehensive anti-trafficking law; investigate and prosecute possible sex or labor trafficking cases under existing relevant legislation until a comprehensive anti-trafficking law is in place; and educate the public about trafficking by conducting a high-profile public awareness campaign.

Prosecution

The Government of St. Vincent and the Grenadines made minimal progress in anti-trafficking law enforcement efforts over the last year. The government has no specific or comprehensive laws prohibiting trafficking in persons, 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 efforts reported over the last year. Sufficiently stringent penalties for trafficking offenders under these laws range from 10-15 years' imprisonment and are commensurate with penalties prescribed for other serious offenses. Law enforcement authorities showed no signs of proactively investigating or prosecuting suspected trafficking offenses under existing trafficking-related provisions in prostitution or labor laws. The government did not provide specialized training for law enforcement or other government officials in how to recognize, investigate, and prosecute instances of trafficking or trafficking victim identification. In November 2009, officials attended information seminars on regional trafficking issues. Twenty-five officials attended two days of workshops conducted by IOM and an expert in trafficking law in March 2010. The government received reports of two suspected trafficking cases during the past year, one involving foreign women who may have been victims of sex trafficking and one involving boys who claimed to have been victims of labor trafficking. In October 2009, immigration officers noted some potential female trafficking victims in a group attempting to transit St. Vincent and the Grenadines, began investigating their situation, and requested outside assistance to further their investigations. Officers were, however, required by law to deport the women before they could complete their inquiries either internally or with the governments of neighboring countries. In the other case, police detained a number of teenage boys during a drug raid who claimed they were subjected to forced labor by criminals involved in the production and sale of illegal drugs. Local prosecutors and police investigated the claims and determined the juveniles fabricated the allegations to escape prosecution for the drug-related offenses.

Protection

The Vincentian government did not show tangible progress in ensuring that victims of trafficking are identified and provided access to necessary services. The Ministry of Mobilization and Social Development, however, developed a referral process to transfer victims detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care. The St. Vincent and the Grenadines Human Rights Association provided legal services and other limited aid to victims of any crime, and did not knowingly assist any victims of trafficking during the year. The government provided some funding and building space to three local NGOs whose shelter, counseling, and other services for all crime victims would also be available to trafficking victims. Government officials have no formal procedure for proactively identifying victims of trafficking for the purposes of forced labor or commercial sexual exploitation, but

on the two occasions noted above individual law enforcement officials suspected trafficking may have occurred in conjunction with other suspicious activities. 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 unlawful offenses committed solely as a direct result of being trafficked.

Prevention

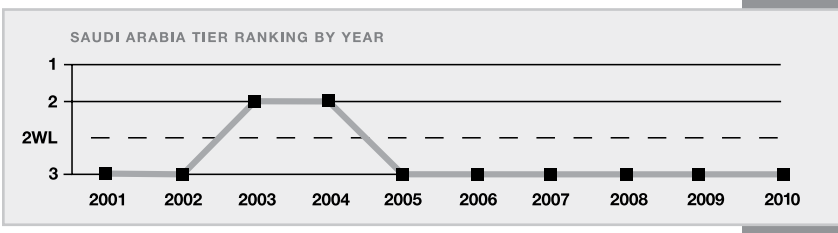
The government made minimal efforts to prevent trafficking and to increase the public's awareness of the dangers of human trafficking in St. Vincent and the Grenadines. In 2009, the Prime Minister made the first-ever address to parliament on trafficking issues. The government did not conduct anti-trafficking information or education campaigns during the reporting period. It did not develop an anti-trafficking national plan of action, and did not establish an anti-trafficking working group. A foreign donor provided funds for the government to consult with a legal expert on drafting comprehensive anti-trafficking legislation that would be appropriate within the context of the country's existing legal structure and in accordance with international agreements and standards. The consultant also provided two days of workshops on trafficking awareness and an anti-trafficking legislative structure. The government made no efforts to reduce the demand for commercial sex acts. St. Vincent and the Grenadines is not a party to the 2000 UN TIP Protocol.

SAUDI ARABIA (Tier 3)

Saudi Arabia is a destination country for men and women subjected to trafficking in persons, specifically forced labor. Men and women from Bangladesh, India, Sri Lanka, Nepal, Pakistan, the Philippines, Indonesia, Sudan, Ethiopia, Kenya, and many other countries voluntarily travel to Saudi Arabia as domestic servants or other low-skilled laborers, but some subsequently face conditions indicative of involuntary servitude, including restrictions on movement and communication, the withholding of passports and other travel documents, threats, physical or sexual abuse, and non-payment of wages. In some cases, arriving migrant workers have found the terms of employment in Saudi Arabia are wholly different from those they agreed to in their home countries. The Indian government no longer permits its female nationals under age 40 to take jobs as domestic workers in Saudi homes due to the high incidence of physical abuse by employers. Women, primarily from Asian and African countries, were believed to have been forced into prostitution in Saudi Arabia; others were reportedly kidnapped and forced into prostitution after running away from abusive employers.

Yemeni, Nigerian, Pakistani, Afghan, Chadian, and Sudanese children were subjected to forced labor as beggars and street vendors in Saudi Arabia, facilitated by criminal gangs. Unconfirmed reports indicated fewer Yemeni children may have been forced to work in Saudi Arabia during the reporting period. A 2009 doctoral study submitted to Naif Arab University for Security Sciences concluded Jeddah may be a hub for an international child trafficking network exploiting the Hajj and Umrah visas (visas for religious pilgrimages to Mecca).

Some Saudi nationals travel to destinations including Morocco, Egypt, Yemen, Afghanistan, Pakistan, India, and Bangladesh to solicit prostitution. Some Saudi men used legally contracted "temporary marriages" in countries such as Mauritania, Yemen, and Indonesia as a means by which to sexually exploit migrant workers.



The Government of Saudi Arabia does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. In a positive development, the government enacted anti-trafficking legislation during the reporting period, and published a National Plan for Combating Trafficking in Persons. However, the new law did not provide criminal sanctions for the prohibited but still common practice of withholding passports and denying exit visas, and did not provide provisions for trafficking victims to remain in Saudi Arabia during investigations and court proceedings. There was no confirmation the government criminally prosecuted or punished trafficking offenders under the new or existing laws. Victim protection efforts in Saudi Arabia continued to be weak. Many Saudis, including some government officials, continued to deny certain kinds of trafficking occur, particularly cases involving sexual exploitation. Government officials also conflated trafficking with smuggling and the problem of religious pilgrims overstaying their visas to work illegally. The new National Plan of Action, however, acknowledges the conflation.

Recommendations for Saudi Arabia: Use the new criminal law to investigate and prosecute trafficking offenses and convict and punish trafficking offenders, including abusive employers and those culpable of trafficking for commercial sexual exploitation; either enforce laws prohibiting passport withholding and exit visa denial, or amend the law or create implementing regulations to criminally address these issues; amend the

law or create implementing regulations to address the ability of victims to remain in the Kingdom during the investigation and court proceedings; fulfill the legally mandated responsibilities of the Permanent Committee, including instituting a formal victim identification mechanism to distinguish trafficking victims among the thousands of workers deported each year for immigration violations and other crimes; ensure trafficking victims in practice are able to pursue criminal cases against their employers; improve victim protection at the Riyadh shelter by transforming it into an open shelter where victims are not locked in; enforce labor laws and expand full labor protections to domestic workers; enforce the Council of Ministers decision criminalizing the withholding of passports; reform the structure of the sponsorship system to discourage sponsors from withholding workers' passports and restricting workers' movements; and continue and expand judicial training on recognizing cases of human trafficking.

Prosecution

The Government of Saudi Arabia made limited law enforcement efforts against human trafficking. In July 2009, Saudi Arabia issued an anti-trafficking law, "Suppression of the Trafficking in Persons Act," promulgated by Royal Decree number M/40. The law became effective in October 2009, three months from the date of issue. The law defines and prohibits all forms of human trafficking, prescribing punishments of up to 15 years and/or fines up to approximately $266,667. Penalties may be increased under certain circumstances, including trafficking committed by an organized criminal group or committed against a woman, child, or person with special needs. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. Since the law includes some concepts unrelated to human trafficking, the government must disaggregate law enforcement activity under this law to indicate which prosecutions and convictions are for trafficking. However, the law does not specifically note the common practice of withholding workers' passports and exit visa denial present in most trafficking cases, and therefore, the actual cases prosecuted under the legislation may be limited. The law also does not secure the right of victims to remain in Saudi Arabia during the investigation and court proceedings, a circumstance that may further impede the chances of successful prosecutions and convictions.

The government did not conduct any investigations, prosecutions, or convictions under the new anti-trafficking law. Under Sharia law, the government reported at least eight convictions for pimping, exploiting a woman, sexual exploitation, and provision of premises for female prostitution, and one conviction for exploiting the rights of male and female workers. The sentences ranged from two months to four years and numerous lashes; it is uncertain whether any of these crimes constituted human trafficking. The Saudi government also prohibits the confiscation of foreign workers' passports under a Council of Ministers decision, and the prescribed penalty for violators is a ban on recruiting other expatriate workers; however, this practice continued to be widespread. The structure of the sponsorship system, which holds sponsors responsible for the workers they employ, encourages sponsors to withhold workers' passports and restrict workers' movements. In addition, despite available administrative laws, the government did not regularly enforce prohibitions against employers or recruitment agents for abusing migrant workers. Since the new counter-trafficking law took effect, the Human Rights Commission held at least three seminars for small groups of judges to improve their capacity in recognizing cases of human trafficking.

Protection

Saudi Arabia made insufficient efforts to protect victims of human trafficking during the reporting period. Saudi Arabian law enforcement officials did not employ procedures for the identification of victims of trafficking among vulnerable populations, such as foreigners detained for immigration violations or women arrested for prostitution. The government operated a short-term shelter for female domestic workers in Riyadh, but victims of physical and psychological abuse were unlikely to receive assistance. Moreover, the shelter is closed; victims are not free to leave. The government did not operate any long-term shelters or facilities to house men. Many victims were simply sent to deportation centers, hospitals, or (if available) housing provided by charitable organizations. Many victims sought refuge at their embassies, negotiated settlements with their employers, and independently obtained funds to return home. During the reporting period, the Indonesian government, in partnership with IOM, sent a delegation to Saudi Arabia to assess the plight of Indonesian domestic workers in the Kingdom. More than 150 Indonesians residing in the Indonesian embassy's shelter and unable to leave because they either did not have passports or exit permits, or both — indications of possible forced labor — were flown home after the delegation intervened with the Saudi government.

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 were jailed without being offered protection. In particular, women are at a disadvantage. Women arrested for prostitution were not interviewed for evidence of trafficking, and may have been subjected to stringent corporal punishment under Saudi law. In previous years, women who were raped by their employers found themselves imprisoned or sentenced to lashes for the offense of moral criminality; it was uncertain if any such events occurred in the reporting period. Women who escaped from their employers were subject to police detention for improper dress if they were not wearing an abaya – a required outer garment – or

for the offense of running away from their sponsor, who is legally responsible for employees for the duration of their stay. Police sometimes returned foreigners to their sponsors or employers, despite their vulnerability to additional abuse or reprisals. Law enforcement agents continue to send street children, often in begging rings, to jail, but this practice was in decline. Saudi officials instead send the children to juvenile detention centers, and then work with diplomatic missions to facilitate deportation of the children picked up in raids.

Few migrants successfully pursue criminal cases against abusive employers, including traffickers, as the Saudi government did not offer assistance with legal remedies. Migrants – including victims of trafficking – sometimes face severe delays in the immigration and justice system, and obstacles such as lack of access to interpreters, legal aid, or their consulates. The length of time to process cases against employers leads many foreign workers – including victims of trafficking – to drop both criminal and monetary claims, choosing instead to return to their home countries penniless in lieu of submitting to a legal process. Moreover, as foreign workers are required to obtain their sponsor's formal permission or order to depart the Kingdom, many trafficking victims languished in shelters or detention centers awaiting these exit permits. Although the government reports providing legal services to victims, the lack of translation assistance and lengthy and costly delays often discourage victims.

Saudi officials did 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. There is no mechanism in place under Saudi law for continuing such cases once the employee has departed Saudi Arabia. Reports indicated Saudi sponsors often prevailed by delaying hearings and approval to grant an exit visa, or refusing to pay penalties or transfer a sponsorship. Traffickers sometimes levied charges against victims, which are believed by police and judges, and officials force confessions from victims. The government did not offer legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution.

Prevention

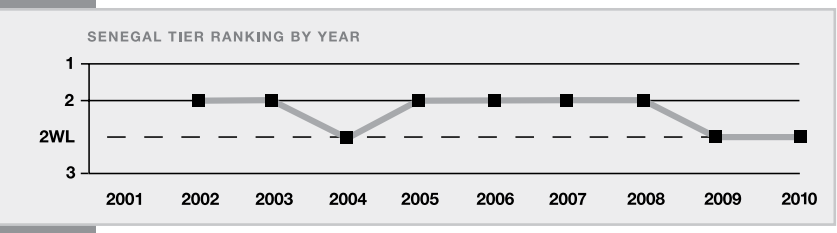
The government has made some progress in preventing human trafficking. As part of a recently-launched, four-year human rights campaign, the Government of Saudi Arabia developed and posted billboards aimed to raise awareness on trafficking and domestic violence; broadcasted a program on government radio describing trafficking and the new anti-trafficking law; and raised awareness at the Janadriya annual cultural festival. As part of its new anti-trafficking law, the Saudi government created an inter-ministerial committee tasked with supervising implementation of the new law and coordinating anti-trafficking activities. The interministerial committee met twice in 2009 and included members of the Ministries of Interior, Justice, Social Affairs, Labor, Culture and Information, and the Human Rights Commission. The Ministry of Labor produced a booklet in Arabic, English, and some source country languages on workers' rights, employers' responsibilities, and methods to seek help and assistance. The booklet was meant to be disseminated to foreign embassies in Riyadh, Saudi embassies abroad, ports of entry, and all foreign workers. However, these booklets were not produced in sufficient quantity and were not translated into a sufficient number of languages. The Ministry of Social Affairs had office hotlines to receive complaints and report crimes involving trafficking. However, complaints had to be submitted in written Arabic, and even those migrant workers who do speak Arabic are illiterate in the language. Reports indicated most workers also could not afford the transportation costs or time off to file a complaint in person, were afraid to complain, or were discouraged by the Ministry's long bureaucratic delays and lack of enforcement. The Ministry of Labor reported it maintained a database of abusive employers who are prohibited from recruiting new foreign workers, but reports indicated the government did not implement the blacklisting system during the reporting period. The government published a report from the Human Rights Commission entitled "Endeavors of the Kingdom of Saudi Arabia to Prevent and Suppress Trafficking in Persons." In the reporting period, Saudi Arabia did not take actions to reduce the demand for prostitution. The Grand Mufti led a public awareness campaign through a series of sermons stressing the illegality of temporary marriage; this may reduce participation in international child sex tourism by Saudi nationals. The government funded and organized various anti-trafficking seminars and workshops, including a three-day trafficking seminar in December 2009, for Saudi and other government officials. The seminar, held at the Naif Arab University for Security Studies, was comprehensive and included case studies, legal review, prosecutorial methodology, and provided information on child sex tourism, victim interviews, and victim assistance.

SENEGAL (Tier 2 Watch List)

Senegal is a source, transit, and destination country for children and women subjected to trafficking in persons, specifically forced labor, forced begging, and commercial sexual exploitation. There are no reliable statistics for the total extent of human trafficking in Senegal. UNICEF estimates that 100,000 children in Senegal, most of whom are talibes – students attending Koranic schools run by teachers known as marabouts – are forced to beg, and that in Dakar alone there are 8,000 of these children begging in the streets. In addition to forced begging, Senegalese boys and girls are subjected to involuntary domestic servitude, forced labor in gold mines, and

commercial sexual exploitation. Trafficking within the country is more prevalent than transnational trafficking, though children from neighboring countries have been found in forced begging and other forms of forced labor in Senegal. Transnationally, boys are also trafficked from The Gambia, Mali, Guinea Bissau, and Guinea to Senegal for forced begging by unscrupulous marabouts. In the past, reports indicated that adult women and girls in Senegal were frequently transported to neighboring countries, Europe, and the Middle East for involuntary domestic servitude and forced prostitution. However, NGO observers now believe that most local women in forced prostitution remain in Senegal. Women and girls from other West African countries, particularly Liberia, Ghana, Sierra Leone, and Nigeria, may be subjected to commercial sexual exploitation in Senegal, including for international sex tourism.

The Government of Senegal does not fully comply with the minimum standards for the elimination of human trafficking; however, it is making significant efforts to do so, despite limited resources. The government continued its strong commitment to provide shelter, rehabilitation, and reintegration services to talibe boys. Despite these overall significant efforts, however, the government has not sufficiently addressed other forms of human trafficking through law enforcement action, victim care, or raising public awareness. Therefore, Senegal is placed on Tier 2 Watch List for the second consecutive year.



Recommendations for Senegal: With emphasis on trafficking cases rather than smuggling operations, increase prosecutions of suspected labor traffickers who subject children to conditions of forced labor; increase support for the work of anti-sex tourism police units in the Ministries of Interior and Tourism to identify potential sex tourists and rescue their child victims; while continuing to care for talibes victimized by forced begging; increase provision of protective services to other types of trafficking victims; establish a specialized unit whose officers are specifically trained to investigate suspected trafficking cases and interview potential victims; and implement the National Action Plan to Combat Trafficking.

Prosecution

The Government of Senegal continued to show significant political will to combat human trafficking; however, it demonstrated minimal progress in increasing anti-trafficking law enforcement efforts during the reporting period. Though Senegal has had an effective legal tool for fighting human trafficking since 2005, the Law to Combat Trafficking in Persons and Related Practices and to Protect Victims has primarily been used to combat alien smuggling from Senegal to Spain, as opposed to trafficking. Many law enforcement and judicial personnel were unaware the anti-trafficking law existed, and used other statutes to prosecute and convict traffickers. The 2005 law's prescribed penalties of five to 10 years' imprisonment for all forms of trafficking were sufficiently stringent and commensurate with penalties prescribed for rape.

The government did not provide data on its anti-trafficking law enforcement activities. In June 2009, a Nigerian man was convicted of trafficking, raping, and prostituting Senegalese girls from three countries and sentenced to two years' imprisonment. In May 2009, police arrested a Senegalese man after neighbors complained he was physically abusing and forcing talibes to beg. A subsequent investigation suggested he had trafficked children from Guinea-Bissau; he is awaiting trial. In March 2009, police dismantled a human trafficking network sending girls from Senegal to Morocco for forced domestic work, but the traffickers – highly placed and influential members of society – were released a few weeks after their arrest and no charges were brought. In the cases reported in the 2009 TIP Report of two Senegalese religious teachers arrested for physically abusing boys they had trafficked for forced begging, one teacher was remanded to jail in October 2009 and awaits trial. There was evidence of some government tolerance of trafficking for forced begging on a local or institutional level. The government reported that none of its employees were known to have been involved in trafficking.

Protection

The Government of Senegal sustained efforts to protect trafficking victims over the last year. It employed proactive victim identification procedures and referred all identified victims to the Ginndi Center, at which the government continued to provide services, such as medical treatment, family mediation and reconciliation, education, shelter, food, and repatriation, to at-risk children, including trafficking victims, regardless of their country of origin. During the reporting period, the center's child protection hotline received 9,545 calls from Koranic teachers, parents, children, and anonymous persons asking for information about the center; an unknown number of these calls concerned cases of human trafficking. In 2009, the Ginndi Center assisted 655 boys and 32 girls, some of whom were trafficking victims. IOM statistics indicated that 223 trafficking victims were identified in Senegal in 2009. The center reunified 593 boys and 27 girls, some of whom were trafficking victims, with their families in five countries. The center conducted vocational training, performed street interventions to convince children to join its programs, and distributed almost 15,000 meals. The Open Center for Education (AEMO), a judicial branch of the Ministry of Justice that assists only children, helped

108 street children in 2009, most of whom were returned to their families or received help from an NGO-run orphanage, Pouponniere Vivre Ensemble. The government provided $24,000 in 2009, which covered most of AEMO's operations. Standard operating procedures for victims of trafficking for sexual exploitation called for them to receive a compulsory HIV/AIDS screening at a hospital before interviewers began to question them, and providers were to offer all counseling behind closed doors to respect victims' privacy. The government ensured that identified victims of trafficking were not penalized for unlawful acts committed as a result of their being trafficked, and Senegalese law permitted closed-door testimony to encourage victims to serve as witnesses. Victims were able to remain in Senegal temporarily or permanently with resident refugee status; 43 boys and two girls were granted residency status during the year.

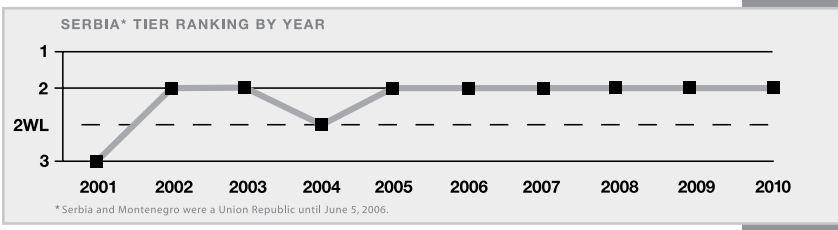
Prevention

The government sustained its modest efforts to prevent trafficking throughout the reporting period. Though it continued efforts to prevent the abuse of talibes during the year, it launched no anti-trafficking public awareness campaigns regarding other forms of human trafficking. In October 2009, the Prime Minister chaired a one-day workshop for government officials and NGOs that resulted in the creation of a National Action Plan to Combat Trafficking. The government's Assistance Committee for Child Protection (CAPE), located within the Office of the President and composed of the Ministries of Family, Health, Education, Interior, Foreign Affairs, and Justice, coordinates the work of all government institutions that combat trafficking in Senegal. In January 2010, CAPE transferred $51,000 to a local NGO to fund a pilot project with other NGOs and associations that will provide shelter to 100 additional talibes and mediation between the Islamic schools and the families of 200 children already residing in shelters. Though the government has specialized anti-sex tourism units located within the Ministries of Interior and Tourism, no foreign pedophiles were arrested in 2009 for commercial sexual exploitation of children. The government did not take steps to reduce the demand for commercial sex acts or forced labor in Senegal. The government did not provide anti-trafficking training to Senegalese troops before deployment on international peacekeeping missions.

SERBIA (Tier 2)

Serbia is a source, transit, and destination country for men, women, and girls subjected to trafficking in persons, specifically forced prostitution and forced labor. Foreign victims found in Serbia originate primarily from Eastern Europe and Central Asia, although there were two victims identified from the Dominican Republic during the year. Children, mostly Roma, continued to be exploited in the commercial sex trade, subjected to involuntary servitude while in forced marriage, or forced to engage in street begging. Serbian nationals continued to comprise the majority of identified victims in 2009.

The Government of Serbia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Serbian government achieved important progress in its anti-trafficking efforts in 2009, as it developed and implemented formal procedures to proactively identify trafficking victims, earmarked emergency funding for two NGO shelters, introduced tougher penalties for traffickers, and increased efforts to prevent trafficking. Imposed punishments for convicted traffickers and complicit officials, however, remained consistently low. Insufficient funding for NGOs and government agencies responsible for victim services continued to hamper the government's ability to provide rehabilitation and reintegration services to victims.



Recommendations for Serbia: Institute reforms to ensure that convicted traffickers receive adequate sentences reflective of the heinous nature of the offense; vigorously prosecute, convict, and punish all forms of trafficking including complicit officials who facilitate trafficking; increase and sustain funding for NGOs providing victims with comprehensive assistance and rehabilitation; increase personnel and resources allocated to the government's victim protection agency; increase training for social workers, police, and other front-line responders to continue to improve identification and referral of trafficking victims; and improve the delivery of specialized services and shelter for children and adult male victims of trafficking.

Prosecution

The Government of Serbia made substantial progress by improving its anti-trafficking laws and imposing more stringent sentences on some trafficking offenders during the reporting period. The criminal code for Serbia prohibits both sex trafficking and labor trafficking through its article 388; this criminal code does not specifically distinguish between commercial sexual exploitation and forced labor. A separate article of the criminal code prescribes penalties for "slavery or a relationship similar to slavery" with penalties of one to 10 years. In August 2009, the government adopted amendments to its criminal code which increase prescribed punishments for trafficking offenders to three to 12 years' imprisonment, up from the previous two to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for

other serious offenses, such as rape. Amendments to the criminal code also increased the minimum prescribed penalties for trafficking children from three to five years and eliminated the previous discretion that allowed judges to hand down sentences less than the prescribed minimum. In 2009, the government reported at least 51 investigations of trafficking offenses, as well as the prosecution of 42 and conviction of 40 trafficking offenders, with the majority receiving sentences ranging from two to four years' imprisonment. The Serbian government confirmed that at least two of the convicted traffickers were in jail pending appeal, as by law individuals convicted for trafficking are only detained during the appeals process if their sentence was greater than five years. Some trafficking suspects and offenders accused or convicted of violent crimes continued to be freed during the pre-trial and post-conviction appeal process, posing a serious risk to their victims. One of Serbia's most infamous traffickers, sentenced to four years and three months by the Supreme Court in 2006 and a fugitive since then, was re-arrested to serve his sentence on March 11, 2010. In a welcome development, in August 2009, the Supreme Court of Serbia confirmed on appeal the highest-ever sentence for trafficking of 10 years' imprisonment. This trafficker is currently serving his sentence. The defendant was the main trafficker in the "Jet Set" case also involving the complicity of the Deputy District Prosecutor in Novi Pazar and two police officers. In August 2009, the Supreme Court confirmed on appeal a lower court judgment finding the Deputy District Prosecutor and the officers guilty of public abuse of office and of trafficking in persons, confirming their suspended sentences and three years' probation. The prosecutor had sexually exploited some of the victims. The government's refusal to cooperate directly with the Republic of Kosovo government hampers Serbia's efforts to investigate and prosecute some transnational trafficking.

Protection

The Government of Serbia made some progress protecting victims of trafficking and significantly improved its capacity to identify trafficking victims in 2009. In April, it issued an order for all police personnel to aid in the proactive identification of trafficking victims, remedying a long-standing deficiency in its victim protection scheme. In 2009, police referred to service providers 112 out of 127 total trafficking victims identified by the government's Agency for Coordination of Protection of Trafficking Victims. Of the identified victims, 30 adult victims were accommodated in two shelters. According to the government, 17 out of the 26 trafficked children identified as trafficked in 2009 were accommodated in orphanages or were detained in a youth rehabilitation center. The remainder were placed in domestic violence shelters, a trafficking shelter, or placed with foster families. The government's ability to protect child victims of trafficking was limited by the lack of specialized shelters for children. Children placed in orphanages or youth detention centers were highly vulnerable to re-trafficking and re-victimization. One NGO reported instances of traffickers continuing to exploit some young girls placed in orphanages in 2009. The government did not run special shelters or services for trafficked men.

NGOs report that authorities sometimes fail to recognize a victim of trafficking. However, identified victims generally were not detained, jailed, or otherwise penalized for unlawful acts committed as a direct result of their being trafficked. While stakeholders reported improvements in victim referrals in 2009, the repatriation through Serbia of victims in a large forced labor case involving mostly Bosnian Serb men exploited for labor in Azerbaijan demonstrated shortcomings and a lack of coordination in the referral system. An NGO reported that the Serbian government failed to provide assistance to these forced labor victims or to refer them to service providers. Serbian police conducted interviews with 12 potential victims from the case and the investigation was ongoing.

On December 16, the government stepped in to remedy a funding shortfall for two NGO-run shelters in danger of closing by allocating $45,000 to keep them in operation. Despite this emergency effort, overall funding for NGOs and the government's protection agency continued to be deficient. The government's protection agency remained understaffed. NGOs continued to rely heavily on international donor funds and a small fund generated from the government's sale of a 2008 special anti-trafficking postage stamp to provide critical services to victims in Serbia. In October 2009, the government requested a formal inquiry into a case of a trafficking victim and her daughter who were allegedly threatened by the victim's trafficker in a Serbian courtroom and subsequently charged by the court with perjury and defamation.

Prevention

The Government of Serbia demonstrated modest progress in its efforts to prevent trafficking in 2009. The Ministry of Interior maintained an anti-trafficking website and Facebook page and published its anti-trafficking hotline via a poster campaign. It proclaimed October as Anti-Trafficking Awareness Month and held an exhibition of children's drawings with an anti-trafficking awareness theme, publishing a calendar with some of the drawings. During the year, the national coordinator disseminated information on a regional victim referral mechanism developed and funded by international organizations.

SIERRA LEONE (Tier 2)

Sierra Leone is a source, transit, and destination country for children and women subjected to trafficking in persons, specifically forced labor and commercial sexual exploitation. Victims come largely from rural provinces and refugee communities within the country, and are recruited to urban and mining centers for the purposes of commercial sexual exploitation, forced domestic work,

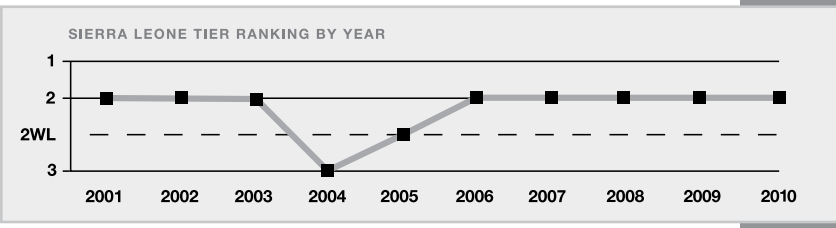
and forced service or labor in petty trading, street crime, and begging. Trafficking victims may also be found in the fishing and agricultural sectors or are subjected to forced prostitution or forced labor through customary practices such as forced and arranged marriages. The incidence of transnational trafficking is relatively small, but Sierra Leone is likely still a source and destination country for the movement of persons to destinations in West Africa, the Middle East, and Europe, where they are subsequently subjected to nonconsensual exploitation. Sierra Leone may also be a destination country for children trafficked from Nigeria, and possibly from Liberia and Guinea for forced begging, forced labor, and commercial 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. At the end of 2009, the government quadrupled the budget of the Ministry of Social Welfare, Gender, and Children's Affairs (MOSWGCA), which leads the government's anti-human trafficking efforts. A significant share of the increased funds was assigned to anti-trafficking activities. Because no government-funded victim services existed, non-governmental and international organizations continued to assume the responsibility for support of trafficking victims, as well as the responsibility for training government staff on implementation of the anti-trafficking law. While the government has identified human trafficking as an important policy issue, identifying available resources and building capacity to combat the problem will remain a serious problem well into the future due to the government's limited financial and human resources.

Recommendations for Sierra Leone: Strengthen efforts to prosecute and convict trafficking offenders; train law enforcement officers and social workers to identify and care for trafficking victims using approaches that focus on the needs of the victims; implement formal procedures to identify trafficking victims among vulnerable populations, such as females in prostitution, unaccompanied foreign minors, and illegal migrants; ensure victims have access to basic services and shelters for trafficking victims, providing government support where possible; improve coordination among police and social service providers to ensure that all victims receive access to necessary care; and improve efforts to collect data on anti-trafficking law enforcement efforts and victim assistance.

Prosecution

The Government of Sierra Leone demonstrated limited progress in law enforcement efforts over the last year by convicting two trafficking offenders under its 2005 anti-trafficking law, in contrast to no convictions obtained in 2008. The Anti-Trafficking in Persons Act of 2005 prohibits all forms of human trafficking and prescribes a maximum penalty of 10 years' imprisonment for both sex and labor trafficking offenses. This penalty is sufficiently stringent, but not commensurate with penalties for rape, which carried a maximum sentence of life imprisonment. The Child Rights Act of 2008 includes a number of provisions that relate to trafficking, though many police officers opted to use abduction and unlawful child harboring statutes when charging trafficking suspects. In May 2009, a Sierra Leonean woman was convicted of "conspiracy to commit trafficking" after luring a 6-year-old girl to Kailahun, where she attempted to sell the child. The woman was sentenced to seven years' imprisonment. Also in 2009, a Guinean man was convicted of the same crime and sentenced to eight months' imprisonment after transporting and attempting to sell his son in Sierra Leone. According to an NGO, in addition to these two convictions, three other cases reached the court during the reporting period and are awaiting a verdict. It is unknown whether these cases constitute human trafficking. The government did not provide specialized training on investigating or prosecuting human trafficking offenses, but did make law enforcement officers and other government officials available to attend training conducted by international organizations and local NGOs. An international organization reported that the government forged an operational partnership with the Government of Liberia to pursue a joint investigation and repatriation case during the reporting period. Further information regarding this case was not available.



Protection

During the past year, the Sierra Leonean government continued to ensure victims' access to protection services provided by NGOs and international organizations, as a severe lack of resources and personnel limited its ability to deliver services directly. The government developed and began implementing a protocol for law enforcement and social services authorities' identification of trafficking victims, but only a small number of officials were trained to follow it during the reporting period. Most high-risk persons – such as females in prostitution, unaccompanied minors, and undocumented immigrants – remained unscreened. The government's plan to provide a new shelter for trafficking victims of all ages in Freetown was not fulfilled, and no shelter exists at present in the country's capital. The government did not directly provide trafficking victims with legal, medical, or psychological services, or any funding to organizations that assisted victims. The government did not provide assistance to foreign trafficking victims. The Police Family Support

Units reported that 22 trafficking victims were assisted by police during 2009. In January 2010, it began using a new database to track trafficking cases. Although the Family Support Units were charged with referring victims to MOSWGCA, police officers were often not present at every Family Support Unit's location. As a consequence, police frequently had to turn victims over to newly formed Voluntary Parental Groups (VPGs), whose ability to deal with this responsibility was unclear. In cases where victims were identified, however, authorities encouraged them to participate in the prosecution of their traffickers, but the general inefficiency of the judicial sector frustrated those efforts. Many victims lost patience waiting for a trial in their cases to begin. The anti-trafficking law did provide for victim restitution, but no victims received any kind of civil damages for abuse or hardship suffered during the trafficking experience. Sierra Leone did not provide legal alternatives to the removal of foreign victims to countries where they faced hardship or retribution. No agency reported that trafficking victims were penalized for unlawful acts committed as a direct result of being trafficked. The government did not provide assistance to its nationals who were repatriated from other countries.

Prevention

The government made minimal efforts to raise awareness about trafficking during the reporting period. Through the Trafficking in Persons Task Force, it sustained partnerships with NGOs, the IOM, and foreign governments to conduct training for police prosecutors and officers, both in the field and at the Cadet Training School. The government did not appear to monitor immigration and emigration patterns for evidence of trafficking. The government did not make efforts during the reporting period to reduce the demand for commercial sex acts. The government did not provide anti-human trafficking training for armed forces it deployed to the international peacekeeping mission in Darfur. Sierra Leone is not a party to the 2000 UN TIP Protocol.

SINGAPORE (Tier 2 Watch List)

Singapore is a destination country for women and girls subjected to trafficking in persons, specifically forced prostitution, and for some migrant workers in conditions that may be indicative of forced labor. Foreign workers make up over one-third of Singapore's total labor force. Migrating from Thailand, Burma, Philippines, Indonesia, Vietnam, India, Sri Lanka, Bangladesh, and elsewhere in Asia, most of them are unskilled and semi-skilled laborers employed in construction, domestic households, and the service industries. Some of these foreign workers may face deception about the nature of their employment or salary, confiscation of their passport, restriction on their movement, illegal withholding of their pay, or physical or sexual abuse – factors that may contribute to trafficking. Many domestic workers in Singapore face debts associated with their employment that may amount to six to 10 months' wages, which can make them vulnerable to forced labor.

Some women from Thailand, the Philippines, and China are recruited in their home countries with offers of legitimate employment but upon arrival in Singapore, are deceived or coerced into forced prostitution. Some women from these countries enter Singapore with the intention of engaging in prostitution but upon arrival are trafficked into forced prostitution for the benefit of others. Deceptive recruitment or subsequent coercion into commercial sexual exploitation may also happen to women from other countries, including India and Sri Lanka. Sex trafficking victims often enter Singapore on tourist visas arranged by their recruiters, though there were reports that victims increasingly enter Singapore on six-month entertainment visas. Some reports suggest organized crime groups may be involved in international sex trafficking of women and children to Singapore. Some foreign women in "forest brothels" located on public lands near migrant worker dormitories are reportedly victims of trafficking. It is believed substantial recruitment networks may be operating in order to continue the supply of women trafficked into commercial sexual exploitation in Singapore. Based on data published as recently as 2008, Singaporean men continue to be a source of demand for child sex tourism in Southeast Asia.

The Government of Singapore does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Although the Singaporean government took some significant new steps to prevent conditions of forced labor, the quantifiable indicators of anti-trafficking prosecution and victim protection – which this report emphasizes – indicate no increasing efforts to prosecute and punish forced labor offenses or to identify both victims of sex trafficking and victims of forced labor. Therefore, Singapore is placed on Tier 2 Watch List. There were no labor trafficking prosecutions or convictions during the reporting period. The government showed an inadequate response to the sex trafficking problem in Singapore, convicting and punishing two trafficking offenders. The government could and should be more successful in finding, prosecuting, and punishing those responsible for human trafficking. Despite some proactive measures taken by the government to identify and protect victims of trafficking, those measures proved insufficient to generate additional prosecutions for sex or labor trafficking. Singapore is therefore encouraged to consider implementing the recommendations outlined below.

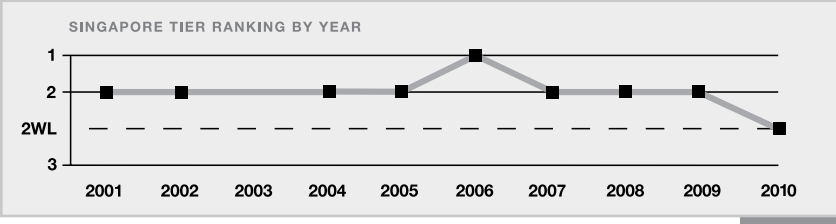
Recommendations for Singapore: Prosecute an increased number of cases involving the trafficking of children under the age of 18 for commercial sexual exploitation; prosecute more employers and employment agencies who unlawfully confiscate workers' passports as a means of intimidating workers or holding them in a state of involuntary servitude, or who 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; study ways to make legal aid to trafficking victims accessible and affordable 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 the cooperative exchange of information about potential trafficking issues and allegations of trafficking offenses with NGOs and foreign diplomatic missions in Singapore; and conduct public awareness campaigns to inform citizens and residents of the penalties for involvement in trafficking for sexual exploitation or forced labor.

Prosecution

The Government of Singapore demonstrated limited law enforcement efforts to combat trafficking in persons during the year. Singaporean law criminalizes 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. Penalties prescribed for sex trafficking, including imprisonment, fines, and caning, are sufficiently stringent, as are penalties prescribed for labor trafficking. Although the Singapore Police proactively identified one known sex trafficking victim, observers report that Singaporean law enforcement authorities continued to display a passive and reactive posture toward human trafficking crimes, typically waiting for victims to come forward and file complaints. Singaporean government officials denied that human trafficking is a significant problem in the country but noted that all reported cases of sex trafficking are referred to an anti-vice unit within the police. While the Ministry of Manpower (MOM) maintained responsibility for investigating all labor abuses, the police were responsible for criminally investigating any offenses under the Penal Code's forced labor statute; no cases under the forced labor statute were referred to the police by the MOM over the reporting period. Non-governmental sources, however, expressed concern about the willingness and ability of Singaporean police and immigration officers to identify potential sex trafficking victims, mount thorough investigations, and prosecute cases.

The government did not prosecute any cases under the Singaporean Penal Code's provisions against forced labor. However, the government successfully prosecuted an unknown number of employers for physically or sexually abusing foreign domestic workers and imposed jail sentences on those convicted. The government prosecuted and courts punished 228 labor agency officials and employers for violations of employment laws and regulations, resulting in fines and demerits. The MOM handled complaints from 4,500 foreign workers during the first half of 2009 regarding non-payment of salaries. The government also revoked the licenses of 11 employment agencies for infringement of employment laws. Authorities reported the conviction of two employment agencies and the "stern warning" of 33 for withholding the passports of foreign workers, a proven contributor to trafficking. The two convicted agencies were sentenced with fines; two additional prosecutions were under way. The government did not disclose whether it investigated any of these labor abuse cases as potential forced labor offenses.



The government investigated 32 reports of sex trafficking during the year, of which two were confirmed by officials to be trafficking cases and prosecuted. In one case, five Thai women were brought into Singapore and forced into prostitution; their Thai recruiters were convicted and sentenced to prison terms of 19 months and 18 months. In the other case involving a Thai girl who was a sex trafficking victim, a Singaporean brothel owner was sentenced to nine weeks' imprisonment and a $20,000 fine, an inadequate punishment for commercial sexual exploitation of a child. Singapore police arrested 89 children for prostitution offenses during 2009, all of whom should have been identified as trafficking victims. Police investigated four of those cases as potential sex trafficking cases, resulting in one successful prosecution of a trafficker, as noted above. The government did not report why police did not treat the other 85 children as potential trafficking victims.

Protection

The government did not show appreciable progress in protecting trafficking victims. The Government of Singapore did not employ formal procedures for the identification of sex or labor trafficking victims. Efforts to proactively identify sex trafficking victims among the high-risk population of 7,614 foreign females arrested for prostitution violations were not successful in identifying more than one confirmed trafficking victim. NGO observers expressed doubts about whether the police routinely applied their victim identification protocols during anti-vice sweeps. Except for the one case the government identified as a sex trafficking case, nearly all of the 7,614 women and children were deported after arrest; the remainder were deported at the conclusion of

the police investigations, and some of the women were prosecuted for immigration violations. The government provided $657,000 towards the operation of three NGO-managed shelters serving adult victims of crime or violence and 20 NGO-managed children's shelters, which were available to victims of trafficking. In addition, the government directly operated two shelters for children who came into conflict with the law or who were victims of crimes. The government reported referring eight Thai and Vietnamese children who were potential victims of trafficking to government-funded shelters during the year. Singapore lacked shelters dedicated to caring for victims of sex trafficking. The Philippine and Indonesian diplomatic missions continued to operate shelters for their nationals, primarily for female domestic workers involved in employment disputes (some of whom suffered abuse by employers) and women engaged in prostitution (some of whom the embassies determined were trafficking victims). Foreign embassies in Singapore reported identifying approximately 105 female sex trafficking victims. The victims in the two sex trafficking cases prosecuted by the government stayed in NGO and government shelters during the investigation and prosecution of their traffickers, in which they were required to assist. Local NGOs and the media reported an additional six sex trafficking victims, including four Sri Lankan women, one Indian woman, and one 17-year-old Indonesian girl. Law enforcement efforts aimed at curbing prostitution resulted in some victims of sex trafficking being penalized (by deportation) for unlawful acts committed as a direct result of being trafficked, particularly with respect to the 85 children arrested for prostitution offenses who were not treated as potential trafficking victims.

Singapore does not provide victims of sex or labor trafficking with legal alternatives to removal to countries where they may face hardship or retribution. The government did not provide positive incentives, such as immigration relief and legal aid, for foreign victims of trafficking to participate voluntarily in investigations and prosecutions of trafficking offenses. Identified victims were able to obtain work authorization while assisting with the prosecution of their traffickers, but some had difficulty in finding employment. When cases were being investigated or prosecuted, the government generally held the victims' passports and declined their requests for repatriation. Although victims are legally entitled to pursue civil cases against their traffickers, in practice, most foreign victims do not have the financial resources to do so.

Prevention

The government demonstrated efforts to prevent trafficking in persons during the year. Although the government took some steps to prevent conditions of forced labor, the government continued to deny that trafficking was a significant problem in Singapore and did not make public any information concerning the extent of the problem. Authorities did not have any institutionalized, interagency structures to address trafficking, and did not have an action plan to combat trafficking. The government unilaterally canceled an anti-trafficking training, to be provided by a foreign government, citing commitments involved in Singapore's new integrated casino resorts. In November 2009, members of the Singapore Police Force attended an anti-trafficking training put on by a foreign donor in Bangkok. Authorities continued compulsory courses on employment rights and responsibilities for all incoming foreign domestic workers and their employers. The government provided domestic workers with written materials explaining their rights in their native languages and providing contact information for reporting complaints to labor authorities, and warned employers that it is an offense to confiscate any of these materials. The government attempted to address the demand for commercial sex acts in Singapore's commercial sex industry, though its chosen approach – generalized police sweeps of known red-light districts resulting in mass arrests of women in prostitution – was not sensitive to the need to identify and protect potential trafficking victims. The government partnered with an NGO to distribute hotline information to encourage reporting of child sex tourists to the Singaporean police at Singapore's major public travel fair, but it did not have a means to verify whether the campaign generated any leads. Although Singaporean law provides for extraterritorial jurisdiction over Singaporean citizens and permanent residents who sexually exploit children in other countries, the government has never investigated, prosecuted, or convicted a national or permanent resident for child sex tourism. Singapore is not party to the 2000 UN TIP Protocol.

SLOVAK REPUBLIC (Tier 2)

The Slovak Republic (or Slovakia) is a source, transit, and limited destination country for men, women and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Victims generally originate from Slovakia, Moldova, Ukraine, Bulgaria, the Baltics, the Balkans, and China. Women and children in Slovakia are subjected to forced prostitution within the country and throughout Europe. Roma children are subjected to forced begging. The majority of identified victims in 2009 were Roma women and children from segregated Roma settlements located within rural areas in Slovakia.

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. During the reporting period, the government stepped up efforts to identify foreign victims, assisted an increased number of victims, and established a center to consolidate trafficking data. Punishment for convicted traffickers continued to be a weakness in the government's anti-trafficking efforts, as the government

suspended nearly all sentences for offenders convicted under its trafficking law in 2009.

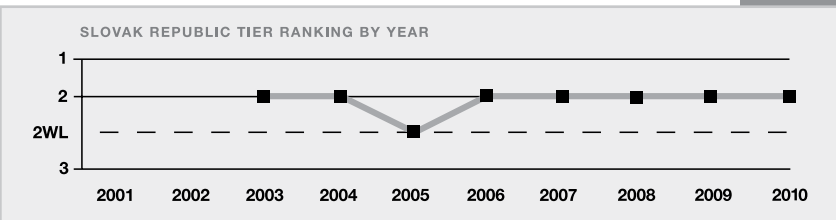
Recommendations for the Slovak Republic: Increase training and capacity building for investigators, prosecutors and judges, to ensure trafficking crimes are vigorously investigated and prosecuted and offenders are convicted and punished with time in prison; continue to foster partnerships with NGOs to improve the identification of foreign and domestic trafficking victims among vulnerable populations, including women in Slovakia's commercial sex sectors, detained illegal migrants, and asylum seekers; consider expanding the practical role of NGOs or victim trauma experts in front-line identification efforts for potential foreign trafficking victims; conduct a demand-reduction awareness campaign to educate Slovaks and clients visiting Slovakia about the potential links between prostitution, exploitation, and trafficking; consider an outreach campaign to encourage more trafficking victims to participate in the government program; and continue to institutionalize training on victim identification and sensitive questioning techniques for law enforcement, border police, social workers, and other front-line responders throughout Slovakia.

Prosecution

The Government of the Slovak Republic sustained its law enforcement efforts during the reporting period, though it continued to suspend sentences for the majority of convicted trafficking offenders in 2009. The Slovak Republic prohibits all forms of trafficking through Sections 179-181 of its criminal code, which prescribe penalties of from four to 25 years' imprisonment. These penalties are sufficiently stringent and are commensurate with those prescribed for other serious crimes, such as rape. Police conducted nine trafficking investigations in 2009, compared with 18 in 2008. The government initiated the prosecution of three trafficking suspects in 2009, the same number initiated in 2008. The government reported that it convicted 10 trafficking offenders during the reporting period, the same number it convicted in 2008. The Government of Slovakia did not report whether any of these convictions involved labor trafficking offenses. Eight out of 10 convicted traffickers were given suspended sentences and thus served no time in jail. The government did not provide information on the length of the two prison sentences actually imposed. In 2009, the government allocated $75,400 to open an International Trafficking Information Center to centralize the collection of comprehensive data on trafficking in Slovakia and facilitate bilateral and regional information sharing on cases. The government cooperated in 14 bilateral trafficking investigations involving Slovak victims and suspects in 2009. The majority of cases involved the UK, Ireland, and Germany. The government extradited four trafficking suspects during the reporting period. There were no official cases of trafficking-related complicity in 2009.

Protection

The Government of Slovakia increased its efforts to identify and protect identified domestic trafficking victims in 2009. The government took some important steps to increase its capacity to identify potential trafficking victims in 2009 by expanding NGO training for border police, social workers, and other front-line responders and by funding training on an IOM manual to assist front line responders in identifying potential trafficking victims. While the government increased outreach to vulnerable populations and funded an NGO to conduct outreach among women in prostitution, it did not identify any foreign victims subjected to forced prostitution or forced labor in Slovakia. While the government endorsed the IOM manual for use by front-line responders in victim identification, it is unclear the extent law enforcement employed systematic efforts to proactively identify potential trafficking victims among women and girls in commercial sex sectors, including women engaged in street prostitution, erotic massage salons, escort services, or strip bars fronting for brothels in Bratislava. The Slovak government continued to fund NGOs providing comprehensive assistance to victims who elected to participate in the government's National Program; these victims received financial support for a minimum of 180 days. The government provided $275,000 to six anti-trafficking NGOs implementing training, prevention and assistance, $241,000 of which was for direct victim care, an increase from $220,000 the previous year. The government assisted 27 trafficking victims, a significant increase from 17 in 2008. NGOs reported assisting 32 additional trafficking victims with non-government funding in 2009. These victims declined to participate in the government's program. Eight of the victims participating in the national program in 2009 were victims of forced labor in the agricultural sector. The government offers foreign victims, upon their identification, a renewable 40-day legal status in Slovakia to receive assistance and shelter and to consider whether to assist law enforcement; however, no potential foreign trafficking victims were identified in 2009. The Ministry of Foreign Affairs funded the repatriation of six Slovak trafficking victims in 2009. The government encouraged victims to assist in the investigation and prosecution of trafficking offenders and, during the reporting period, 12 victims participated in such law enforcement activities. The government did not penalize victims for unlawful acts committed as a direct result of being trafficked, however according to local observers, unidentified



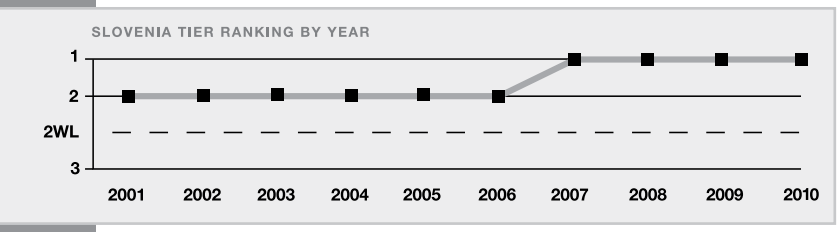
victims, including illegal migrants and women in prostitution, continued to be detained and deported.

Prevention

The government sustained its human trafficking prevention efforts through partnerships with NGOs in continuing a number of anti-trafficking awareness campaigns in 2009. These campaigns included billboards and leaflets in nine languages for potential foreign and Slovak victims, Internet ads, television ads publicizing the anti-trafficking hotline, a mobile information outreach center, and more than 5,000 posters displayed at bus stations, police stations, migrant and asylum-seekers' camps and Slovak embassies. In December 2009, the government's anti-trafficking Expert Group met to distribute funds for NGOs, update the national anti-trafficking program and developed projects with NGOs. Slovakia continued to partially fund an IOM-run trafficking hotline that provided information to persons vulnerable to trafficking. Hotline staff identified eight victims since the hotline opened in June 2008. The government did not undertake any significant efforts to reduce demand for commercial sex acts. 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 a transit and destination country, and to a lesser extent, a source country for women and children subjected to trafficking in persons, specifically forced prostitution and men in forced labor. Women and children from Slovenia, as well as Ukraine, Moldova, Bulgaria, Romania, Slovakia, the Czech Republic, Hungary, the Dominican Republic, Thailand, and Iran are subjected to forced prostitution in Slovenia and also transited though Slovenia to Western Europe – primarily to Italy and Germany – for the same purpose. Men, women, and children from Ukraine, the Dominican Republic, and Romania are subjected to conditions of forced labor in Slovenia and also in Italy and Germany after migrating through Slovenia.



The Government of Slovenia fully complies with the minimum standards for the elimination of trafficking. The government increased funding allocated for victim assistance and maintained adequate prevention efforts, including continued efforts to raise awareness about trafficking among populations vulnerable to trafficking, such as asylum-seekers. The government also ensured that all convicted traffickers served some time in prison.

Recommendations for Slovenia: Vigorously investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including those involved in forced labor; increase efforts to identify victims of both sex and labor trafficking; increase the number of victims referred for assistance; continue to ensure that a majority of convicted traffickers serve some time in prison; continue to provide trafficking awareness training for judges and prosecutors; and continue efforts to raise awareness of forced labor and forced prostitution among the general public.

Prosecution

The Government of Slovenia demonstrated some anti-trafficking law enforcement efforts in 2009. The government prohibits all forms of trafficking in persons through Article 113 of its criminal code, which prescribes penalties ranging from six months to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government conducted 28 trafficking investigations in 2009, compared with seven in 2008. Authorities prosecuted four cases in 2009, compared with eight cases in 2008. Two trafficking offenders were convicted in 2009, down from six convictions in 2008. One convicted offender was sentenced to 38 months' imprisonment and the other offender was sentenced to 24 months' imprisonment, compared with 2008 when four convicted offenders were given sentences ranging from nine to 48 months' imprisonment. The Ministry of Justice provided trafficking training for approximately 150 judges and prosecutors on the appropriate application of Article 113 of the penal code during the reporting period. Law enforcement officials in Slovenia partnered with regional counterparts from Moldova, Italy, Croatia, and Hungary during several trafficking investigations.

Protection

The Government of Slovenia demonstrated adequate efforts to identify and refer victims for assistance and increased the amount of funding allocated for victim services during the reporting period. The government continued to provide funding to two NGOs to provide both short-term and extended victim assistance, including shelter, rehabilitative counseling, medical assistance, vocational training, and legal assistance. The government allocated $120,000 for this assistance in 2009, an increase from $95,000 provided for victim assistance in 2008. Authorities identified 29 victims during the last year, a decrease from 65 victims identified in 2008. In 2008, authorities identified an unusually high number of victims of trafficking, resulting from the discovery of several large-scale trafficking cases. During the reporting period, government officials referred 23 victims for assistance, compared with 70 potential victims referred for assistance in 2008. Twelve victims were provided with

assistance by government-funded NGOs, a decrease from 38 victims in 2008. After their identification, victims were granted a 90-day reflection period during which they were eligible to receive assistance and decide whether or not to cooperate with law enforcement. Victims were encouraged to participate in trafficking investigations and prosecutions of trafficking offenders; twelve victims assisted law enforcement in 2009, compared with nine victims in 2008. 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; one foreign victim applied for a temporary residency permit during the reporting period. There were no identified victims punished for unlawful acts committed as a direct result of being trafficked.

Prevention

The government sustained its prevention efforts from the previous reporting period. The Ministry of Interior, UNHCR, and local NGOs sustained partnerships to administer a project that provided information about trafficking and gender-based violence to asylum seekers. The government provided approximately $12,700 for NGOs to conduct this campaign, which included the distribution of fliers at community centers, embassies, and at public events as well as public service announcements on the radio and Internet. The government continued its efforts to reduce the demand for commercial sex acts by allocating funding to NGOs to print brochures and conduct lectures targeting potential current and future clients of prostitution.

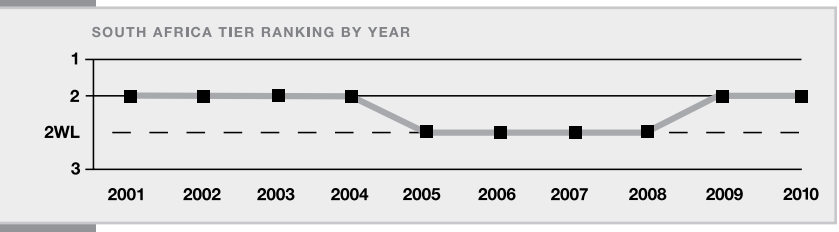
SOUTH AFRICA (Tier 2)

South Africa is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced commercial sexual exploitation. Children are largely trafficked within the country from poor rural areas to urban centers like Johannesburg, Cape Town, Durban, and Bloemfontein. Girls are subjected to sex trafficking and involuntary domestic servitude; boys are forced to work in street vending, food service, begging, criminal activities, and agriculture. 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, leaving them vulnerable to forced labor and commercial sexual exploitation. Local criminal rings and street gangs organize child prostitution in a number of South Africa's cities, which are common destinations for child sex tourists. To a lesser extent, trafficking syndicates traffic South African women to Europe and the Middle East for domestic servitude and commercial sexual exploitation. Nigerian syndicates also send South African women to the United States to households of African migrant clients. In a new development, South African men recruited by local employment agencies to drive taxis in Abu Dhabi were subjected to forced labor subsequent to their arrival in the UAE. South Africans most vulnerable to becoming trafficking victims are poor blacks from rural areas suffering high rates of unemployment. NGOs estimate 60 percent of the trafficking victims in South Africa are children. Because they are usually enslaved on farms and in private homes, children are often hard for police to identify and rescue. Trafficking syndicates send recruiters, who are as likely to be women as men and are often trusted family members, acquaintances, or neighbors, to rural towns. Posing as employment agencies, traffickers for domestic labor use job ads in local newspapers to lure victims. 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. Women and girls from Thailand, Congo, India, Russia, Ukraine, China, Taiwan, Mozambique, and Zimbabwe are recruited for legitimate work in South Africa then involuntarily subjected to commercial sexual exploitation, domestic servitude, and other forced labor in the service sector. Some of these women are transported to Europe for forced commercial sexual exploitation. Fewer Thai women than in the past appeared subjected to forced prostitution in South Africa's illegal brothels, while Eastern European organized crime units still forced some women from Russia and Ukraine into debt-bonded prostitution in exclusive private men's clubs. Organized traffickers from China bring victims from Lesotho, Mozambique, and Swaziland to Johannesburg for commercial sexual exploitation, or to send them on to other cities. Migrant men from China and Taiwan are forced to work in mobile sweatshop factories in Chinese urban enclaves in South Africa, which evade labor inspectors by moving in and out of nearby Lesotho and Swaziland. Young men and boys from Mozambique, Malawi, and Zimbabwe voluntarily migrate to South Africa for farm work, sometimes laboring for months in South Africa with little or no pay and in conditions of involuntary servitude before unscrupulous employers have them arrested and deported as illegal immigrants. Organized crime gangs force teenage boys from Zimbabwe and Mozambique to enter abandoned South African mines and steal leftover bits of gold.

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. During the year, the government convicted its first trafficking offenders, created a Child Protection Strategy at the national and provincial levels, continued developing inter-ministerial operating procedures, and trained officials on the draft anti-trafficking law, victim identification procedures, and agencies' roles in combating trafficking. The government's comprehensive anti-trafficking bill, however, was not passed or enacted, though the government had been promising to pass this legislation since 2008 so it could be fully implemented before the World Cup began in June 2010. In addition, the Children's Amendment Act of 2007, which prohibits child

trafficking, has not been fully funded or implemented. Labor trafficking received less official attention than sex trafficking, despite increasing reports of labor trafficking in mines and on farms. Despite the availability of government financial and other resources, the South African government devoted little funding for anti-trafficking law enforcement activity or victim protection compared with the substantial financial and personnel contributions from a large number of foreign donors and NGOs.

Recommendations for South Africa: Enact and begin implementing the draft comprehensive anti-trafficking law; fund and fully implement the Children's Amendment Act of 2007; increase awareness among all levels of relevant government officials as to their responsibilities under the anti-trafficking provisions of the Sexual Offenses and Children's Acts; continue to support prevention strategies developed by NGOs to address demand for commercial sex acts and protect children from commercial sexual exploitation beyond the 2010 World Cup; support the adoption of measures to protect children from sexual exploitation in travel and tourism; investigate and prosecute officials complicit in trafficking; 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 minimally increased its anti-trafficking law enforcement efforts during the reporting period. South African law does not specifically prohibit all forms of trafficking. The Sexual Offenses Act (SOA) prohibits sex trafficking of children and adults and the Basic Conditions of Labor Act of 1997 prohibits forced and child labor. The SOA prescribes punishments of up to 20 years' imprisonment for sex trafficking offenses, penalties which are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. Penalties of up to three years' imprisonment for forced labor are not sufficiently stringent. In March 2010, South Africa's parliament began consideration of a comprehensive anti-human trafficking law – the Prevention and Combating of Trafficking in Persons Bill – that the government had been drafting for some years.

Most prosecutions opened from 2006-2009 were not concluded, including the trial of "Diana," a Mozambican women charged in early 2008 under the SOA and labor laws with child trafficking and forced labor for exploiting three Mozambican girls in prostitution and domestic servitude. In the country's only successful trafficking prosecution of the reporting period, a court in Durban concluded prosecution in March 2010 of a case begun in 2007 involving a husband and wife charged with 22 counts of racketeering, money laundering, and offenses under the SOA and Immigration Act, convicting both defendants on 17 counts; the couple has not yet been sentenced. During the past year, police identified victims and opened investigations into at least seven trafficking cases, though none have yet gone to court. Durban police began investigating the case of a 13-year-old girl rescued from a brothel in October 2009. In November 2009, a South African woman originally from Thailand was arrested for promising Thai women jobs in Durban massage parlors, then forcing them into prostitution. In December 2009, private security officers at a gold mine in Barberton caught and handed over to police 260 illegal diggers working for organized crime gangs; more than 80 were Zimbabwean and Mozambican teenage boys who had been brutally coerced to work as mine robbers. Also in December, Johannesburg police rescued two 10-year old Basotho girls from a brothel and began an investigation. In January 2010, a businessman from Uitenhage was arrested for raping a child repeatedly during 2007-2009. The girl's mother was arrested and charged with sexual exploitation, sexual grooming, and failure to report a sexual offense against a child. The businessman allegedly paid the mother $10 to $15 each time to rape her daughter. Police continued to alert some embassies and IOM in advance of raids on brothels suspected of holding foreign victims. The press reported the arrest of Department of Home Affairs (DHA) officials involved in the 2006 "After Dark" case in Durban were arrested for facilitating the movement of Thai victims into South Africa. On-going cases in Durban and Rustenberg involve police allegedly complicit with trafficking gangs.

Protection

The South African government sustained its efforts to ensure trafficking victims' access to protective services during the reporting period. There were no official statistics concerning the number of victims assisted during the reporting period, since victims of trafficking continued to be classified in police records as victims of rape, domestic abuse, gender-based violence, and forced labor. Overall, the government abided by requirements in the SOA and Children's Act to provide child victims with safe shelter, medical aid, and legal support, though provision of services was uneven, and lacking most in rural areas. The government did not provide dedicated funding for the protection of trafficking victims, despite the availability of government resources. Victims of forced labor on farms near the borders with Lesotho and Mozambique were routinely denied care and summarily deported. Both identified and suspected trafficking victims received care at overtaxed facilities for victims of domestic abuse, gender-based violence, rape, and sexual assault run by NGOs, faith-based organizations, and community charities, with some funding from the

Department of Social Development (DSD). As the only body authorized by judicial authorities to refer crime victims to private shelters, the DSD was involved in each case. Officials monitored victims' care, prepared them for court, and accompanied them through trial and repatriation stages. DSD and the South African Police Service (SAPS) formally notified each other of trafficking cases to enable rapid access to care, and effective gathering of evidence and testimony. The government does not offer long-term care to victims, except foreigners assisting with investigations or in need of protection. Seven victims were in such voluntary witness protection programs at the end of 2009 in the province of Kwa Zulu Natal alone. Officials encouraged victims to participate in the investigation and prosecution of trafficking offenders; almost all foreign victims, though, preferred to return home without pressing charges. The amended SOA stipulates that sex trafficking victims not be charged with crimes committed as a direct result of being trafficked, yet some victims were still arrested. In one case, the victim was locked in the same cell with the alleged trafficker. The law did not provide all trafficking victims with legal alternatives to deportation to countries where they may face hardship or retribution.

Prevention

The government demonstrated progress in combating human trafficking through prevention. In 2009, the government forged partnerships with counterparts from Lesotho and Swaziland to plan anti-trafficking activities and raise awareness. It helped sponsor the fourth annual Human Trafficking Awareness Week in December 2009, which alerted the public to the threat of trafficking and promoted an NGO's new trafficking helpline. In partnership with the IOM, the National Prosecuting Authority trained 812 law enforcement and other government officials as part of an on-going program funded by the EU. Training covered the difference between trafficking and smuggling; victim identification criteria; legal frameworks; and roles of various government departments and community actors. Another 238 representatives from the SAPS, DSD, Department of Health, DHA, and other agencies were certified through "train the trainers" programs. As part of its plan for hosting the FIFA 2010 World Cup, the Victim Empowerment Directorate drafted a national Child Protection Strategy, which it tested during the Confederations Cup in December 2009. DSD tasked each province hosting an official match with writing its own local plan, some of which were completed in early 2010. Because the government would not agree to provide security at venues other than stadiums hosting official matches, civil society groups independently prepared to carry out trafficking prevention activities at "child-friendly spaces" at fan parks and other World Cup-related venues. In December 2009, the Nelson Mandela Children's Fund (NMCF), in partnership with DSD and civil society organizations, launched the "Champions for Children Campaign: 2010 and Beyond" to raise awareness of trafficking and other risks to children, and promote child protection. The Department of Home Affairs Minister began an overhaul of the DHA to combat internal corruption, and reduce document and identity fraud, which allow traffickers to easily move victims into and out of South Africa. The project focused on registering all South Africans (complete with biometric data), ending late birth registrations, and producing a secure South African passport within the next few years. As part of its efforts to promote child protection and educate the public about the dangers of trafficking, the government made some efforts to reduce the demand for commercial sex acts.

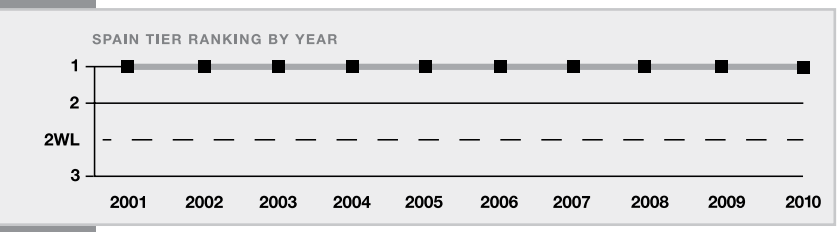
SPAIN (Tier 1)

Spain is a destination and transit country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. Victims originate from Eastern Europe, Latin America, East Asia and sub-Saharan Africa. There are reports of men and women being subjected to forced labor in the domestic service, agriculture, construction, and tourism sectors. Spanish nationals are reported to have been subjected to forced labor and forced prostitution within the country. According to media reports and government officials, approximately 90 percent of those engaged in prostitution in Spain are victims of forced prostitution, controlled by organized networks operating throughout the country. Unaccompanied minors crossing into Spain may be vulnerable to forced prostitution and forced begging.

The Government of Spain fully complies with the minimum standards for the elimination of trafficking. In 2009, the government established a 30-day reflection period for trafficking victims, created a victim assistance fund to improve protections for trafficking victims, and drafted legislation to explicitly criminalize all forms of trafficking. The national and regional level governments also implemented innovative prevention campaigns to address demand for sex trafficking. Despite the existence of a National Referral Mechanism, however, the government did not provide data to confirm the majority of identified victims were referred to care and protection. A lack of specialized services for trafficked and vulnerable children and adult victims of forced labor significantly hampered its ability to identify and protect them. Because current Spanish law does not disaggregate its data on anti-trafficking prosecution efforts from those for smuggling, it was unclear how many of the government's reported prosecutions or convictions were trafficking-specific.

Recommendations for Spain: Consider expanding formal partnerships with NGOs to create a more a multi-disciplinary, victim-centered approach to trafficking in Spain; develop formal procedures to guide front-line responders in proactively identifying victims among vulnerable groups, such as irregular migrants and women in prostitution; ensure all identified potential

trafficking victims were provided with appropriate access to services by making effective use of the December 2008 National Referral Mechanism; pass draft legislation that explicitly defines trafficking as distinct from smuggling and criminalizes internal trafficking; develop specialized anti-trafficking programs for children and men; provide comprehensive data on trafficking prosecutions and convictions, and ensure their desegregation from smuggling offenses; and vigorously prosecute and punish all government official complicity in trafficking offenses.



Prosecution

The government demonstrated sustained efforts to investigate trafficking during the reporting period, however it did not disaggregate its law enforcement data on trafficking-specific prosecutions and convictions. Spain prohibits transnational trafficking and smuggling in persons though Articles 313 and 318 of its criminal code, and the Organic Law 11/2003. However, these specific laws fail to protect Spanish citizens, as they do not prohibit trafficking crimes occurring wholly within Spain's border and they do not legally distinguish between trafficking and smuggling. These laws prescribe penalties for sex trafficking of 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 serious crimes, such as rape. Local observers reported concerns over the government's inability to prosecute cases during the year involving female Spanish victims. In November 2009 the government drafted and submitted to Parliament a bill to remedy current legislative deficiencies. NGOs and international observers report that the government often used Article 188, which covers forced prostitution and pimping, to prosecute traffickers. This article prescribes penalties of only two to four years. According to preliminary information, the Spanish government prosecuted 86 suspects and convicted 60 possible trafficking offenders in 2009. However, the government did not verify the link between all 60 convictions and trafficking. Approximately 60 percent of those convicted received sentences of four years or more; all imposed sentences were at least one year. In March 2009, a law enforcement officer reportedly solicited a bribe from a brothel owner in exchange for ignoring alleged forced prostitution in the brothel. A subsequent investigation revealed the alleged involvement of 15 other suspects, including police, ex-police, business owners and lawyers. The government reported placing the officer in preventive custody and suspended the employment and salary of two other officials while they await trial.

Protection

The government demonstrated some efforts to address its ongoing deficiencies in victim identification and protection, but did not demonstrate tangible improvements for the majority of trafficking victims in Spain. The government issued a directive in January 2010 instructing Immigration and Alien Affairs officers and other police to assume foreigners in Spain with illegal status are potential victims of trafficking, however the government has yet to adopt formalized, stand-alone guidelines or indicators for all front-line responders to use in identifying potential forced labor or sex trafficking victims among all vulnerable groups, such as women in the commercial sex trade or migrant workers. According to an official government report released in early 2010, the government identified 1,301 trafficking victims in 2009, of whom 95 percent were reportedly female victims of sex trafficking. While the government publicly stated that all of these identified victims were assisted, it did not officially collect or track the actual number of victims who were referred to NGOs for care in 2009.

Allegations of forced labor involving 450 workers from China resulted in a large-scale law enforcement operation in Barcelona in June 2009; 750 agents searched 72 clandestine establishments and textile factories. According to Spanish media reports, these illegal immigrants were living in these factories without electricity or ventilation, and working excessive hours to repay their debts to the mafia for facilitating their exit from China. The owners of some factories reportedly paid fees in exchange for protection from the Chinese mafia, while other factories were reportedly directly controlled by the mafia. The government reported none of these workers to be victims of trafficking. However it did not demonstrate adequate or thorough steps to screen the potential victims away from the factories or refer them to NGOs. The majority of the 77 suspects were released due to lack of evidence. In May 2009, Spanish police reported dismantling an extensive human trafficking network that forced women from Nigeria into prostitution throughout the country. However, the Government of Spain did not demonstrate it ensured the victims in this case access to services. The government reported it provided assistance to only one victim in this case who filed a complaint about the traffickers.

In January 2010, Spanish police reported arresting 50 suspects for allegedly forcing women from South America and Eastern Europe into prostitution in southern Spain. It is unclear whether any potential victims were referred to NGOs for assistance. Also in January 2010, a regional prosecutor's office and the regional government in Galicia signed an agreement to establish a formal partnership with NGOs to help earn more victims' trust from authorities, to provide the care critical to their recovery,

and increase their ability to assist law enforcement in prosecutions of their traffickers. The Madrid regional government established a similar accord in December 2009. Nevertheless, there were some reported instances in 2009 in which police arrested victims alongside their traffickers and transported victims to the same detention facilities, where traffickers subsequently threatened them not to cooperate with authorities.

In March 2009, the government allotted $2.78 million dollars for a newly-created victim assistance fund for NGOs to improve the quality of care, services and security provided to trafficking victims. Regional governments continued to fund a network of NGOs throughout Spain offering protection and assistance to victims. One regional government provided $520,000 in 2009 for protection programs. In one instance, an NGO assisted 47 new trafficking victims in 2009, 27 of whom testified against their traffickers. The government reported 15 other victims received some assistance before they were voluntarily repatriated.

The government encouraged foreign victims to assist in trafficking investigations and prosecutions by offering identified trafficking victims a 30-day reflection period, which was codified into law in November 2009. Spanish law permits trafficking victims to remain in Spain beyond the 30-day reflection period only if they agree to testify against their exploiters. According to a local anti-trafficking NGO, victims who assist law enforcement officials by testifying in court receive a one-year residency permit, renewable for two years if the victim obtains employment in Spain during his/her first year. If the victim successfully secures a second renewal for a total of five years, they may receive permanent residency in Spain. The government reported it did not punish identified victims for unlawful acts committed as a direct result of being trafficked. However, a lack of formalized procedures for proactive identification increased the likelihood of unidentified victims being treated like illegal migrants and deported.

While a 2010 Amnesty International report indicated the government repatriated a suspected pregnant Nigerian victim without granting her the reflection period, the Minister of Interior publicly stated the government determined she was not a trafficking victim. Amnesty International reported the woman was recognized by specialized NGOs as a victim of trafficking and had received a favorable report as an asylum-seeker by UNHCR.

Prevention

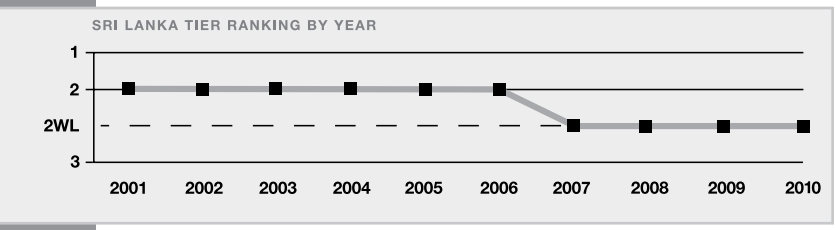
The national government and regional authorities implemented multiple high-profile projects and innovative campaigns to prevent trafficking during the reporting period. In October 2009, the Ministry of Equality sponsored a photographic exhibit entitled, "Don't Be An Accomplice" to raise awareness of trafficking and reduce demand for sex trafficking by calling on the public to not participate in the forced prostitution of women and girls, including advertising services for sexual exploitation or as a potential client. In November 2009, the Ministry of Equality began distributing more than 5 million beverage coasters to bars, cafes, restaurants and nightclubs to inform potential male clients that organized criminals sexually exploit the majority of women in prostitution in Spain. The national government undertook a campaign in 2009 to pressure newspapers not to publish classified ads that publicize sexually explicit services by women in prostitution, many of whom are assumed to be trafficking victims. And the government co-sponsored a series of documentary films on trafficking, screened over four successive weekends in 2009.

Local governments including Madrid, Barcelona and Seville continued efforts to reduce demand. In November 2009, the municipal government in Seville launched a five-year, $700,000 integrated plan to tackle forced prostitution. Reportedly the plan includes plans to fine clients up to $4,175 for soliciting outdoor prostitution. Fees collected will be used for social programs. The city also launched a public awareness campaign entitled, "Paying for Sex is Investing in Violence." The government partnered with the World Tourist Organization to discourage child sex tourism in 2009 and maintained a website from a previous campaign to warn Spanish travelers against committing child sex tourism offenses abroad. The government did not report any prosecution for this criminal activity in 2009. According to the Spanish military, Spanish troops received trafficking awareness training before they were deployed abroad for international peacekeeping missions. On February 2009, the government approved a royal decree which included a military obligation to protect the "defenseless" from prostitution or sexual violence.

SRI LANKA (Tier 2 Watch List)

Sri Lanka is primarily a source and, to a much lesser extent, a destination for men and women subjected to trafficking in persons, specifically forced labor and forced prostitution. Sri Lankan men and women migrate consensually to Kuwait, Jordan, Saudi Arabia, Qatar, Lebanon, the United Arab Emirates (UAE), Oman, Bahrain, and Singapore to work as construction workers, domestic servants, or garment factory workers. Some of these workers, however, subsequently find themselves in conditions of forced labor through practices such as restrictions on movement, withholding of passports, threats, physical or sexual abuse, and threats of their detention and deportation for immigration violations. Many of these migrants pay high recruitment fees – usually about $1,500 – imposed by licensed labor recruitment agencies and their unlicensed sub-agents and often assume debt linked to their future work and income in order to satisfy these costs. This indebtedness contributes to debt bondage in destination countries. The group most susceptible to human trafficking is the 1.1 million unskilled Sri Lankans abroad, most of

whom are female domestic workers. An NGO released a survey in mid-2009 which found that 48 percent of returned Sri Lankan domestic workers were assaulted by a member of their employers' household, 52 percent were not paid the salary promised to them, and 84 percent were not paid for their overtime work, abuses that may indicate forced labor. There are also a number of cases in which some Sri Lankan recruitment agencies commit fraud by engaging in contract-switching, promising one type of job and conditions but then changing the job, employer, conditions or salary after arrival, risk factors for forced labor and debt bondage. There is evidence of government complicity in trafficking. Some sub-agents cooperated with Sri Lankan officials to procure forged or modified documents, or real documents with false data, to facilitate travel abroad. Some women were promised jobs as domestic workers in other countries, but after arriving were instead forced to work in brothels, mainly in Singapore. According to NGOs, trafficking offenders –possibly members of loosely affiliated crime groups – sometimes raped these women and forced them to work in brothels prior to their departure from Sri Lanka. A small number of Sri Lankan women are forced into prostitution in the Maldives.



Within the country, women and children are trafficked into brothels, especially in the Anuradhapura area, which was a major transit point for members of the Sri Lankan Armed Forces heading north. Boys are more likely than girls to be forced into prostitution – this is generally in coastal areas for domestic child sex tourism. The National Child Protection Authority (NCPA) estimated that approximately 1,000 children are subjected to commercial sexual exploitation within Sri Lanka although some NGOs believe the actual number is between 10,000 and 15,000. Children are also subjected to bonded labor in dry-zone farming areas and on plantations, where they were forced to work in fields or in homes to help pay off loans taken by their parents. Reports indicated some cases in which children below the age of 12 were kidnapped, generally by a relative, to work in the fireworks and fish-drying industries. A small number of women from Thailand, China, and countries in South Asia, Eastern Europe, and the former Soviet Union may be subjected to forced prostitution in Sri Lanka.

With the conclusion of the 26-year war with the Liberation Tigers of Tamil Eelam (LTTE), the government, in partnership with the UN, identified and demobilized during the reporting period between 400 and 500 child soldiers previously under the control of the LTTE. According to UNICEF statistics, four child soldiers remained unaccounted for by March 2010; efforts by the government and the UN to locate these children were unsuccessful. Allegations of kidnapping and re-recruitment of children have been made against some members of the pro-government Tamil Makkal Vidulthalai Pulikal (TMVP) and other armed groups in the East and North.

Sri Lanka does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government enacted a law that facilitates the prosecution of recruitment agencies engaged in fraudulent recruitment. While the government made little progress in identifying trafficking victims, it did provide some training on identification. Despite these overall efforts, including rehabilitating child soldiers and reintegrating them into their communities and families the government has not shown evidence of progress in convicting and punishing trafficking offenders and identifying and protecting trafficking offenders. Therefore, Sri Lanka is placed on Tier 2 Watch List for the fourth consecutive 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; develop and implement formal victim referral procedures; ensure that victims of trafficking found within Sri Lanka are not detained or otherwise penalized for unlawful acts committed as a direct result of their being trafficked, such as visa violations; continue to run trafficking campaigns aimed at the public and law enforcement; continue to implement the "zero tolerance" policy regarding the recruitment and use of child soldiers; ensure that former child soldiers are reintegrated into society through comprehensive rehabilitation programs; establish a system to prevent vulnerable children from being recruited or re-recruited as soldiers; and strengthen the national anti-trafficking task force.

Prosecution

The Sri Lankan government made some law-enforcement efforts in addressing human trafficking cases over the reporting period. Sri Lanka prohibits all forms of trafficking through an April 2006 amendment to its penal code, which prescribes punishments of up to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. The Sri Lankan Parliament passed a new act in September 2009 that expanded the powers of the Sri Lanka Bureau of Foreign Employment (SLBFE) to prosecute recruitment agents who engage in fraudulent recruitment. The new law, among other things, prescribes a maximum penalty of four years' imprisonment and fines of $1,000 (an average half-year's salary for Sri Lankans), restricts the amount that employment agents can charge,

requires government approval for all foreign employment advertisements, and makes the use of receipts mandatory.

Under the 2006 Anti-Trafficking Amendment, the Attorney General's Department initiated two prosecutions during the reporting period, one under Section 360C (trafficking) and one under 360B (sexual exploitation of children). Reports indicate that these are the first two prosecutions under Sri Lanka's 2006 Amendment, although the disposition of the 29 arrests made last year under the law are unknown. The Attorney General's Department reported three convictions in magistrate courts under Sections 45C, 451B, and 452 of the Immigrants and Emigrants Act of 2006, which prohibit acts of human smuggling. Each convict was sentenced to one year in prison. The government reported that these cases constituted human trafficking, although this is unconfirmed. One prosecution of a low-level Sri Lankan official who was involved in document fraud was dismissed on a technicality. The Ministry of Defense provided an update on the status of 23 Sri Lankan UN peacekeepers who were convicted in late 2008 of sexually exploiting and abusing children while they were stationed in Haiti under UN auspices in 2007. Twenty peacekeepers had been discharged, demoted, formally reprimanded, or otherwise punished, and the other three were killed in military action. It is unclear whether these penalties were criminal or solely administrative. Eight hundred fifty-nine police officers participated in trafficking training modules in 2009, and 305 officers received trafficking training in workshops conducted by previously-trained Sri Lankan police officers. While the government advertised the new SLBFE law on state media, it did not provide officials any training on the implementation of this law. In recent years, the Sri Lanka government claimed that it would finalize a circular which would advise police on identifying potential trafficking victims among women detained for prostitution, as well as a ranking system that would publicly grade all employment agencies. Neither of these initiatives was completed in the reporting period.

Protection

The government made limited progress in ensuring that victims of trafficking received access to necessary services during the year. The government continued to provide limited counseling and day care for children – including trafficking victims – through the operations of six resource centers. The SLBFE ran eight short-term shelters in Jordan, Kuwait, Libya, Oman, Saudi Arabia, and the UAE, as well as an overnight shelter in Sri Lanka's international airport for returning female migrant workers who encountered abuse abroad. These shelters were funded by fees charged to workers upon migration. The Commissioner General for Rehabilitation, with the assistance of the NCPA, continued to operate two rehabilitation centers specifically for children involved in armed conflict, and with donor support also ran a vocational training center.

Government personnel did not employ formal procedures for proactively identifying victims, but various agencies on an *ad hoc* basis identified approximately 75 victims in 2009. It is unknown whether these victims were referred to shelters. At least two of these victims – Uzbek women who were forced into prostitution – remain at a transit detention facility for undocumented migrants as of March 2010. While government officials indicated that the prolonged detention of the Uzbek women was for their personal safety and that their presence and testimony was crucial to ensure the prosecution of their traffickers, the women were not permitted to leave the detention facility. The government implemented a "zero tolerance" policy of child recruitment in the reporting period. Its efforts, in partnership with the UN, to track and demobilize the child soldiers associated with the LTTE and TMVP resulted in the release of nearly all child soldiers by the end of 2009. Furthermore, the Sri Lankan government ran two rehabilitation centers in partnership with UNICEF, which served more than 450 former child soldiers at the end of the reporting period.

The government did not encourage victims to assist in the investigation and prosecution of trafficking cases. While Sri Lankan trafficking victims could file administrative cases to seek financial restitution, this did not happen in practice due to victim embarrassment and the slow pace of the Sri Lankan legal system. The government penalized victims of trafficking through detention for unlawful acts committed as a direct result of their being trafficked. Most commonly, these acts were violations of their visa status. All detainees who were awaiting deportation for these visa violations, including trafficking victims, remained in detention facilities until they raised enough money to pay for their plane ticket home; in some cases, detainees have remained in detention centers for years. The government provided no legal alternatives for the removal of foreign victims to countries where they may face hardship or retribution. The National Counter Human Trafficking Resource Center of the Sri Lanka Department of Immigration and Emigration conducted two training sessions in partnership with the IOM since its inauguration in June 2009. The SLBFE also provided training on protection and assistance to its staff members who worked at embassies and consulates in foreign countries. Fifty immigration officers attended training sessions on the identification of trafficking victims.

Prevention

The Sri Lankan government made progress in its efforts to prevent trafficking during the last year. The National Child Protective Authority conducted awareness campaigns to educate the general public about the dangers of trafficking. The SLBFE conducted public outreach events to warn people of the dangers of going abroad illegally and using unlicensed recruitment agencies to find work, and also required all workers to receive pre-departure training which included a labor rights component. In measures that could prevent transnational labor trafficking of Sri Lankans, the government conducted 184 raids of fraudulent foreign recruiting agencies and took legal action against 12 of

them, resulting in fines ranging from $200 to $1,000. While most Sri Lankans have birth certificates and (after the age of 16) national identity cards, many of the 250,000 to 350,000 internally displaced people – a group very vulnerable to trafficking – did not have these documents. The Government of Sri Lanka forged a partnership with UNDP to conduct 16 mobile documentation clinics for conflict-affected people, reaching over 29,000 people in 2009. These clinics were not funded by the Sri Lankan government but heavily involved official personnel time. The Government of Sri Lanka did not report any efforts to reduce the demand for commercial sex acts during the reporting period.

The Ministry of Defense provided training to all Sri Lankan peacekeepers prior to their deployments for international peacekeeping missions on their obligations, duties, responsibilities, and potential disciplinary action, relating to human rights, including trafficking. Sri Lanka sent 39 delegations to 22 different labor-receiving countries for meetings, including discussions on ways to improve the rights and conditions of Sri Lankan migrant workers. As of March 2010, the Sri Lankan Counter Trafficking Task Force had not met for at least seven months and had no full-time staff due to a lack of funding for operations. While there is informal communication between the interagency members, the Task Force does not have a proper mandate to ensure a true interagency process. Sri Lanka is not a party to the 2000 UN TIP Protocol.

SUDAN (Tier 3)

Sudan is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. Sudanese women and girls, particularly those from rural areas or who are internally displaced, are trafficked into domestic servitude in homes throughout the country; some of these girls are subsequently sexually abused by male occupants or forced to engage in commercial sex acts. Sudanese girls also engage in prostitution within the country, at times with the assistance of third parties, including law enforcement officials. Sudanese women and girls are subjected to involuntary domestic servitude in Middle Eastern countries, such as Bahrain and Qatar, and to forced prostitution in European countries. Sudanese children transit Yemen to Saudi Arabia for use in forced begging. Sudanese gang members reportedly coerce other young Sudanese refugees into prostitution in nightclubs in Egypt. Sudanese children may be exploited in prostitution in Sudanese refugee camps located in eastern Chad.

Sudan is a transit and destination country for Ethiopian and Eritrean women subjected to involuntary domestic servitude in Sudan and Middle Eastern countries, as well as a destination for Ethiopians and Somalis victimized by forced prostitution. Agents recruit young women from Ethiopia's Oromia region with promises of high-paying employment as domestic workers in Sudan, only to force them into prostitution in brothels in Khartoum or near Sudan's oil fields and mining camps.

Thousands of Dinka women and children, and a lesser number of children from the Nuba tribe, were abducted and subsequently enslaved by members of the Missiriya and Rizeigat tribes during the concluded north-south civil war. A portion of those enslaved continue to remain with their captors. While there have been no known new abductions of Dinka by members of Baggara tribes in a number of years, inter-tribal abductions continue between African tribes in southern Sudan, especially in Jonglei and Eastern Equatoria States; hundreds of children were abducted in 2009 during cattle raids and conflicts between rival tribes.

A research study published in January 2009 documented that, as part of the Darfur conflict, government-supported militia, like the Janjaweed and the Popular Defense Forces, together with elements of the Sudan Armed Forces (SAF), systematically abducted civilians between 2003 and 2007, mostly from the Fur, Massalit, and Zaghawa ethnic groups, for commercial sexual exploitation and forced labor. Abducted women and girls are subjected to sexual exploitation and forced domestic and agricultural labor, while men and boys are subjected to forced labor in agriculture, herding, portering goods, and involuntary domestic servitude; some of these individuals remained captive at the end of the reporting period. It is unknown whether any such new abductions occurred during 2009.

Forcible recruitment of adults and particularly children by virtually all armed groups, including government forces, involved in Sudan's concluded north-south civil war was previously commonplace; an estimated 10,000 children still associated with various armed militias in southern Sudan await demobilization and reintegration into their communities of origin. Although the high command of the Government of Southern Sudan's (GOSS) army, the Sudan People's Liberation Army (SPLA), committed to preventing recruitment of and releasing all children from its ranks, approximately 1,200 children, both boys and girls, remained with the group in December 2009.

Sudanese children are conscripted, at times through abduction, and exploited by armed groups – including the Justice and Equality Movement (JEM), all Sudan Liberation Army (SLA) factions, Janjaweed militia, and Chadian opposition forces – in Sudan's waning conflict in Darfur. The JEM continued to forcibly recruit children in 2009, as did other rebel and Janjaweed militia, albeit on a lower level than in previous years. Re-recruitment of demobilized child soldiers continues to be a problem in Blue Nile State.

The Lord's Resistance Army (LRA) continues to harbor enslaved Sudanese, Congolese, and Ugandan children in southern Sudan for use as cooks, porters, and combatants; some of these children are also taken back and forth across borders into Central African Republic or the Democratic Republic of the Congo. UN/OCHA reported

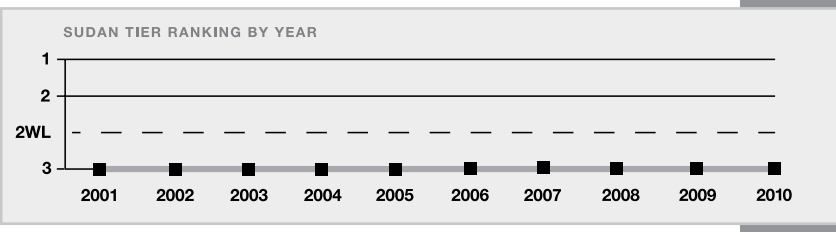
at least 197 LRA-related new abductions in Western Equatoria and Western Bahr el-Ghazal Provinces between January and November 2009.

The Government of National Unity (GNU) of Sudan does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. While the government took some steps to enact relevant legislation and demobilize child soldiers during the reporting period, combating human trafficking through law enforcement, protection, or prevention measures was not a priority. The GNU did not acknowledge that forced labor or forced prostitution exist within the country. The Sudanese government neither published data regarding its efforts to combat human trafficking during the year nor responded to requests to provide information for this report.

Recommendations for Sudan: Acknowledge the existence of a multi-faceted human trafficking problem; enact a comprehensive legal regime to define and address human trafficking crimes and harmonize various existing legal statutes; increase efforts to investigate suspected human trafficking cases, prosecute trafficking offenses, and convict trafficking offenders; establish an official process for law enforcement officials to identify trafficking victims among vulnerable groups and refer them for assistance; demobilize all remaining child soldiers from the ranks of governmental armed forces, as well as those of aligned militias; launch a public awareness campaign to educate government officials and the general public on the nature and dangers of human trafficking; take steps to identify and provide protective services to all types of trafficking victims found within the country, particularly those exploited in domestic servitude or commercial sexual exploitation; and make a much stronger effort, through a comprehensive policy approach that involves all vested parties, to identify, retrieve, and reintegrate abductees who remain in situations of enslavement.

Prosecution

The government's anti-trafficking law enforcement efforts were negligible during the reporting period; it did not investigate or prosecute any suspected trafficking cases and had little ability to establish authority or a law enforcement presence in some regions. The Criminal Act of 1991 does not prohibit all forms of trafficking in persons, though its Articles 155, 156, and 163 criminalize operating a place of prostitution, inducing or abducting someone to engage in prostitution (seduction), and forced labor, respectively. Penalties prescribed under these statutes – of up to five years' imprisonment for brothel keeping and seduction, and one year's imprisonment or a fine for forced labor – are neither sufficiently stringent nor commensurate with those prescribed for other serious crimes, such as rape. Nevertheless, no trafficker has ever been prosecuted under these articles. In January 2010, the GNU National Assembly enacted the Child Act of 2008. This Act prohibits, but does not prescribe punishments for, forced child labor, child prostitution and sex trafficking, and the recruitment of children under the age of 18 into armed forces or groups; it includes provisions, however, for the rehabilitation and reintegration of children victimized by such crimes. Some states, such as Southern Kordofan, instituted their own Child Act based on the national law. The Sudan Armed Forces Act of 2007 prohibits the act of recruiting children under 18 years of age, as well as abduction and enslavement; the act prescribes penalties of up to five years' imprisonment for child recruitment and up to 10 years' imprisonment for enslavement. The Southern Sudan Child Act of 2008 prohibits the recruitment and use of children for military or paramilitary activities and prescribes punishments of up to 10 years' imprisonment for such crimes. The Southern Sudan Penal Code Act prohibits and prescribes punishments of up to seven years' imprisonment for unlawful compulsory labor, including abduction or transfer of control over a person for such purposes; the Act also criminalizes the buying or selling of a child for the purpose of prostitution and prescribes a punishment of up to 14 years' imprisonment. In 2009, the Southern Sudan Ministry of Labor drafted an omnibus Labor Act to further protect against forced and child labor; it was not passed during the most recent legislative session. The government neither documented its anti-trafficking law enforcement efforts, if any, nor provided specialized anti-trafficking training to law enforcement, prosecutorial, and judicial personnel during the year.



Protection

The GNU made only minimal efforts to protect victims of trafficking during the past year, and these efforts focused primarily on the demobilization of child soldiers. The government did not publicly acknowledge that children are exploited in prostitution or involuntary domestic servitude in Sudan nor did it take steps to identify and provide protective services to such victims. The government did not employ a system for proactively identifying trafficking victims among vulnerable populations or a referral process to transfer victims to organizations providing care. The GNU and the GOSS provided little to no protection for victims of trafficking crimes; Sudan has few victim care facilities readily accessible to trafficking victims and the government did not provide access to legal, medical, or psychological services. Police child and family protection units in Khartoum, Western Darfur, Northern Darfur, Southern Kordofan, Northern Kordofan, and Gedaref States offered legal aid and psychosocial support to some

victims of abuse and sexual violence during the year; these units were not fully operational due to lack of staff and equipment, and it is unknown whether they provided services to trafficking victims. In late 2009 and early 2010, however, at least 36 abducted children were identified and freed from their captors following negotiations led by county and state officials in Jonglei State. Local, county, and state officials forged partnerships with the UN Mission in Sudan (UNMIS), UNICEF, and an international NGO to return the children to their home areas and reunite them with their families. The government did not encourage victims' assistance in the investigation and prosecution of trafficking crimes or provide legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution. During the reporting period, the government punished some trafficking victims for crimes committed as a direct result of being trafficked. Though it pardoned and released more than 100 children associated with the JEM in the previous reporting period, the government sentenced six child soldiers to death in 2009 for participating in JEM's May 2008 attack on Omdurman.

Since April 2009, the Southern Sudan Disarmament, Demobilization, and Reintegration Commission (SSDDRC), with UNICEF support, identified and registered 134 child soldiers in SPLA barracks in the towns of Torit, Mapel, Wunyik, Duar, Panpandiar, Quffah, and Yafta. In July 2009, the SPLA demobilized five children in Duar, followed by 43 children in Mapel in September. In January 2010, the SPLA 8th Division in Panpandiar released 10 children to the care of UNMIS and UNICEF. In addition, the SPLA reported the demobilization in early 2010 of one child in Nasir, 15 in Panuarang (Upper Nile State), 20 in New Kush, and 15 from the SPLA General Headquarters. None of the 73 children identified in Wunyik were registered or released due to lack of cooperation by the corresponding SPLA division. The SSDDRC, UNICEF, and an international NGO rehabilitated a compound in Malualkon to serve as an interim care center providing accommodation to children demobilized in Mapel and Wunyik. In November 2009, the SPLA signed an action plan committing itself to end the use of child soldiers and ensure their release and reintegration within one year. The plan prescribes punishment for those within the SPLA who recruit or use children, establishes child protection units within its ranks, and removes all children from the SPLA payroll to discourage them from remaining or joining the army. Implementation of the plan is behind schedule, as the SPLA drafted, but has yet to formally approve, the required terms of reference. The SPLA, however, launched a Child Protection Unit, with representatives at division, brigade, battalion, and company level, to oversee implementation of the plan, compliance with child protection standards at major SPLA bases, and removal of children from SPLA payrolls.

During the reporting period, the North Sudan DDR Commission (NSDDRC), the Security Arrangement Commission of the Transitional Darfur Regional Authority, and UNICEF supported the first release of children from armed groups who are signatories to the Darfur Peace Agreement. Of the 2,000 children's names submitted by these groups for formal demobilization in all three states, 177 children were released in July 2009 and reunified with families during ceremonies in the North Darfur towns of Torra, Malha, and Kafod. It is unknown whether children were demobilized from the Sudan Armed Forces or associated militias during the year. In 2009, the NSDDRC and UNICEF signed a memorandum of understanding with the International Committee of the Red Cross (ICRC) to undertake family tracing activities, and began searching for potential partners to provide reintegration services for these children.

The Committee for the Eradication of Abduction of Women and Children (CEAWC), established in 1999 to facilitate the safe return of abducted and enslaved individuals to their families, was not operational 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 funding for the transport and reunification of previously identified abductees with their families. The GNU made no efforts to assist victims of abduction and enslavement in the country during the reporting period.

Prevention

The government made limited efforts during the reporting period aimed at the prevention of trafficking. Neither the GNU nor the GOSS conducted any anti-trafficking information or education campaigns. Senior GOSS leadership reportedly participated in press conferences and seminars to raise awareness of the trafficking problem in southern Sudan. In 2009, the Southern Sudan Human Rights Commissioner requested assistance from the United Nations in developing an anti-trafficking plan. The government did not take any known measures during the reporting period to reduce the demand for forced labor or commercial sex acts. Sudan is not a party to the 2000 UN TIP Protocol.

SURINAME (Tier 2)

Suriname is a destination, source, and transit country for children, women, and men who are subjected to trafficking in persons, specifically conditions of forced labor and commercial sexual exploitation. Women from Suriname, Brazil, Guyana, and the Dominican Republic in Suriname's commercial sex trade are vulnerable to forced prostitution. There were also reports of underage Surinamese girls in prostitution in French Guiana. Labor trafficking victims were often male and came from Suriname, Vietnam, Indonesia, China, and Haiti. Victims have been forced to work in factories, the fishing industry, and agriculture. NGOs and the government suggested that girls and boys are engaged in prostitution in Suriname's interior around mining camps. NGOs

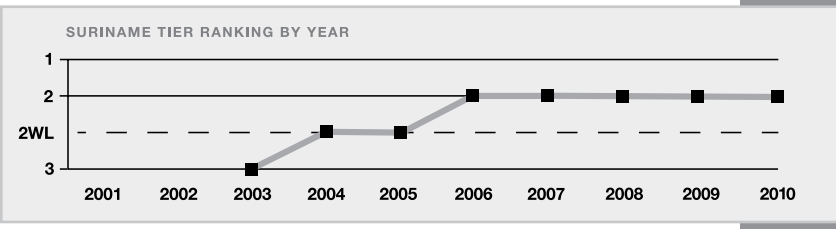
reported there were children engaged in prostitution in Paramaribo as well. Groups particularly vulnerable to trafficking included Maroon Surinamese, Amerindians, Chinese residents of Suriname, and other foreign migrant workers. Children working in informal urban sectors and gold mines were also vulnerable to forced labor.

The Government of Suriname does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government acknowledged Suriname's trafficking problem, and despite significant resource constraints, it demonstrated improved prosecution of trafficking offenders. Victim identification and assistance mechanisms were weak. Government officials initiated public awareness events, but a national awareness campaign and anti-trafficking hotline were not in place during the reporting period.

Recommendations for Suriname: Vigorously investigate and prosecute public officials who allegedly facilitate trafficking offenses; establish provisions for legal alternatives to victims' removal to countries where they would face retribution or hardship; enact changes to the criminal code to ensure that all identified victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked; provide 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; ensure victims are encouraged but not coerced to participate in trafficking investigations and prosecutions – one way to do this is through the establishment of victim-witness coordinators located within law enforcement; in partnership with NGOs or international organizations, consider developing a national anti-trafficking awareness campaign that targets victims, the general public, potential clients of the sex trade and beneficiaries of forced labor; explore possibilities for a hotline for trafficking victims and the public to report human trafficking to authorities; consider developing a national anti-trafficking action plan that includes partnerships to prevent possible child sex tourism.

Prosecution

The Government of Suriname demonstrated progress in prosecuting trafficking offenders over the last year. Suriname prohibits all forms of human trafficking through a 2006 amendment to its Criminal Code, which prescribes sufficiently stringent penalties of five to 20 years' imprisonment – penalties that are commensurate with those prescribed for other serious crimes. The public prosecutor reported two arrests of alleged sex traffickers during the reporting period and 10 trafficking prosecutions – three involved forced prostitution, and seven involved forced labor. Three sex trafficking offenders and three labor trafficking offenders were convicted during the reporting period, compared with a total of only three trafficking convictions the previous year. The average prison sentence imposed on these convicted traffickers was approximately 19 months – two trafficking offenders were required to serve only two-thirds of their sentences pending appeals, but there were no suspended sentences. The police continued to operate a specialized anti-trafficking unit; however, it did not have the resources to conduct investigations into trafficking allegations linked to illegal gold mining sites in the country's jungle interior. While some officials reportedly facilitated trafficking by accepting money and favors in exchange for documentation for illegal migrants, the government determined that similar allegations regarding two high level officials were unfounded.



Protection

The government demonstrated no discernible progress in ensuring that trafficking victims were given access to protective services. The police regularly inspected places where trafficking victims might be found, such as massage parlors, and brothels, but during the reporting period, the government identified only two trafficking victims. A senior government official and one NGO voiced concern that immigration officers did not practice effective proactive victim identification procedures. The anti-trafficking working group created a handbook to guide officials in victim identification and referring victims to a local private foundation; however, due to resource constraints, the government was not able to provide support for a shelter for trafficking victims, nor did it fund NGOs providing victim services. Although the government did not demonstrate the systematic referral of identified trafficking victims to NGOs that provide services, the police assisted some victims in making housing arrangements on an *ad hoc* basis. To date, there have been no formal mechanisms established to provide foreign victims with legal alternatives to remain permanently in Suriname. The government claimed that it encouraged victims to assist with the prosecution of trafficking offenders; however, the legal system requires foreign victims to remain in Suriname until their sworn statements can be provided to a court and a judge certifies their repatriation. Throughout this period, victims are not given temporary legal status and they cannot seek employment. This policy could potentially deny victims basic freedoms and coerce them into providing court statements. Suriname's criminal code does not have specific provisions that ensure victims are not penalized for unlawful acts as a result of their trafficking experience; however, in practical application, there were no reports of

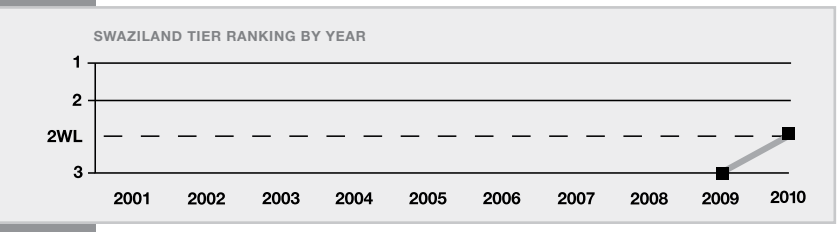
the government penalizing identified victims for unlawful acts. The government did not offer any new training for law enforcement, prosecutors, judges or other officials in identifying trafficking over the past year but had offered such training in the past.

Prevention

The government made limited progress in trafficking prevention efforts. In a positive step, government officials have acknowledged that trafficking is a serious problem in Suriname. The government's inter-agency anti-trafficking working group, led by the chief prosecutor, coordinates the government's anti-trafficking efforts and continued an information campaign aimed at educating various groups, including journalists, religious groups, government agencies, youth organizations, labor unions, brothel owners, and NGOs through speaking engagements. The police's anti-trafficking unit conducted an outreach program to Benzdorp, a Brazilian-dominated gold-mining area. There is no national anti-trafficking action plan in Suriname, but the working group has made anti-trafficking recommendations to the Ministry of Justice and Police. There is no hotline for citizens or potential victims to report human trafficking to authorities. The government did not take measures to reduce the demand for commercial sex acts, which remained high, according to the government and an NGO. Since 2007, the government identified more than 3,000 people without birth certificates, a vulnerability to trafficking. The government visited the interior regularly to assist people in filing the paperwork for appropriate documentation.

SWAZILAND (Tier 2 Watch List)

Swaziland is a source, destination, and transit country for women and children subjected to trafficking in persons, specifically commercial sexual exploitation, involuntary domestic servitude, and forced labor in agriculture. Swazi girls, particularly orphans, are subjected to commercial sexual exploitation and involuntary domestic servitude in the cities of Mbabane and Manzini, as well as in South Africa and Mozambique. Swazi boys are trafficked within the country 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 transport some Swazi victims to Johannesburg, South Africa where victims are "distributed" locally or sent overseas for subsequent exploitation. Traffickers reportedly 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. Information on the full extent of trafficking in Swaziland is not yet available, as the government is still carrying out research into the scope and nature of the problem.



The Government of Swaziland does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. This assessment is based in part on the government's commitment to undertake additional action over the coming year, particularly enforcement of its newly-enacted comprehensive anti-trafficking legislation. Therefore, Swaziland is placed on Tier 2 Watch List. Through the enactment of the new law and creation of an anti-trafficking task force, the government committed to vigorous anti-trafficking law enforcement efforts, improved victim protection measures, and launched a wide-spread public education campaign. During the reporting period, however, the government did not report the prosecution or conviction of any trafficking offenders or the assistance of any trafficking victims.

Recommendations for Swaziland: Continue to train law enforcement officials to recognize human trafficking situations and investigate and prosecute trafficking offenses; proactively identify trafficking victims; institute a formal system to refer victims for assistance; expand current partnerships with NGOs and international organizations, as appropriate, to better determine the nature and extent of Swaziland's trafficking problem; until the automated law-enforcement record-keeping system is completed, increase efforts to manually track specific law enforcement and victim assistance anti-trafficking activities; and continue to conduct visible campaigns to educate the public about the dangers and risks of trafficking in Swaziland and neighboring countries.

Prosecution

The Swazi government increased its capacity to conduct anti-trafficking law enforcement efforts, although no suspected trafficking offenders were arrested or prosecuted during the reporting period. In 2009, the government enacted comprehensive anti-human trafficking legislation, which provides for the prosecution of trafficking offenders and protections for victims, including immunity from prosecution for immigration violations. The People Trafficking and People Smuggling (Prohibition) Act, 2009 became effective in December 2009. The legislation considers consent and past sexual behavior of the trafficked persons to be immaterial, and incorporates provisions against money laundering as a way to identify persons involved in human trafficking. The Act covers both internal and transnational forms of trafficking and provides for victim restitution through the forfeiture of convicted offenders' moveable property.

The law prescribes penalties for all forms of trafficking, including the act of facilitating trafficking offenses, of up to 20 years' imprisonment, plus a fine determined by the court to compensate the victim for his or her losses; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Likewise, the prescribed penalties of up to 25 years' imprisonment for trafficking children for any purpose are also sufficiently stringent. The government began educating officials and law enforcement officers on the provisions of the new law, and the media reported that officers had begun making inquiries into possible trafficking situations. Police investigated one possible trafficking situation, though no arrests were made in connection with the case and further information was not available. The government did not provide any specialized training in victim identification for law enforcement and immigration personnel, though it began planning for such future training.

Protection

The Swaziland government took initial steps to create greater capacity for protecting trafficking victims, though it did not identify or assist any victims during the reporting period. Procedures for the government to provide victims with access to legal, medical, and psychological services were not implemented during the reporting period. The anti-trafficking Task Force, however, began developing such procedures, as well as formal procedures on the proactive identification of victims for law enforcement, immigration, and social services personnel. The Task Force also investigated how it can best be prepared to provide assistance to repatriated Swazi trafficking victims who had been identified in foreign countries. Swaziland's new anti-trafficking law empowers the government, by notice in an official gazette, to declare any house or building a place of refuge for the care and protection of trafficking victims, though the government did not open such victim care centers in Swaziland during the reporting period. Existing half-way houses run by the government and NGOs to shelter abused, abandoned, and vulnerable children and women victims of domestic violence could provide assistance to victims of trafficking. Policies on issues such as the victim's right to civil redress are under development. The government did not offer foreign victims alternatives to their removal to countries where they may face danger or hardship.

Prevention

During the year, the government increased its efforts to prevent trafficking. The Prime Minister created the Task Force for the Prevention of People Trafficking and People Smuggling in July 2009, which includes representatives from multiple government and law enforcement agencies, UNICEF and UNDP, and NGOs focused on assisting women, children, victims of crime, and other vulnerable populations. The Task Force met regularly, and began developing a national plan of action and various standard operating procedures. Government officials, accompanied by Task Force members, conducted seminars about what the nature of human trafficking and discussed the proposed legislation in all four regions of the country in 2009. The Prime Minister launched Swaziland's branch of the regional "Red Light 2010 Campaign," building on publicity surrounding the 2010 FIFA World Cup soccer championship in South Africa, to mobilize trafficking prevention activities. All Swazi media covered the meetings extensively. The Swazi government created an anti-trafficking hotline for victims needing assistance, and for the public to report suspected occurrences of trafficking. The hotline will be managed by the police domestic violence unit and connect to investigators and caregivers as needed. In 2009, officials from Mozambique, South Africa, and Swaziland held meetings to discuss ways of reducing demand for commercial sex acts in relation to the 2010 FIFA World Cup in South Africa. Swaziland is not a party to the 2000 UN TIP Protocol.

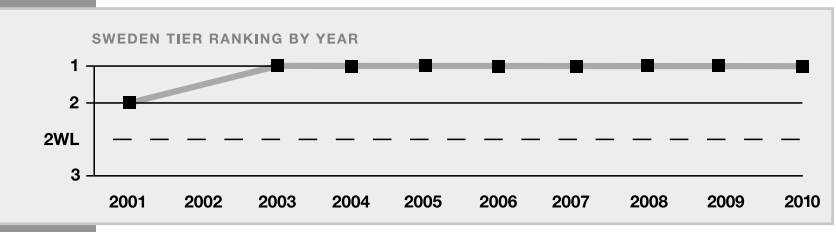
SWEDEN (Tier 1)

Sweden is a destination, and, to a lesser extent, a transit country for women and children subjected to trafficking in persons, specifically forced prostitution, and women, children, and men in forced labor. Swedish police have estimated 400 to 600 persons are subjected to human trafficking, primarily forced prostitution, in Sweden annually. Identified victims of forced prostitution largely originate in Eastern Europe, Africa, and Asia, and in 2009, 16 were children. Most forced prostitution takes place in apartments, houses, or hotels. In some cases, victims are told their employment will involve some form of sexual activity, such as dancing in a club, but once they arrive, traffickers often confiscate victims' documents and threaten sexual abuse or rape victims to "initiate" them into prostitution. Officials and NGOs reported forced labor is a problem, especially involving domestic workers, restaurant workers, and seasonal workers who appear during April-September to perform road work, construction, and gardening work. Eastern Europeans have been subjected to forced begging and stealing in Sweden. Authorities reported trafficking is increasingly being led by organized criminal gangs in Sweden. Many identified victims belonged to minority groups and lived in sub-standard conditions in their countries of origin. The approximately 2,250 unaccompanied foreign minors who arrived in Sweden, primarily from Afghanistan and Somalia, during 2009 were vulnerable to human trafficking; some have gone missing since their arrival in Sweden. Child sex tourism by Swedish nationals traveling abroad is a problem; Swedish citizens are estimated to buy sexual services from children abroad on 4,000-5,000 occasions annually.

The Government of Sweden fully complies with the minimum standards for the elimination of trafficking. The government took steps to encourage usage of its anti-trafficking law and made substantial progress in sex and

labor trafficking victim identification. Police reported they were able to identify more victims in 2009 due to additional funding and effective victim identification training.

Recommendations for Sweden: Vigorously prosecute, convict, and punish labor and sex trafficking offenders using Sweden's anti-trafficking statute; ensure traffickers receive sentences commensurate with the gravity of this human rights abuse; continue training judges on the application of the anti-trafficking law; continue efforts to identify and provide trafficking-specific assistance to child trafficking victims in Sweden, and consider proactive measures to prevent unaccompanied foreign minors from forced prostitution and forced labor; consider providing longer term residency options for victims who may face retribution or hardship in their country of origin; formalize programs for the safe, and to the extent possible, voluntary repatriation for victims; consider a national anti-trafficking awareness campaign to address forced labor in addition to forced prostitution; provide human trafficking awareness training to all Swedish peacekeepers; continue regular, self critical assessments of Sweden's anti trafficking efforts.



Prosecution

The government made some progress in prosecuting sex and labor trafficking offenses during 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. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Prosecutors continued, however, to rely on a prostitution procurement law with weaker prescribed penalties to prosecute and convict some sex trafficking offenders. In February 2010, the Ministry of Justice proposed changes to the 2002 anti-trafficking law to make it easier to employ in prosecuting trafficking offenders. The police reported additional funds enabled them to improve anti-trafficking operations and victim identification in 2009 – the government increased sex trafficking investigations from 15 in 2008 to 31 in 2009 and increased forced labor investigations from eight in 2008 to 28 in 2009. Authorities prosecuted and convicted two people for labor trafficking; the offenders respectively received prison sentences of one year and one year and three months. Authorities prosecuted and convicted at least four sex trafficking offenders under the trafficking statute and 20 sex trafficking offenders under the procurement law during the reporting period. The average sentence for trafficking offenders convicted under the trafficking statute was approximately two years' imprisonment; the average sentence for trafficking offenders convicted for procurement was approximately two and a half years' imprisonment. The Stockholm Police forged anti-trafficking partnerships with counterparts in other governments by initiating a project to share best practices within the EU on communicating with victims and victim repatriation.

Protection

The government made substantial progress in victim protection during the reporting period. Authorities identified 31 sex trafficking victims and 28 labor trafficking victims during 2009, an increase from 15 sex trafficking victims and 8 labor trafficking victims identified in 2008. With additional funding from the government's anti-trafficking action plan, police were able to increase resource-demanding operational techniques, such as patrolling, wiretapping, and translation. In addition, police cadets received standard training on identifying trafficking victims, methods of coercion, and communicating with victims as part of basic education. The National Police offered an advanced anti-trafficking training course as well. Police and immigration officials have a formal mechanism to guide them in referring identified victims to services. The government funded NGOs both in Sweden and abroad to provide female and male victims with rehabilitation, health care, vocational training, and legal assistance. Municipalities operated general shelters accessible to trafficking victims, though few of these shelters had personnel trained to deal with trafficking victims. The government provided housing, medical care, and other services for child victims, and funded UNICEF to disseminate guidelines on assisting child victims. Swedish authorities encouraged victims to participate in trafficking investigations and prosecutions. The government offered minimum 30-day temporary residency permits to identified victims who were willing to cooperate in criminal investigations of traffickers and also provided access to health care and social services. The temporary permits could be extended through the duration of court procedures, but the government did not offer longer term legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. There were no reports of the government punishing victims for unlawful acts committed as a direct result of being trafficked. There were no formal government programs for assistance to repatriated victims of trafficking; however, in accordance with the government's national action plan, the Stockholm county administration, in partnership with some NGOs, has developed plans and programs in certain instances.

Prevention

The government made some progress in trafficking prevention efforts during the reporting period. The government did not conduct a national awareness

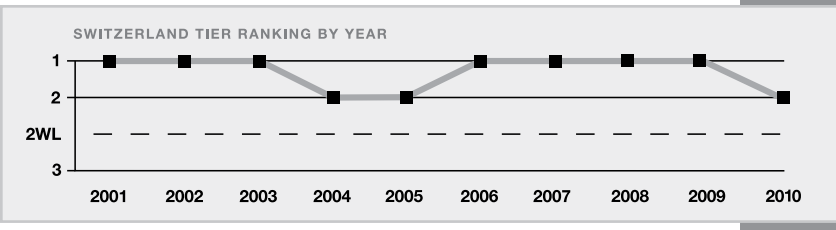
campaign addressing all forms of trafficking during the reporting period; however, the Stockholm County Administration, arranged an anti-trafficking seminar targeting taxi, hotel, tourism, and restaurant representatives. The Justice Minister hosted a two day conference on human trafficking, and the Ethnographical Museum in Stockholm, which receives funding from the government, displayed a human trafficking exhibition in 2009. The Minister for Integration and Gender Equality had primary responsibility for coordinating Sweden's anti-trafficking policy. The government provided $30.4 million toward implementation of Sweden's national anti-trafficking action plan in 2009. Sweden monitored its anti-trafficking efforts through the Ministry for Integration and Gender Equality as well as a national rapporteur, who produced a bi-annual report on human trafficking statistics. The Swedish International Development Agency fostered international anti-trafficking partnerships by funding NGO-led anti-trafficking efforts in southeastern Europe and Asia. In an effort to reduce the demand for commercial sex acts, the government provided funding for an NGO to prevent repeated solicitation of commercial sex by people arrested for purchasing sex. The government prosecuted 54 persons and fined 91 persons for buying sexual services. To prevent international child sex tourism by Swedish nationals, the government provided funding for ECPAT and announced on the Foreign Ministry's website that child sex abuse committed abroad is a punishable offense in Sweden. During the reporting period, a Swedish citizen was sentenced to six and a half years of prison for a child sex tourism offense committed in Cambodia. The Swedish Armed Forces provided trafficking-specific awareness training to peacekeepers stationed in Kosovo and the Democratic Republic of the Congo.

SWITZERLAND (Tier 2)

Switzerland is primarily a destination and, to a lesser extent, a transit country for women subjected to trafficking in persons, specifically conditions of forced prostitution and children forced into begging and theft. The majority of identified victims of commercial sexual exploitation were forced into nude dancing and prostitution and originated from Eastern Europe, but victims have also originated from Latin America, Asia, and Africa. In 2009, officials and NGOs reported an increase in the number of women in prostitution and children forced into begging from other parts of Europe, especially Hungary, many of whom were ethnic Roma. During the reporting period, some officials raised concerns that Switzerland risks becoming a destination for child sex tourism because Swiss law does not prohibit prostitution by minors aged 16 and 17 under all circumstances. While the majority of trafficking victims are found in Swiss urban areas, police and NGOs have encountered victims in bars in rural areas in recent years. There is reportedly forced labor in the domestic service sector, particularly in foreign diplomatic households. Swiss federal police assessed that the total number of potential trafficking victims residing in Switzerland is between 1,500 and 3,000. NGOs expressed concern about reports of hundreds of unaccompanied foreign minors entering the country annually, claiming many have disappeared from state care after arrival. Officials countered that there are only a few isolated cases of missing unaccompanied minors each year.

The Government of Switzerland does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Swiss authorities modestly increased the percentage of convicted trafficking offenders required to serve prison sentences, but many jail sentences were suspended and the number of persons convicted of trafficking crimes decreased. Moreover, as highlighted in public discussions in Switzerland during the year, Swiss law does not prohibit prostitution by children aged 16 and 17 under all circumstances throughout the country, leaving these children potentially vulnerable to trafficking for commercial sexual exploitation.

Recommendations for Switzerland: Ensure the prohibition of the commercial sexual exploitation of all persons under 18 years old nationwide; 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 children in prostitution, child beggars, or undocumented migrant workers, and for referring potential victims to service providers; provide adequate funding for trafficking victim service providers and ensure there are trafficking-specific services for children and male victims; 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

Switzerland prohibits trafficking for most forms of sexual and labor exploitation under Article 182 and Article 195 of the Swiss penal code. Prescribed penalties— up to 20 years' imprisonment—are commensurate with penalties prescribed for other serious crimes. However, Swiss law does not expressly prohibit prostitution by minors aged 16 and 17 under all circumstances throughout the country, leaving these children potentially vulnerable to trafficking for commercial sexual exploitation (such as cases in which a third party rents a room to a minor for use in

prostitution). While Swiss civil law and social services guidelines provide opportunities for dissuasion and redress with regard to the problem of sexual exploitation of children, existing arrangements do not appear to address fully this systemic vulnerability. Nevertheless, the Swiss government has been evaluating, with the input of cantons, a federal ban on prostitution for persons under 18, and in December, the canton of Geneva adopted a new law prohibiting prostitution for persons under 18. The government made some progress in punishing sex trafficking offenders during the year. Federal police reported at least 119 human trafficking investigations, including one labor trafficking investigation, in 2009. According to the Federal Criminal Police, during 2008, the last year for which comprehensive prosecution and conviction statistics were available, there were at least 16 prosecutions and convictions of sex trafficking offenders, a decrease from the 25 offenders convicted in 2007. There were no reports of prosecutions or convictions of labor trafficking offenders. Only 25 percent of those convicted in 2008 were required to serve prison sentences, though this was an improvement from the16 percent of trafficking offenders receiving prison sentences in 2007. The average sentence imposed on convicted offenders who were required to serve time in prison was slightly more than three years. In February 2010, the Swiss Supreme Court ruled that an unsuspended prison sentence of 3.5 years for a trafficking offender in a specific case was not a sufficiently stringent penalty. Police reported sustained partnerships with other governments through which they made human trafficking inquiries in 425 instances during 2009. The government provided training in identifying human trafficking to federal police investigators.

Protection

The government sustained protection efforts during the reporting period. Half of Switzerland's cantons have formal procedures for the identification of victims and their referral to protective services. Trafficking victims, including child and male victims, had access to free and immediate medical, psychological, and legal assistance, temporary living allowance, and protection in coordination with cantonal government and NGO victim assistance centers. Cantonal assistance centers identified 92 victims in 2009; the main anti-trafficking NGO, which received some government funding, reported assisting 172 sex trafficking victims and 12 labor trafficking victims, compared with 160 total victims in 2008. The NGO provided assistance for one victim under 18. NGOs have suggested that centrally-determined standards for how individual cantons are to provide assistance to victims would be useful. Police encouraged victims to participate in the investigation and prosecution of traffickers. There were no reports of victims being penalized for unlawful acts committed as a direct result of being trafficked. Cantonal immigration offices granted 30-day stays of deportation to 32 trafficking victims in 2009 and issued 53 short-term residency permits to victims for the duration of legal proceedings against their traffickers. The Federal Office for Migration issued formal instructions in December 2009 stating that temporary residence permits could be granted independently of victims' willingness to testify. Authorities granted three victims with long-term residency permits on grounds of personal hardship after the end of court proceedings. Since the government started a pilot program in April 2008 to assist victims with safe and voluntary repatriation to their home countries, 20 victims (including one male victim) have received repatriation assistance. The Swiss police in 2009 held specialized five-day anti-trafficking workshops for migration and law enforcement officials, including border guards.

Prevention

The government made limited progress in the prevention of trafficking during the reporting period. Switzerland did not have a nationwide anti-trafficking public awareness campaign. The government did provide funding to a hotline for Russian speakers to report trafficking crimes during the reporting period. The government did not make any discernible efforts to reduce the demand for commercial sex. The government, in partnership with IOM, held a conference with experts from Austria and Romania to identify ways to most effectively address the problem of child begging and child trafficking in March 2010. There is an interdepartmental body to coordinate and monitor anti-trafficking efforts chaired by the federal police at the directorate level. In an effort to prevent sex trafficking, Swiss consular officials posted overseas brief each foreign recipient of "artistic visas" to work in Swiss night clubs on their rights and contact information for assistance. Swiss authorities forged an anti-trafficking partnership with Hungarian officials during a visit to Hungary in March 2010. The government provided $4.9 million in funding for anti-trafficking assistance programs in Eastern Europe, Asia, and the Middle East. A federal police-established website to enable travel agencies and others to report suspected child sex tourism cases outside of Switzerland received 12 leads from September 2008-September 2009. Switzerland's penal code provides extraterritorial jurisdiction for Switzerland's child sexual abuse laws where the offender is a Swiss national. The government provided assistance to authorities in Thailand in the investigation of a case of a Swiss national suspected of involvement in child sex tourism. The government provided specific anti-trafficking training for all Swiss military personnel prior to their deployment abroad on international peacekeeping missions.

SYRIA (Tier 2 Watch List)

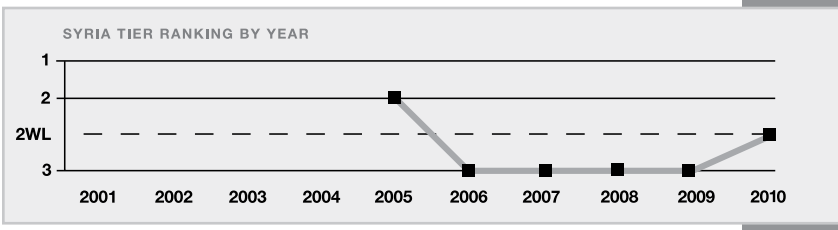
Syria is principally a destination country for women and children who are subjected to trafficking in persons, specifically conditions of forced labor or forced prostitution. Thousands of women, mostly from Southeast Asia and East Africa – particularly Indonesia, the Philippines, Somalia, and Ethiopia – are recruited to

work in Syria as domestic servants but are subsequently subjected to conditions of involuntary servitude by their employers. Contracts signed in the employee's country of origin are often changed upon arrival in Syria, contributing to the employee's vulnerability to forced labor. Some of these women are confined to the private residences in which they work, and most have their passports confiscated, contrary to Syrian law, by their employer or the labor recruitment agency. The Government of Ethiopia's ban on its citizens accepting employment in Syria has not stopped the flow of workers into the country.

Women from Eastern Europe – particularly Russia and Ukraine – Somalia, and Morocco are recruited legally as cabaret dancers in Syria; some "entertainers" are subsequently forced into prostitution after their employers confiscate their passports and confine them to their hotels. Due to the economic desperation of Syria's large Iraqi refugee population, some women and girls are forced into prostitution by their families or, in some cases, by criminal gangs. Iraqi families arrange for young girls to work in nightclubs, to be temporarily "married" to men for the sole purpose of prostitution, or to be sold to pimps who rent them out for longer periods of time. Desperate Iraqi parents have in the past reportedly abandoned their daughters at the Iraqi side of the border with Syria with the expectation traffickers will arrange forged documents to enter Syria and employment in a nightclub. In other incidences, refugees have abandoned their children in Syria when leaving the country in search of improved economic circumstances, leaving the children vulnerable to trafficking. Syria is a growing child sex tourism destination for citizens of Middle Eastern countries, particularly Saudi Arabia and Kuwait. Syria is also a transit country for Iraqi women and girls, and Southeast Asians and East Africans, subjected to conditions of forced prostitution in Europe, Saudi Arabia, Kuwait, the United Arab Emirates, and Lebanon. Anecdotal evidence suggests some economically desperate Syrian children are subjected to conditions of forced labor within the country; this problem does not appear to be systemic or involve government complicity.

The Government of Syria does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government published an anti-trafficking law, enacted two decrees to better protect foreign domestic workers, and opened a second shelter for trafficking victims in partnership with a local NGO. Despite these significant efforts, the government did not demonstrate evidence of increasing efforts to investigate and punish trafficking offenses, inform the public about the practice of human trafficking, or provide much-needed anti-trafficking training to law enforcement and social welfare officials over the past year; therefore, Syria is placed on Tier 2 Watch List.

Recommendations for Syria: Enforce the new comprehensive anti-trafficking law through increased investigations and prosecutions of trafficking offenders; consider amendments to clarify and strengthen the definition of human trafficking contained in Legislative Decree No. 3; provide training on human trafficking to police, immigration officials, labor, and social welfare officials; launch a nationwide anti-trafficking public awareness campaign, particularly highlighting the appropriate treatment of domestic workers under Syrian law; establish policies and procedures for government officials to proactively identify and interview potential trafficking victims and transfer them to the care, when appropriate, of relevant organizations; and designate an official coordinating body or mechanism to facilitate anti-trafficking communication and coordination among the relevant ministries, law enforcement entities, international organizations, and NGOs.



Prosecution

The government made clear progress in strengthening its anti-trafficking legal framework during the reporting period. It did not, however, make significant efforts to investigate or punish trafficking offenses, or respond to requests for information on cases pursued by judicial and law enforcement agencies. Inadequate law enforcement training remained a significant impediment to combating trafficking crimes in Syria. In January 2010, the government published a comprehensive anti-trafficking law, Legislative Decree No. 3, which provides a legal foundation for prosecuting trafficking offenses and protecting victims, but does not lay out a clear definition of human trafficking. This law prescribes a minimum punishment of seven years' imprisonment, a penalty sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. The law was scheduled to take effect on April 11, 2010, allowing relevant ministries time to develop protocols and standard operating procedures for carrying out its mandates; operational protocols were at the earliest stages of development at the end of the reporting period. There were no reports of authorities using existing statutes, including a statute prohibiting forced prostitution, to prosecute trafficking crimes during the reporting period. There were reports of low-level cooperation between trafficking offenders and local police elements during the year, particularly regarding the monitoring of women in prostitution.

Protection

During the year, the government made modest progress in protecting trafficking victims, while demonstrating improved partnerships with NGOs and international organizations to identify and provide services to victimized women and children. As it did in Damascus during the previous reporting period, the government donated building space for a trafficking victims' shelter in Aleppo, which opened in January 2010. These two shelters, operated by local NGOs, offered legal, medical, and psychological counseling services to approximately 30 female trafficking victims in 2009. The government continued to lack procedures for identifying potential victims among vulnerable populations; as a result, victims of trafficking may have been arrested and charged with prostitution or violating immigration laws before being deported or punished. There were reports, however, that some women arrested on such charges and subsequently identified as victims of trafficking were referred to shelters; this is a positive development. In 2009, for example, the Ministry of Social Affairs and Labor referred 21 Asian labor trafficking victims to the shelter in Damascus. Despite this, referral of victims to shelters remained *ad hoc* and inconsistent, at times requiring lobbying from NGOs or international organizations to secure their release from detention centers. In limited cases, immigration authorities worked with foreign embassies, international organizations, and NGOs to establish the identity and citizenship of victims and provide needed assistance. The government did not 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 made modest efforts to prevent trafficking. It did not conduct any campaigns to educate government officials or the general public about trafficking. In early 2010, the government began drafting a national plan of action against trafficking. In March 2009 and in partnership with IOM, the Ministry of Social Affairs and Labor co-hosted a conference on preventing the exploitation of and providing protective services to abused domestic workers. In 2009, the government monitored public and private-sector industries through surprise inspections to ensure no children under the age of 15 were employed, but did not release statistics on the results of these inspections. While the work of domestic servants is not covered under Syria's labor law, newly promulgated Decree 27 of March 2009 and Decree 108 of December 2009 provide stricter regulations concerning domestic worker recruitment agencies and guidelines for employment contracts; enforcement of these decrees could prevent forced labor. These decrees allow the Prime Minister's Office to revoke an agency's license if it: fails to repatriate domestic workers at its own expense; imports domestic workers under the age of 18 or under false pretenses; or physically abuses, tortures, or exploits a domestic worker. In addition, they require employment contracts be issued by the Ministry of Interior and contain standardized regulations regarding the provision of monthly paychecks, clothing, food, medicine, living quarters, and time off. Beyond prosecuting clients and brothel proprietors, the government took no specific actions to reduce the demand for commercial sex acts. Syria is not a party to the 2000 UN TIP Protocol.

TAIWAN (Tier 1)

Taiwan is a destination, and to a much lesser extent, source and transit territory for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Most trafficking victims in Taiwan are workers from Vietnam, Thailand, Indonesia, and the Philippines, employed through recruitment agencies and brokers to perform low-skilled work in Taiwan's manufacturing industries and as home caregivers and domestic workers. Many of these workers fall victim to labor trafficking by unscrupulous brokers and employers, who force workers to perform work outside the scope of their contract and often under exploitative conditions. Some employers of domestic workers and home caregivers forbid their employees from leaving their residences, except on days off, making them extremely vulnerable to labor trafficking and other abuses and unable to seek help. Some women and girls from the China and Southeast Asian countries are lured to Taiwan through fraudulent marriages and deceptive employment offers for purposes of commercial sexual exploitation and forced labor. Migrant workers are reportedly charged up to $7,700 in recruitment fees typically in their home countries, resulting in substantial debt that may be used by brokers or employers as a coercive tool to subject the workers to forced labor. Labor brokers often assist employers to forcibly deport "problematic" employees, thus allowing the broker to fill the empty quota with a new foreign worker who must pay brokerage fees, which may be used to maintain them in a situation of forced labor. Brokers used threats and the confiscation of travel documents as a means to control workers. Some women from Taiwan are recruited through classified ads to travel to Japan, Australia, the UK, and the United States for employment, where they are forced into prostitution. Taiwan is a transit territory for Chinese citizens who enter the United States illegally and may become victims of debt bondage and forced prostitution in the United States.

Taiwan authorities fully comply with the minimum standards for the elimination of trafficking. During the reporting period, Taiwan authorities identified 329 trafficking victims and provided victims with work permits, allowing them to earn income while assisting in the prosecution of their traffickers. Authorities also conducted training for law enforcement officials on victim identification and protection, and partnered with NGOs and foreign governments to improve their response to human trafficking on the island. Taiwan's efforts to

prosecute offenders of both sex and labor trafficking should be improved. Authorities should continue to train law enforcement officials, prosecutors, and judges on the 2009 anti-trafficking law and make robust efforts to investigate, prosecute, and convict both sex and labor trafficking under this law.

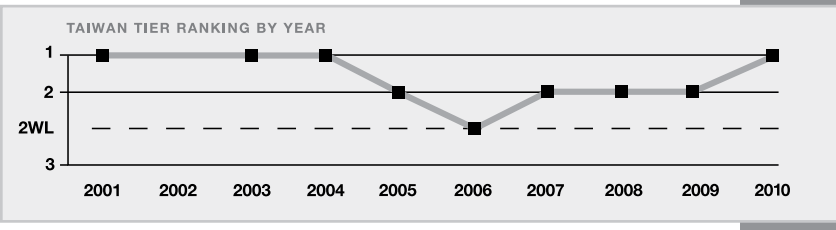
Recommendations for Taiwan: Extend labor protections to all categories of workers including workers in the domestic service sector and caregivers to prevent labor trafficking; continue efforts to investigate, prosecute, and convict trafficking offenders using the anti-trafficking law enacted in June 2009; ensure that convicted trafficking offenders receive sufficiently stringent sentences; continue to expand the training of victim identification measures and the anti-trafficking law to law enforcement personnel, prosecutors, and judges; conduct anti-trafficking training for officials in the Council of Labor Affairs (CLA) and labor inspectors; make efforts to ensure victims are aware of the option to assist in prosecutions and understand the implications of their participation; increase coordination between prosecutors and NGOs sheltering victims to keep victims informed of the status of their cases; accelerate funding mechanisms for government-to-NGO victim protection programs; increase efforts to identify and fund foreign language translators for shelters and hotline staff; and, continue efforts to increase public awareness about all forms of trafficking.

Prosecution

Taiwan authorities made progress in anti-trafficking law enforcement during the reporting period. Taiwan's Human Trafficking and Prevention Control Act, which went into effect in June 2009, combined with portions of the Criminal Code, criminalizes trafficking for both commercial sexual exploitation and forced labor, and provides up to seven years' imprisonment – penalties commensurate with those prescribed for other serious crimes. The Labor Standards Law, which prohibits forced labor, does not apply to an unknown number of Taiwan nationals and the nearly 160,000 foreign workers employed as private nursing caregivers and domestic workers – approximately half of Taiwan's migrant workforce. Authorities reported four sex trafficking convictions under Article 231-1 and 10 convictions under Article 296-1, which prohibits interference of personal freedom, and sentenced the 12 offenders to three to 10 years' imprisonment. Three trafficking convictions under Article 296-1 involved a labor brokerage group that confiscated workers' documents and forced workers to open bank accounts and apply for debit cards, which were confiscated. The workers' salaries were directly deposited to their bank accounts, to which the brokers had sole access. The case is currently under appeal. The Ministry of Justice reported at the end of 2009 there were four cases being prosecuted under the anti-trafficking law enacted in 2009, involving 43 alleged offenders; these cases have not yet completed trial. There were continued reports some local officials took bribes to turn a blind eye to trafficking, and allegations some legislators attempted to influence local Bureau of Labor Affairs' mediation sessions between employers and migrant workers to the employer's favor. Authorities did not investigate or prosecute any officials for trafficking-related corruption during the reporting period.

Protection

During the reporting period, authorities greatly improved efforts to identify and protect victims of trafficking. Victim identification efforts improved during the reporting period, and NGOs reported the identification of more victims by government authorities. In 2009, 329 victims were placed in these shelters, an increase from 65 trafficking victims sheltered in 2008. Authorities utilize formal victim identification procedures, though some observers note victim identification was inconsistent and should be further improved. NGOs asserted some trafficking victims were not identified by authorities and instead held in immigration detention facilities. The National Immigration Agency (NIA) partnered with NGOs to open two new shelters for trafficking victims in 2009. There are a total of 19 shelters dedicated to sheltering trafficking victims under the administration of various government agencies. The NIA and CLA formed partnerships with local NGOs to manage the shelters and provide victim support services, including medical, financial, and legal assistance; psychological counseling; interpretation assistance; language classes; and, occupational training programs. Authorities allowed NGOs to visit detention facilities and conduct their own victim identification process, and the government recognized three victims identified by NGOs in this manner. Shelter operators assisted victims in finding employment and provided residents with bicycles or transportation services for their transportation to work. National Immigration Agency shelters began to allow some victims, who found work further from the shelters, to reside off-campus. While victims legally had the option of whether or not to assist in the prosecution of their traffickers, NGOs noted many victims did not fully understand this option or were not informed of the judicial process.



Since the implementation of the new anti-trafficking law began in June 2009, trafficking victims received continued residency and temporary work permits. These measures significantly improved victim treatment and led to greater victim cooperation in trafficking prosecutions. Nevertheless, the length of trials and lack

of communication between shelter staff and prosecutors should be improved. Taiwan law allows victims to be questioned or cross-examined outside the court or via video conference, or other methods to separate the victim from the defendant, or in cases where the victim has returned to his or her country, though this option has not yet been practiced under the new law. The anti-trafficking law also allows courts to accept statements made by trafficking victims as evidence in a trial if the victim is unable to testify due to psychological or physical trauma or has returned to his or her country. Victims who face threats on return to their home countries have the opportunity to obtain permanent residency in Taiwan, though no victims have yet received this new benefit. The National Immigration Agency's budget for trafficking victim assistance services was over $1.5 million; however, its budget for 2010 is $1.1 million. CLA allocated $3.4 million for 25 Foreign Labor Consultant Service Centers and two International Airport Service Centers, which provide migrant workers with administrative and legal advice and referral services. These centers collectively recovered $3.7 million in 2,485 wage dispute cases. The Immigration Act allows foreign workers to legally remain in Taiwan until pending claims against their employers are fully resolved. Authorities used the Money Laundering Act to freeze a suspected labor trafficking offender's assets to make them available as restitution to victims if the offender is convicted. CLA contracted a local NGO to run a new 24-hour worker counseling hotline in five languages, which received over 40,000 calls in the last half of 2009. Hotline operators report being unable to find enough qualified operators to staff the hotline in all of the required languages; some observers note adjusting labor laws limiting the industries which migrant workers may find employment would alleviate this problem. Taiwan also continued operation of an island-wide hotline for foreign spouses seeking assistance.

Prevention

Taiwan authorities' efforts to combat trafficking abroad were hampered by a lack of formal diplomatic relations with source country governments and an inability to participate in regional fora and international organizations. Furthermore, authorities failed to provide labor protections to the estimated 160,000 foreign workers in the domestic service sector which may have contributed to the prevention of forced labor among this vulnerable group of migrants. In 2009, authorities amended regulations to forbid employers from collecting loan payments or other fees and deductions from foreign workers. Taiwan demonstrated a commitment to trafficking prevention efforts, spending over $1.6 million in anti-trafficking public awareness campaigns in 2009, an increase from the previous year. The Ministry of Interior ran anti-trafficking advertisements in newspapers and public spaces, including movie theaters, subway stations, and buses. Authorities initiated an outreach program to enhance foreign workers' understanding of their rights and resources available to them under Taiwan law, which included handing out over 400,000 bilingual service cards and multi-lingual pamphlets on workers' rights, and publishing public service announcements in foreign language publications circulated among Taiwan's migrant worker population. Authorities also printed and distributed pocket cards with trafficking warning indicators to local police, and also published anti-trafficking field manuals for law enforcement, immigration, detention, and judicial officials, which included victim identification procedures, case management guidelines, and relevant laws and regulations. Authorities conducted numerous anti-trafficking training and conferences, and partnered with NGOs and foreign officials to participate in these events. In 2009, over 4,500 Taiwan officials, academic, civic groups, and first responders received anti-trafficking training. Taiwan's 2010 anti-trafficking action plan formalizes partnerships between authorities, NGOs, and academics into an interagency task force that meets every two months to coordinate anti-trafficking efforts. Authorities did not make efforts to reduce the demand for commercial sex acts during the year. A ban on for-profit marriage brokers took effect during the reporting period; there are currently 23 non-profit marriage agencies registered in Taiwan. The Children's Welfare Bureau conducted child sex tourism awareness campaigns through the Internet, press conferences, advertisements, a commercial film, and an online game. The bureau also sent to travel agencies 50,000 baggage tags with information on how to recognize and report child sex tourism. While Taiwan has a law with extraterritorial application criminalizing the sexual exploitation of children by Taiwan passport holders traveling abroad, authorities have not prosecuted anyone for child sex tourism abroad since 2006.

TAJIKISTAN (Tier 2 Watch List)

Tajikistan is a source country for women and children subjected to trafficking in persons, specifically forced prostitution, and for men, women, and children in conditions of forced labor. Women from Tajikistan are subjected to forced prostitution in the UAE, Russia, Saudi Arabia, and Turkey. These women often transit Kyrgyzstan before reaching their destination country. IOM estimates that a significant percentage of Tajikistan's one million labor migrants are victims of forced labor, primarily after voluntarily migrating to Russia in search of work. Men from Tajikistan are subjected to conditions of forced labor in Russia's agricultural and construction sectors and, to a lesser extent, the same sectors in Kazakhstan and Afghanistan. Tajik children are exploited within Tajikistan during the annual cotton harvest. Tajik children are also trafficked within Tajikistan for prostitution and forced labor, including forced begging. Some adult government employees, including doctors and teachers, were required by Tajik authorities to pick cotton for up to two weeks in lieu of their regular duties during the 2009 cotton harvest.

Some teachers were forced to pick cotton in addition to their regular duties and were not compensated for this labor.

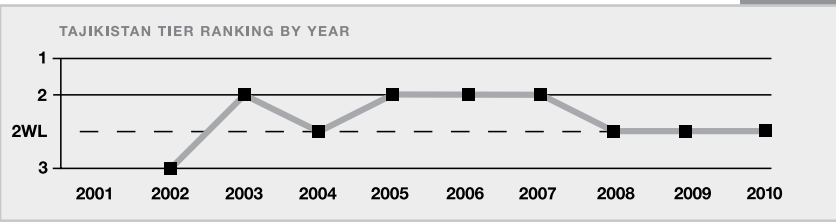
The Government of Tajikistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making made significant efforts to do so. Despite these efforts, the government did not demonstrate progress in ending its practice of compelling adults and children to pick cotton during the annual harvest and did not investigate, prosecute, convict, or punish any officials complicit in this forced labor. Therefore, Tajikistan is placed on Tier 2 Watch List for the third consecutive year. A partnership that the government had forged with law enforcement authorities in Dubai led to the identification and repatriation of at least 10 victims of forced prostitution in February 2010.

In April 2009, the president issued a decree banning the use of student labor used during the harvest, including forced child labor. In many cotton-growing districts, however, this decree was not implemented. In some cases, local government officials required school administrators to force schoolchildren to work in the cotton fields. Children in many villages were transported directly from school to the fields, often without parental permission. Teachers in many towns threatened students with expulsion, or scolded them in front of their classmates, if they did not comply. Some students were forced to work in the fields as early as age 9, received little or no pay for their labor, and often received no food while working. Unlike in the past, however, schools remained open and students attended class during the cotton harvest.

Recommendations for Tajikistan: Enforce the prohibition of coerced labor of children and adults in the annual cotton harvest through such practices as monitoring school and university attendance and inspecting cotton fields during the harvest; vigorously investigate and prosecute trafficking offenses, especially those involving forced labor, and convict and punish trafficking offenders, including local officials who force individuals to participate in the cotton harvest, with imprisonment; educate school administrators about Tajik laws against forced labor; increase funding and resources available to the anti-trafficking police unit; continue to build partnerships with foreign counterparts in order to conduct joint law enforcement investigations and repatriate Tajik victims from abroad; develop a formal victim identification and referral mechanism; continue to provide victim identification and victim sensitivity training to border guard and law enforcement authorities; encourage NGO care providers to be present during victim interviews with law enforcement; provide financial or in-kind assistance to existing trafficking shelters; make efforts to improve trafficking data collection and analysis; and conduct a trafficking awareness campaign targeting both rural and urban parts of the country, including raising awareness in rural villages about how offers of marriage may be used to deceive women and traffic them into forced prostitution.

Prosecution

The Government of Tajikistan reported modest anti-trafficking law enforcement efforts during the reporting period. However, it again did not address systemic government complicity in the use of forced or coerced labor during the annual cotton harvest. Article 130.1 of the criminal code prohibits both commercial sexual exploitation and forced labor, and prescribes penalties of five to 15 years' imprisonment, which are sufficiently stringent and commensurate with other serious crimes, such as rape. Although it was added to the criminal code in 2003, officials have not yet successfully used Article 130.1 to prosecute any trafficking offenders. The government has opened at least two cases under Article 130.1 since the government forged a partnership with law enforcement authorities in Dubai.



In 2009, authorities reported investigating at least nine individuals suspected of trafficking, compared with 23 trafficking investigations in 2008. The government reported prosecuting at least three cases for human trafficking against nine individuals in 2009, compared with 23 cases prosecuted in 2008. Courts convicted three trafficking offenders in 2009, compared with 17 convictions reported in 2008. Investigation, prosecution, and conviction data reported in 2008 likely included cases involving baby selling, which is activity that is beyond the scope of this report. The government reported that three individuals were sentenced for terms of five to 10 years' imprisonment for trafficking offenses in 2009.

Tajik law enforcement made concerted efforts to forge stronger anti-trafficking partnerships with counterparts in the UAE and Russia during the reporting period. For example, in February 2010 five Tajik law enforcement officials traveled to Dubai to facilitate a sex trafficking investigation, which subsequently resulted in the repatriation at least three Tajik victims of forced prostitution and the identification of 10 suspected traffickers; the investigation was on-going at the conclusion of the reporting period. Despite this progress, very limited financial resources allocated to the anti-trafficking unit and the general high police turn-over rate continued to stymie Tajikistan's ability to combat human trafficking.

Reports of children and adults forced or coerced to pick cotton in some regions during the 2009 cotton harvest were not followed up by government efforts to investigate, prosecute, convict, or punish any officials complicit in this criminal activity. In 2008, authorities investigated 12

local government officials and teachers for forcing school age and university students to pick cotton; some of those education officials were reprimanded for their actions, but no officials were convicted of criminal offenses based on this conduct in 2008.

Protection

The government demonstrated modest efforts to assist trafficking victims during the reporting period. Tajik diplomats in Dubai reported that they provided shelter to nine victims of sex trafficking at the government's Consulate General in 2009. The State National Security Committee referred at least 10 victims to IOM for assistance following a Tajik police investigation in the UAE in February 2010. The government worked with OSCE to develop systematic procedures for victim identification and referral for assistance. However, these procedures were not finalized or implemented during the reporting period. Foreign-funded NGO shelters remained the primary source of victim services – including shelter, medical assistance, rehabilitative counseling, legal aid, and vocational training – available in Tajikistan. The government did not provide financial or in-kind assistance to any NGO or organization that provided victim assistance in 2009. The government, however, increased its diplomatic staffing in the UAE and Russia to assist trafficking victims and to coordinate with local immigration officials in trafficking cases. All the victims identified during this trip were kept in a temporary police detention facility in UAE prior to their repatriation to Tajikistan. In 2009, IOM assisted 48 victims, compared with 38 victims in 2008. In total, IOM and the government identified at least 63 victims of trafficking during the reporting period. Government authorities assisted with the repatriation of 12 victims from Dubai during the reporting period. Victims were encouraged to participate in trafficking investigations and prosecutions. However, some authorities remained untrained and unskilled in interviewing and caring for victims of trafficking. There were no reports of identified victims fined or otherwise penalized by government officials for unlawful acts as a direct result of their being trafficked during the reporting period.

Prevention

Tajikistan demonstrated limited efforts to raise awareness of trafficking during the reporting period. The government conducted a limited anti-trafficking informational campaign in 2009. The Prosecutor General's Office reported that in 2009 officials appeared on two Tajik television programs to promote awareness of human trafficking. The government did not fund any NGOs that conducted awareness efforts. The officials reported that these programs were shown on a recurring basis. NGO's interviews with sex trafficking victims in Dubai revealed that many recruiters traveled to rural villages in Tajikistan and promised women marriage to wealthy Arab men in the UAE.

TANZANIA (Tier 2 Watch List)

Tanzania is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. The incidence of internal trafficking is higher than that of transnational trafficking, and is usually facilitated by family members, friends, and brokers' offers of assistance with education or finding lucrative employment in urban areas. The use of young girls for forced domestic labor continues to be Tanzania's largest human trafficking problem. Girls from rural areas of Iringa, Singida, Dodoma, Mbeya, Morogoro, and Bukoba regions are taken to urban centers and Zanzibar for domestic servitude; some domestic workers fleeing abusive employers fall prey to forced prostitution. Tourist hotels reportedly coerce some Tanzanian and Indian girls employed as cleaning staff into prostitution. Boys are subjected primarily to forced labor on farms, but also in mines, in the informal sector, and possibly on small fishing boats. Smaller numbers of Tanzanian children and adults are subjected to conditions of involuntary domestic servitude and commercial sexual exploitation in surrounding countries, South Africa, Saudi Arabia, the United Kingdom, and possibly other European countries. During the year, trafficking victims, primarily children, from Burundi, Rwanda, Kenya, and Uganda were identified in Tanzania, particularly in the agricultural, mining, and domestic service sectors. Malawian men are subjected to forced labor as fishermen on Tanzania's lakes. Indian women legally migrate to Tanzania for work as entertainers in restaurants and nightclubs; some are reportedly forced into prostitution after their arrival. Small numbers of Somali and Chinese women are also subjected to conditions of commercial sexual exploitation in Tanzania. Citizens of neighboring countries may voluntarily migrate through Tanzania before being forced into domestic servitude and prostitution in South Africa, Europe, and the Middle East.

The Government of Tanzania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government made little progress in implementing its 2008 anti-trafficking law, in part due to poor inter-ministerial coordination and lack of understanding of what constitutes human trafficking; most government officials remain unfamiliar with the act's provisions or their responsibility to address trafficking. Moreover, the ministries involved in anti-trafficking efforts failed to communicate or cooperate with each other and had no budgetary resources allocated to combating the crime. The government, which has never convicted a trafficking offender, charged only one suspected trafficker during the reporting period and achieved no convictions. Therefore, Tanzania is placed on Tier 2 Watch List.

Recommendations for Tanzania: Enforce the Anti-Trafficking in Persons Act by prosecuting and punishing

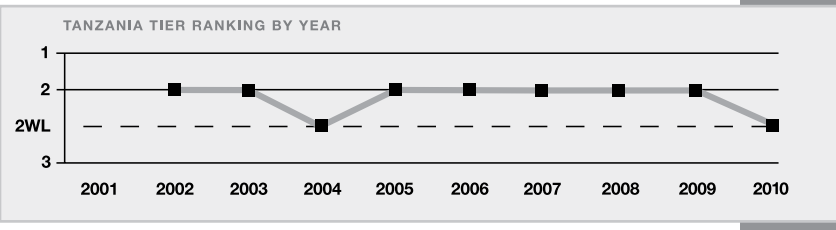
trafficking offenders; following the formation of the Anti-Trafficking Secretariat by the Ministry of Home Affairs and the presidential naming of a Secretary to coordinate inter-ministerial efforts, begin implementation of the law's protection and prevention provisions; establish policies and procedures for government officials to proactively identify and interview potential trafficking victims and transfer them to the care, when appropriate, of local organizations; establish an anti-trafficking fund to support victims, as required under the law; begin compiling trafficking-specific law enforcement and victim protection data at the national level; and provide additional training to law enforcement authorities on anti-trafficking detection and investigative methods.

Prosecution

The Tanzanian government made negligible anti-human trafficking law enforcement efforts during the reporting period. As in previous years, the government failed to convict trafficking offenses during the reporting period, and was unable to provide information on cases reported in previous periods. The Anti-Trafficking in Persons Act of 2008, which came into effect in February 2009, outlaws all forms of trafficking and prescribes punishments of one to 20 years' imprisonment, punishments that are sufficiently stringent, but not commensurate with those prescribed for other serious crimes. In November 2009, Parliament passed the Child Act which prohibits but does not prescribe punishment for forced child labor. The government investigated cases of human trafficking, but did not secure any convictions. In December 2009, for example, police in Tarime District investigated the case of two men who allegedly abducted two children from Isebania, Kenya and attempted to sell them at a mining site in the Nyamongo area; investigators referred the case to the Director of Public Prosecution's office in Mwanza for prosecution and it will proceed to trial following the completion of preliminary hearings. These men were the first individuals to be charged with a crime under the anti-trafficking law. In December 2009, Tanzanian police assisted British investigators in locating and accessing witnesses in southern Tanzania, following the arrest of two Tanzanians in Birmingham on charges of perpetrating forced labor offenses against their Tanzanian domestic worker. Although the Tanzanian Ministry of Labor, Employment and Youth Development reportedly conducted inspections and issued warnings to violators of child labor statutes, there were no forced child labor cases brought to court in 2009. Likewise, Zanzibar's Ministry of Labor, Youth, Women, and Child Development did not take legal action against any cases of forced child labor. The Office of the Director of Public Prosecution began implementing an electronic case management system countrywide, which will enable the future systematic tracking of cases involving all types of crimes, including human trafficking. Newly-hired law enforcement and immigration officials received anti-trafficking training as part of their introductory coursework.

Protection

The Tanzanian government's efforts to protect victims of trafficking during the reporting period were modest and suffered from a lack of resources. It continued to rely on NGOs to provide care for victims of trafficking; NGO facilities for shelter and specialized services were limited to urban areas. While the government lacked systematic victim referral procedures, NGOs reported that police, social welfare officers, and community development officers identified and referred approximately 47 trafficking victims to their organizations for protective services in 2009; these government officials also occasionally provided food, counseling, and assistance with family reunification. In the previous reporting period, the government had engaged in partnerships with IOM and NGOs to draft a plan for the referral of trafficking victims for care; it is unclear whether this mechanism was officially instituted or used nationwide in 2009. In December 2009, Tanzanian police worked in partnership with Kenyan authorities to repatriate two Kenyan child trafficking victims to their home country. A 24-hour crime hotline staffed by police officers was available for citizens to make reports about suspected trafficking victims; the hotline received no trafficking tips in 2009. The government did not provide information on the participation of Tanzanian victims in anti-trafficking investigations and prosecutions; the lack of national procedures for victim identification likely led to the deportation of foreign victims before they were identified or able to give evidence in court. The government usually treated foreign victims as illegal migrants and housed them in prisons until deportation. The Anti-Trafficking in Persons Act provides foreign victims legal alternatives to their removal to countries where their safety or the safety of their families may be endangered; the government did not encounter a case that necessitated utilizing these provisions during the reporting period. In December 2009, the Ministry of Health and Social Welfare signed an MOU with IOM to build the capacity of the Department of Social Welfare to assist victims of trafficking.



Prevention

The government made moderate efforts to prevent human trafficking during the year. Understanding of what constitutes trafficking remained low among government officials and no government ministries launched formal anti-trafficking outreach or awareness raising activities. In December 2009, the Ministry of Foreign Affairs transferred its chairmanship of the inter-ministerial

coordinating committee on human trafficking to the Department of Social Welfare; this committee, which only meets once a year, has, since its establishment in 2006, been an ineffective mechanism for information sharing or coordination of national anti-trafficking efforts. The Ministry of Labor's Child Labor Unit could not provide data on the number of child labor complaints it received in 2009 or the number of exploited child laborers identified and withdrawn by its 90 Labor Officers; inspectors continued to face myriad challenges, including chronic understaffing and lack of transportation to inspection sites. Some local governments allocated funds to respond to child labor and trafficking; Iguna District Council, for example, committed $5,200 for child labor-related activities in 2009. Local officials also continued partnerships with ILO-IPEC and various NGOs to identify and withdraw an unknown number of children from various forms of forced labor and provide them with educational opportunities. In past reporting periods, some districts incorporated prohibitions against child labor into their by-laws. While there were no reports of local governments taking legal action against parents whose children were absent from school, the resulting fear of penalties is believed to have reduced child labor. Some social welfare officers used IOM-provided materials to informally educate members of the communities in which they work. The government did not make any efforts to reduce the demand for forced labor or commercial sex acts during the reporting period. All Tanzanian soldiers completed a module on the respect of human rights and anti-trafficking interventions as part of their basic curriculum. The government provided additional human rights training, including sessions on women's rights, the protection of civilians, and international humanitarian law, to Tanzanian troops prior to their deployments abroad on international peacekeeping missions.

THAILAND (Tier 2 Watch List)

Thailand is a source, destination, and transit country for men, women, and children who are subjected to trafficking in persons, specifically forced labor and forced prostitution. Individuals from neighboring countries and from as far away as Russia and Fiji migrate to Thailand fleeing conditions of poverty. Migrants from Burma, who make up the bulk of migrants in Thailand, seek economic opportunity and escape from military repression. The majority of trafficking victims identified within Thailand are migrants who have been forced, coerced, or defrauded into forced labor or commercial sexual exploitation. Trafficking victims within Thailand were found employed in maritime fishing, seafood processing, low-end garment production, and domestic work. In particular, Burmese, Cambodian, and Thai men were found trafficked onto Thai fishing boats that traveled throughout Southeast Asia, and who remained at sea for up to several years, did not receive pay, and were threatened and physically beaten. Observers noted that traffickers (including labor brokers) who bring foreign victims into Thailand generally work as individuals or in unorganized groups, while those who enslave Thai victims abroad tend to be more organized. Migrants, ethnic minorities, and stateless people in Thailand are at a greater risk of being trafficked than Thai nationals. Undocumented migrants remain particularly vulnerable to trafficking, due to their economic status, education level, language barriers, and lack of understanding of their rights under Thai law. Some children from neighboring countries have been forced to sell flowers, beg, or work in domestic service in urban areas. Most Thai trafficking victims abroad who were repatriated back to Thailand with assistance from the Thai government had been exploited in Bahrain, Malaysia, the Maldives, and Singapore. Some Thai men who migrate for low-skilled contract work in Taiwan, Malaysia, South Korea, Israel, the United States, and Gulf States are subjected to conditions of forced labor and debt bondage. During the year, Thai workers were subjected to conditions of forced labor in Sweden, Poland, and the United States for work in slaughterhouses, on construction sites, and on farms. Men are generally trafficked within Thailand for the purpose of labor, although women and children are also trafficked in labor cases. Commercial sexual exploitation and forced prostitution generally involve victims who are women and girls. Sex tourism has historically been a significant problem in Thailand, and likely is a factor in trafficking for commercial sexual exploitation.

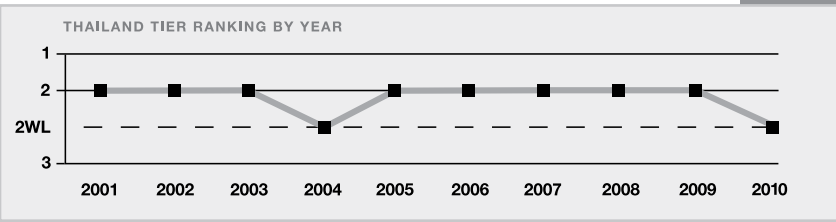
The Government of Thailand does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued implementation of its comprehensive anti-human trafficking law that came into force in 2008, continued training on the law, and conducted awareness-raising activities on human trafficking. Despite these significant efforts, the government's overall effort to address forced labor and forced prostitution of foreign migrants and Thai citizens did not make adequate progress; therefore Thailand is placed on Tier 2 Watch List. The Thai government made limited efforts to identify trafficking victims, but reports and confirmed cases of large numbers of trafficking victims exploited within the country and Thai citizens exploited in other countries persisted. While corruption is believed to be widespread within the Thai law enforcement community, the government did not report investigations into any trafficking-related cases. Given the significant scope and magnitude of trafficking in Thailand, there were a low number of convictions for both sex and labor trafficking, and of victims identified among vulnerable populations.

Recommendations for Thailand: Improve efforts to identify victims of trafficking among vulnerable populations, in particular undocumented migrants; increase efforts to investigate, prosecute, and convict both sex and labor trafficking offenders; improve efforts to investigate, prosecute, and convict officials engaged in

trafficking-related corruption; ensure that offenders of fraudulent labor recruitment and exploitation of forced labor receive stringent criminal penalties; improve labor inspection standards and procedures to better detect workplace violations, including instances of trafficking; allow all adult trafficking victims to travel, work, and reside outside of shelters; provide legal alternatives to the removal of trafficking victims to countries in which they would face retribution or hardship; develop and implement mechanisms to allow adult foreign trafficking victims to reside in Thailand, as well as to seek and find employment outside shelters; ensure complaint mechanisms such as hotlines are staffed by personnel conversant in migrants' languages; make greater efforts to educate migrant workers on their rights, their employers' obligations to them, legal recourse available to victims of trafficking, and how to seek remedies against traffickers; and increase anti-trafficking awareness efforts directed at employers and clients of the sex trade.

Prosecution

The Thai government made limited progress in its anti-trafficking law enforcement efforts during the reporting period. The Royal Thai Police reported investigating 134 trafficking cases from June 2008 to November 2009, but was unable to provide any details regarding cases it reported to involve trafficking during the year. The Office of the Attorney General reported that prosecutors initiated 17 trafficking-related prosecutions in 2009 and eight in the first two months of 2010. Thailand's 2008 anti-trafficking law criminally prohibits all forms of trafficking and prescribes penalties from four to ten years' imprisonment – penalties that are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. At least eight trafficking-related convictions were handed down in 2009, including five in labor-trafficking related cases. Sentences for offenders convicted in 2009 in trafficking-related cases ranged from two years to death, though some convicted offenders were released pending appeal. Frequent personnel changes hampered the government's ability to make greater progress on anti-trafficking law enforcement efforts. The government did not report investigating or prosecuting any registered Thai labor brokers involved in the trafficking of Thai workers abroad during the year. The justice system remained slow in its handling of criminal cases, including trafficking cases. The government has not yet tried a 2006 case involving forced labor of Burmese workers in a shrimp processing factory. In November 2009, Thai courts convicted two Thai citizens for subjecting Burmese migrants to forced labor in their Samut Sakhon shrimp processing factory and sentenced them to five and eight years' imprisonment, the first human trafficking conviction involving Thailand's problematic fisheries-related industries. In November 2009, authorities, in partnership with NGOs, rescued 51 Burmese workers from a locked room near a fishing port, where it is believed they would have been sent as laborers on fishing vessels. A court convicted one individual in this case and sentenced him to two years' imprisonment; the case reportedly remains under investigation. Authorities have not arrested any offenders involved in the July 2006 case of 39 deaths on a fleet of six fishing vessels from conditions of malnutrition due to the captains' failure to provide food and freedom to the seafarers. Corruption remained widespread among Thai law enforcement personnel, and there were reports that local police, including some who have taken anti-trafficking training, protected brothels, other commercial sex venues, and seafood and sweatshop facilities from raids or inspections. There was no information indicating that there was any tolerance for trafficking at an institutional level. Nonetheless, the government did not report investigations or prosecutions of Thai officials for trafficking-related corruption.



Protection

The Thai government demonstrated mixed efforts to protect foreign and Thai victims of trafficking. Thai immigration authorities reported identifying at least 60 victims of trafficking in 2009, although observers asserted improved efforts are needed to identify victims of trafficking among vulnerable populations, including among thousands of foreigners deported for immigration violations each month. The Ministry of Social Development and Human Security (MSDHS) reported 530 foreign trafficking victims identified and assisted in 2009, most of whom were victims of forced labor, as well as 79 Thai citizens who were repatriated after being trafficked abroad. The Ministry of Foreign Affairs reported assisting and repatriating 309 Thai nationals classified as trafficking victims. Thai law protects identified victims from being prosecuted for acts committed as a result of being trafficked. However, adult trafficking victims identified by authorities were sometimes detained in government shelters for up to several years. Foreign victims could not opt to reside outside of shelters or leave before Thai authorities were prepared to repatriate them. The Thai government opened three additional trafficking shelters for men, who were recognized under Thai law in 2008 as potential victims. The government refers victims of trafficking to one of nine long-stay regional shelters run by the MSDHS, where they receive psychological counseling, food, board, medical care, and legal assistance. Foreign trafficking victims are not offered legal alternatives to their removal to countries where the victims may face hardship or retribution. Though Thailand's 2008 trafficking law

contains a provision for granting foreign victims the right to seek employment while awaiting conclusion of legal processes, the Thai government does not appear to have provided victims with this right. As such, foreign victims of trafficking are not provided the same opportunities as other foreign nationals who seek and receive permission to work in Thailand. During the year, the government revised and redistributed systematic trafficking victim screening procedures to guide law enforcement and other front line responders in the process of victim identification.

The formal repatriation process between Thai and foreign authorities was often lengthy, sometimes causing victims to remain in government shelters for up to several years. This resulted in attempts by some victims to escape from government shelters. The government provided limited incentives for victims to participate in the investigation and prosecution of their traffickers, including reported efforts to help victims receive compensatory damages from employers in forced labor cases, but reports indicate that the government did not systematically make victims aware of this option. Long stays in shelters in some cases acted as disincentives to doing so. Language barriers, fear of traffickers, distrust of government officials, slow legal processes, and the inability to earn income during trial proceedings all played a role in the decision of some victims to not participate in the Thai legal process, including criminal prosecutions. During the year, the Thai government implemented the *Nationality Verification and Granting an Amnesty to Remain in the Kingdom of Thailand to Alien Workers* program to register and protect undocumented migrants (who are more vulnerable to trafficking) by bringing them into the formal labor market and providing them with related benefits. However, observers reported concerns that Burmese migrants are vulnerable to exploitation, including trafficking, due to unique provisions of the program.

Prevention

The Thai government made limited efforts to prevent human trafficking, including awareness raising activities by the Prime Minister and other senior officials. At times partnering with international organizations and NGOs, the government conducted various activities that targeted potential victims in high-risk groups and/or aimed to prevent and eliminate child labor and forced labor. The government did not sufficiently address some structural vulnerabilities to trafficking created by its migrant policies, namely the travel requirements and fees associated with its "nationality verification" process that increase vulnerability to debt bondage and trafficking. The Ministry of Foreign Affairs reported spending $185,000 on trafficking protection and prevention activities throughout the year. The government implemented a trafficking awareness campaign targeted at youth in Thailand. It also partnered with NGOs to host awareness raising events, and worked with an international organization on efforts to prevent child and forced labor. The MSDHS organized several anti-trafficking awareness sessions for government officials and civil society representatives. The Thai government cooperated in the extradition of several foreign child sex tourists, but made limited efforts to reduce the domestic demand for commercial sex acts. Thai authorities worked with NGOs in occasional police raids to shut down brothels and conducted awareness-raising campaigns targeting tourists' demand for child sex tourism. In 2009, Thai and Burmese authorities signed a Memorandum of Understanding on cooperation in human trafficking. The Thai government also developed plans of actions under other existing agreements with Laos and Vietnam. Thailand is not a party to the 2000 UN TIP Protocol.

TIMOR-LESTE (Tier 2)

Timor-Leste is a destination country for women from Indonesia and China subjected to trafficking in persons, specifically nonconsensual commercial sexual exploitation. To a lesser extent, it is also a destination country for men from Burma subjected to forced labor in construction and other fields, and recently for men from Cambodia and Thailand subjected to forced labor on fishing boats. Some migrant women in Dili report being locked up upon arrival, and forced by brothel 'bosses' and clients to use drugs and/or alcohol while providing sexual services. Some women kept in brothels were allowed to leave the brothel only if they paid USD 20 an hour. Male victims are forced to labor on fishing boats with little space, no medical care, and poor food. Traffickers used debt bondage through repayment of fees and loans acquired during their recruitment and/or transport to Timor Leste to achieve consent of some of the men laboring on the fishing vessels. Victims report traffickers subjected them to threats, beatings, chronic sleep deprivation, insufficient food and fresh water, and total restrictions on freedom of movement - victims on fishing vessels rarely or never went ashore during their time on board. Transnational traffickers may be members of Indonesian or Chinese organized crime syndicates, and the trafficking offenders who use male victims on fishing boats are reportedly Thai.

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 created specific prohibitions of human trafficking in its newly established Penal Code. It also enacted the Witness Protection Act, informally referred victims to NGOs for assistance, arrested suspected trafficking offenders, and offered foreign victims relief from deportation. The government, however, did not investigate persistent reports of lower-level police and immigrations officials accepting bribes from traffickers.

Recommendations for Timor-Leste: Increase investigations, prosecutions, and punishment of trafficking offenders; train more law enforcement

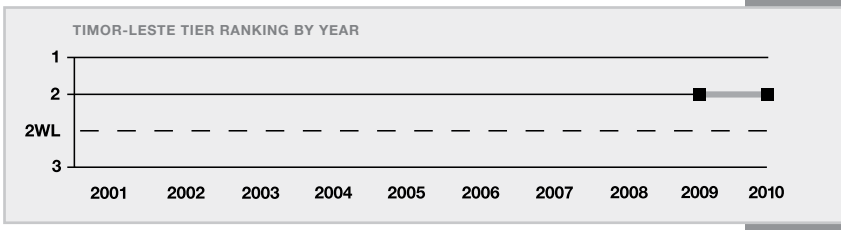
officers on victim identification; utilize provisions of the Witness Protection Act to assist trafficking victims; finish developing and institute formal national procedures for referring victims to service providers; and investigate, prosecute, and punish government officials who accept bribes from sex traffickers.

Prosecution

The Government of Timor-Leste demonstrated an increase in anti-trafficking law enforcement efforts over the past year. The government arrested nine suspected trafficking offenders, though it has not yet prosecuted or convicted any of them. The Ministry of Justice finalized revisions to the Timor-Leste Penal Code, which defines and punishes the crime of trafficking, and provides protection to witnesses and victims. The new Penal Code built upon the Immigration and Asylum Act of 2003, which had no specific provisions for trafficking. Articles 163, 164, and 165 of the penal code specifically prohibit trafficking, and Articles 162 and 166 prohibit slavery and the sale of persons. The Articles prescribe sufficiently stringent penalties ranging from four to 25 years' imprisonment, which are commensurate with punishments prescribed under law for other serious crimes, such as rape. Specific provisions prohibit trafficking offenses committed against a "particularly vulnerable" person or a minor, which it defines as a person under 17 years of age, as opposed to 18. Although last year the government did not continue its comprehensive anti-trafficking training program for law enforcement, it worked with IOM to plan a far-reaching training program to be held during 2010. There was some evidence that border officials allegedly accept bribes to let victims enter Timor-Leste, thereby facilitating trafficking. There were also reports that some police officers in Dili accepted bribes to allow brothels where potential trafficking victims are forced to engage in prostitution to continue operating. Some international and local NGOs alleged that some lower-level members of the police frequent these establishments. No investigations have been undertaken to explore these reports.

Protection

During the past year, the government clearly increased protections it offered to victims of trafficking. It continued to ensure victims' access to specialized protection services provided by NGOs and international organizations, as a serious lack of resources and personnel continued to limit the Timorese government's ability to provide services directly. The IOM and NGO PRADET forged a partnership with the government to establish the first shelter for trafficked women and girls, where victims have access to comprehensive direct assistance including shelter, mental and physical health care, counseling, return and repatriation, and integration/reintegration services. The Ministry of Social Solidarity (MSS) provided shelter for trafficked women and, for the first time, men upon request by IOM or other parties. NGO service providers were responsible for the day-to-day care of persons using the MSS shelter in partnerships developed with MSS. The government did not provide long-term care for victims. It did, however, grant two foreign male victims the right to remain in the country, assisted in acquiring identity documentation from the embassy of their native country, and suspended the deportation processes. In 2009, there were no reports of detentions of trafficked persons, and the government continued to allow lower-level officials to make prompt decisions regarding foreigners' status as trafficking victims. The rights of trafficking victims were respected and victims were not penalized for unlawful acts committed as a direct result of their being trafficked. Trafficked men who have entered the country without documentation were required to appear in court, but courts no longer pursued illegal entry charges against them; victims were instead referred for assistance. Two foreign victims who did not wish to return to their home countries were offered renewable temporary residence that could lead to permanent residency. Officials encouraged trafficked persons to participate in law enforcement investigations. Within the government, so far only the Immigration Department of the Ministry of the Interior followed formal procedures to proactively identify trafficking victims among high-risk populations such as foreign women in prostitution. The government provided some training in preparation for the finalization and implementation of a national victim referral mechanism, expected to be completed in mid-2010. During the year, law enforcement agencies referred 21 confirmed cases of trafficking and four presumed cases of trafficking to IOM or to the embassies of the victims' countries of origin.



Prevention

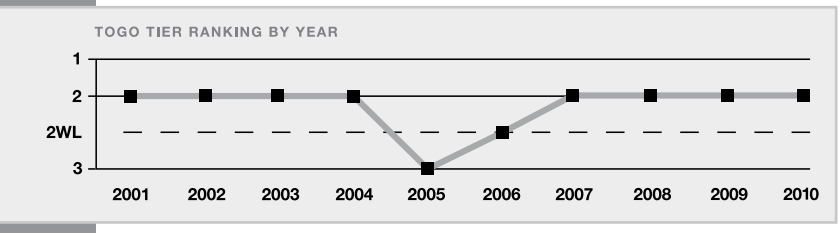
The Government of Timor-Leste acknowledges that trafficking is a problem in the country, and sustained its modest level of prevention and public awareness efforts in partnership with NGOs and international organizations. The Minister of Foreign Affairs chaired the Inter-Agency Trafficking Working Group (ITWG) which met three times in Dili with representatives from the civil, religious, diplomatic communities, and representatives from non-governmental and international organizations.

The ITWG established a subcommittee including three Ministries; the Migration Service; the Secretary of State for the Promotion of Equality; the Provedor for Human Rights and Justice; the National Police; the Prosecutor General's Office; and four NGOs. The subcommittee participated in training and three legislation-drafting sessions. Poster and leaflet awareness campaigns conducted by NGOs and international organizations

in cooperation with the government targeted potential victims in Dili and throughout the districts. Officials monitored immigration and emigration patterns for evidence of trafficking; immigration officials in Dili district have had some success identifying potential victims through such monitoring. The government has not taken any steps to reduce the demand for commercial sex acts.

TOGO (Tier 2)

Togo is a country of origin and transit for men, women, and children who are subjected to trafficking in persons, specifically forced labor in Togo and commercial sexual exploitation in neighboring countries. Victims are usually from rural areas of Togo, and most are children recruited for work in the capital, Lome, as domestic servants, roadside vendors, or for the purpose of commercial sexual exploitation. Sometimes traffickers will approach a family with lucrative job offers for children in the capital, often in return for domestic goods or cash. In reality, the jobs often include conditions of forced labor, offering arduous and sometimes hazardous work, for little or no pay, and often including confinement or threats of harm if the children leave. Togolese girls and a small percentage of boys are trafficked to Benin, Gabon, Nigeria, Ghana, Cote d'Ivoire, and the Democratic Republic of the Congo to work in agricultural labor. Children from Benin and Ghana are frequently trafficked to Togo for forced labor. Trafficking offenders are both women and men, and are often Togolese, Beninese, or Nigerian. Some reports indicate Togolese women are recruited for work in Lebanon and Saudi Arabia, where they are forced into conditions of domestic servitude and prostitution. Others go to France, Germany, and other European countries for the same purposes. A Togolese woman living in the United States was arrested in 2009 and prosecuted for trafficking offenses involving 20 girls from Togo and Ghana who were working forcibly under her direction in a hair salon in New Jersey.



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 sustained moderate efforts to prosecute and punish trafficking offenders and protect trafficking victims. It did not, however, make progress in adopting needed legislation to criminalize the trafficking of adults.

Recommendations for Togo: Pass and enact the draft law specifically prohibiting the forced labor and forced prostitution of adults; continue using existing statutes to investigate and prosecute trafficking offenses and convict and punish trafficking offenders; establish the National Committee to Combat Child Trafficking mandated in Togo's 2005 law against child trafficking, and adopt the required action plan; and raise public awareness of existing legislation criminalizing 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 placed *en force* the country's first Child Code, which provides for the protection of children's economic, psychological, and moral rights, and prohibits child trafficking. Unlike the country's 2005 Law Related to Child Trafficking, the 2007 Child Code provided a strong definition of trafficking and prohibited child sexual exploitation, along with the worst forms of child labor and child prostitution. The child trafficking law prescribes penalties of three months' to 10 years' imprisonment, which is sufficiently stringent and commensurate with prescribed penalties for other serious offenses, such as rape. Article 4 of the 2006 Labor Code prohibits forced and obligatory labor, but provides inadequate penalties for forced labor, and did not provide definitions of either obligatory or forced labor violations. No law in Togo specifically prohibits adult sex trafficking, and the Ministry of Social Affairs (MSA) lobbied the Ministry of Justice to remedy the problem in its ongoing revision of the penal code. During the reporting period, authorities prosecuted and convicted 13 trafficking offenders in Lome; at year's end, 10 were in prison awaiting their sentences, and the remaining three were on parole and had to report to the court regularly. There was no system for reporting court convictions from trials in the interior of the country. Detained traffickers sometimes obtained their own release by paying bribes. During the reporting period the government provided specialized investigative training to police, gendarmes, border guards, customs officers, and local and regional vigilance committees on how to recognize trafficking victims.

Protection

During the past year the government continued to ensure victims' access to protection services provided by NGOs and international organizations. With few exceptions, lack of resources and personnel limited the Togolese government's ability to provide services directly. The government did not have a formal system for identifying victims of trafficking among vulnerable groups, such as children in workplaces. The MSA managed the Tokoin Community Shelter, which received victims referred through the government's assistance hotline Allo 111. In 2009, Allo 111 received and referred over 1,300 calls, 85 of which were from trafficking victims. The MSA's Director for the Protection of Children frequently

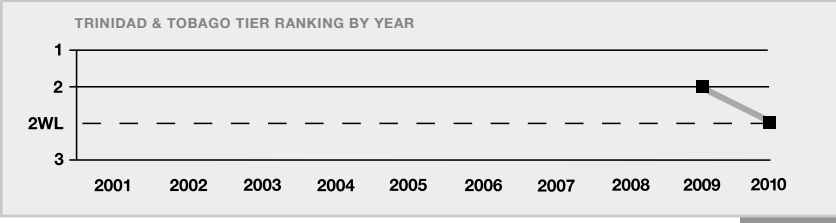
responded to victims' calls personally, accompanied them to reception points and shelters, and followed their cases through reinsertion in their home villages. Tokoin was used as an intermediary shelter for at least 24 hours before victims were transferred to care facilities managed by NGOs, which cared for 156 child victims during the year. The government attempted to locate relatives and return victims to their families, and foreign victims received the same access to shelters as domestic trafficking victims. Victims, however, did not receive legal assistance. In December 2009, the government announced creation of a fund of approximately $550,000 to provide legal services for the indigent; victims of trafficking are eligible to receive services under this fund. The MSA also has an annually renewable fund of $21,000 with which it paid doctors and psychologists to provide help to victims. The MSA collaborated with the Ministry of Security and with Interpol to provide guards, judiciary police, and other agents to return victims to neighboring countries with protection from possible abuse or violence. However, the government did not aid victims in rebuilding their lives. Togo did not offer permanent residency status to foreign victims, but forged partnerships with neighboring governments to ensure the victims' safe repatriation. Non-Togolese victims received a temporary visa and were not treated as illegal immigrants. The rights of victims were respected, and they were not prosecuted for breaking laws while under the influence of trafficking violators. The government encouraged victims to seek legal action against traffickers, and no one impeded victims' access to legal redress, but it was extremely rare. The government provided medical aid and shelter to its repatriated nationals.

Prevention

The Government of Togo made weak efforts to prevent trafficking during the year. In December 2009, the government sponsored a convention on the rights of the child, which stressed anti-trafficking themes. During the reporting period, the government staged with UNICEF a workshop at which a long-awaited anti-trafficking action plan was reframed and edited by participating ministries, for adoption in 2010. However, the government has yet to create a national committee on child trafficking, as required by its 2005 child trafficking law. As a measure to prevent trafficking, the Togolese government required any child traveling within or leaving Togo to carry some form of identification issued by local authorities. The child also needed to carry a parental authorization form. In some cases, authorities intercepted victims who were not carrying these documents. The Togolese government provided anti-trafficking training to Togolese troops prior to their deployment abroad as part of international peacekeeping missions.

TRINIDAD AND TOBAGO (Tier 2 Watch List)

Trinidad and Tobago is a destination, source, and transit country for women and children subjected to trafficking in persons, specifically forced prostitution, and children and men in conditions of forced labor. Some women and girls from Colombia, Dominican Republic, Venezuela, and Suriname who had been in prostitution in Trinidadian brothels and clubs have been identified as trafficking victims. Trinidadian trafficking victims have been identified in the United Kingdom and the United States. Undocumented economic migrants from the region and from Asia may be vulnerable to forced labor and forced prostitution. As a hub for regional travel, Trinidad and Tobago also is a potential transit point for trafficking victims traveling to Caribbean and South American destinations.



The Government of Trinidad and Tobago does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, Trinidad and Tobago is placed on Tier 2 Watch List because the government did not show progress in prosecuting and punishing trafficking crimes and protecting trafficking victims, whom the government often jailed and deported. The government's formation of a working group to substantively address its human trafficking problem portends good prospects for future improvements, and if effective legislation were adopted and enforced, the government would be poised to take the further steps in prosecuting trafficking cases and identifying and assisting victims.

Recommendations for Trinidad and Tobago: Draft and enact legislation that prohibits all forms of human trafficking and formalizes victim protection measures; encourage victims' assistance in the investigation and prosecution of trafficking offenses, including through provisions for legal alternatives to victims' removal to countries in which they would face retribution or hardship and provisions ensuring that identified victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked; develop formal procedures to guide officials in identifying trafficking victims and referring them to appropriate services; vigorously investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders; intensify efforts to ensure that all trafficking victims receive access to appropriate victim

services; and implement a national awareness campaign that addresses all forms of trafficking.

Prosecution

The anti-trafficking task force, which is co-chaired by an official from the Ministry of National Security in partnership with IOM, has been overseeing the implementation of a nine-month anti-trafficking action plan and organized three subcommittees: one to draft legislation, one to develop victim assistance policies, and a third to raise public awareness; however, the government made no discernible progress in its prosecution and punishment of sex and labor trafficking offenders during the reporting period. The lack of comprehensive legislation that would make human trafficking a crime and would ensure protection of trafficking victims was a significant limitation in the government's ability to prosecute trafficking offenders and address human trafficking in Trinidad and Tobago during the reporting period. The government reported no prosecutions, convictions, or sentences of trafficking offenders. The government reported one trafficking investigation during the year, and it began extradition proceedings in February 2010 against a foreign national wanted for human trafficking in another country. The government provided logistical, human resources, and some financial support to IOM anti-trafficking training for police, immigration officers, police, and other officials during the reporting period.

Protection

The government made minimal progress in protecting victims during the reporting period. The government did not employ systematic procedures for law enforcement authorities to proactively identify victims and refer them to available services; however, in a positive step, some law enforcement officers are reported to have taken suspected victims to shelters. The task force recently began development of guidelines for officials to refer potential victims to shelter, counseling, medical care, and interpreter assistance. The government did not provide foreign trafficking victims with legal alternatives to their removal to countries where they may face hardship or retribution. The government did not report proactively identifying any victims during the reporting period. NGOs identified foreign trafficking victims in jail for immigration or other violations committed as a direct result of being trafficked that were later deported. The government offered some social services directly and through NGOS that received government funding, but due to a lack of a formal procedures to guide officials in victim identification and referral to services, few victims received assistance. Trinidadian authorities encouraged crime victims in general to assist with the investigation and prosecution of offenders, though without legislation criminalizing human trafficking or formal trafficking victim protection provisions there were few incentives for victims to assist.

Prevention

The government made some progress in preventing human trafficking during the reporting period through the establishment of the anti-trafficking task force. While the government did not conduct public awareness activities during the reporting period, the responsible subcommittee developed plans to implement a trafficking victim hotline and nationwide information campaign. While prostitution is illegal in Trinidad and Tobago, the government did not take additional measures to reduce the demand for commercial sex acts during the reporting period. Authorities did not consider child sex tourism to be a problem in Trinidad and Tobago during the reporting period and reported no prosecutions related to child sex tourism.

TUNISIA (Tier 2 Watch List)

Tunisia is a source, destination, and possible transit country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. In 2009, one Tunisian female was rescued from forced prostitution in Lebanon. In 2008, two women were rescued from forced prostitution in Jordan and three men from forced labor in Italy. Based on limited available data, some Tunisian girls may be trafficked within the country for involuntary domestic servitude. In 2009 a Tunisian academic published a study on Tunisian domestic workers. The study, conducted in 2008, surveyed 130 domestic workers in the Greater Tunis region and 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.

The Government of Tunisia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not show evidence of progress in prosecuting and convicting trafficking offenders, proactively identifying or protecting trafficking victims, or raising public awareness of human trafficking over the last year; therefore, Tunisia is placed on Tier 2 Watch List for the second consecutive year. The Tunisian government does not identify human trafficking as a problem in Tunisia. Victims of trafficking likely remain undetected because of a lack of effort to identify them among vulnerable groups.

Recommendations for Tunisia: Use existing criminal statutes on forced labor and forced prostitution to investigate and prosecute trafficking offenses and convict and punish trafficking offenders; undertake a baseline assessment to better understand the scope and magnitude of the human trafficking problem; draft and enact legislation that prohibits and adequately punishes all forms of human trafficking; and institute a formal

victim identification mechanism to identify victims among undocumented migrants and offer them access to protection services.

Prosecution

The Government of Tunisia made no discernible anti-human trafficking law enforcement progress over the reporting period. Tunisia's Penal Code prohibits some forms of human trafficking. The Penal Code prescribes punishments of 10 years' imprisonment for capturing, detaining, or sequestering a person for forced labor, and up to five years' imprisonment for forced prostitution of women and children. The Penal Code also criminalizes child prostitution. The prescribed penalties for forced labor are sufficiently stringent. The penalty for forced prostitution – five years' imprisonment – is sufficiently stringent, though not commensurate with penalties prescribed under Tunisian law for other serious offenses, such as rape. In addition to these laws the Penal Code prescribes one to two years' imprisonment for forced child begging. There were no investigations or prosecutions of trafficking offenses, or convictions of trafficking offenders, during the year; however, a Tunis court convicted and sentenced a Tunisian trafficker in April 2009. A press report indicated that the police opened an investigation into reports that a group of children had been sexually exploited by Libyan tourists. There is no evidence that the government provided anti-trafficking training to law enforcement officials in the reporting period. There is no evidence of official tolerance of or complicity in trafficking in persons.

Protection

The government did not offer trafficking victims access to shelters or other services during the reporting period The government lacked formal procedures to identify trafficking victims among vulnerable groups, such as undocumented migrants and those persons detained for prostitution offenses. As a result, persons whose trafficking victim status was not recognized by Tunisian authorities were vulnerable to imprisonment and deportation if caught engaging in illegal activities under Tunisian law. The government neither undertook efforts to identify trafficking victims among the undocumented migrants in its detention centers, nor did it allow outside parties to screen these detained migrants to determine if any were victims of abuse. The government's social workers provided direct assistance to abused migrant women and children – including possible trafficking victims – in two shelters operated by a local NGO. The Ministry of Women's Affairs, Family, Children, and Elderly Persons continued to assign a child protection delegate to each of Tunisia's 24 districts to intervene in cases of sexual, economic, or criminal exploitation of children; these delegates ensured that child sex abuse victims received adequate medical care and counseling. The government does not offer trafficking victims legal alternatives to their removal to countries where they may face hardship or retribution.

Prevention

The Tunisian government made no discernible efforts to prevent trafficking during the reporting period; there were no government campaigns to raise public awareness of trafficking. Tunisia took steps to reduced demand for commercial sex acts by enforcing laws against prostitution and arresting "clients" soliciting commercial sex; however, these measures also resulted in the detention of women in prostitution, including possible trafficking victims. The government did not provide anti-trafficking training for military troops prior to their deployment on international peacekeeping missions.

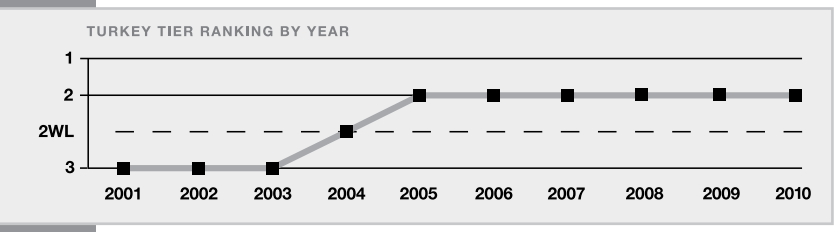
TURKEY (Tier 2)

Turkey is a destination and transit country for women and children subjected to trafficking in persons, specifically forced prostitution, and for some women and men in forced labor. Victims originate predominately from the former Soviet Union and Eastern Europe. Officials identified an increased number of women subjected to forced prostitution from Uzbekistan, Turkmenistan and Kyrgyzstan in 2009. The IOM, in conjunction with the Turkish government, repatriated a significant number of reported forced labor and sex trafficking victims to Mongolia in 2009. During the year, there was evidence of a Pakistani man subjected to forced labor. According to local experts, sex trafficking victims are generally forced into prostitution in illegal brothels or are "leased" by clients and kept in private residences or hotels. Although a much smaller problem, some internal trafficking involving Turkish citizens in both the legal and illegal prostitution sectors may occur. Some victims are reportedly smuggled through Turkey to the area administered by Turkish Cypriots, or on to other destinations in Europe, where they are subjected to forced prostitution and forced labor.

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. The government expanded use of its anti-trafficking law, aggressively prosecuted sex trafficking offenders, established a third trafficking shelter in the country, and improved its capacity to identify potential sex trafficking victims. The government's lack of funding for NGOs providing critical services to victims and inconsistent application of its procedures for identifying trafficking victims continued to affect Turkey's ability to deliver consistent, comprehensive protection services to victims

of trafficking, particularly those who are victims of forced labor.

Recommendations for Turkey: Follow through on long-standing plans to provide government funding for specialized trafficking shelters, and for the "157" hotline; consider establishing a victim assistance fund using assets seized from convicted traffickers; continue to include NGOs and international organizations more consistently in the initial identification process and consider expanding the best practice of allowing NGOs access to detention centers; increase the proactive identification of potential victims of forced labor and the prosecution of such cases; and continue to improve witness protection measures to provide victims with more incentives to cooperate with law enforcement.



Prosecution

The Government of Turkey continued aggressive investigation, prosecution, and conviction of trafficking offenders during the reporting period. Article 80 of the Penal Code prohibits trafficking for both sexual exploitation and forced labor, and prescribes penalties of from eight to 12 years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as sexual assault. In 2009, the government continued to expand implementation of Article 80, convicting 23 trafficking suspects under its specific anti-trafficking article, an increase from 13 in 2008. Of the 23 trafficking suspects convicted, two received sentences of 11 to 12 years, eight received sentences of nine to 10 years, seven received sentences of six to eight years, five received sentences of four to six years, and one received a sentence of one to two years. The government reported it seized assets of all trafficking offenders convicted during the year, and it imposed sentences based on the number of victims each trafficker exploited. The Government of Turkey convicted a total of 50 trafficking offenders in 2009, compared with 58 convictions in 2008. The government reported other trafficking cases were initially prosecuted under Article 80, but convictions were obtained using other criminal statues. Penalties for convictions obtained under other statutes ranged from zero to twelve years' imprisonment. Turkish law allows for the suspension of prison sentences of two years or less under certain conditions. The government reported a joint investigation in 2009 with the Government of Mongolia on a case of labor trafficking involving Mongolian citizens discovered working in a Turkish garment factory for low wages.

The government continued its institutionalized and comprehensive anti-trafficking law enforcement training in 2009, including training for 164 judges and prosecutors. Trafficking-related complicity of law enforcement personnel continued to be a problem; however the government took steps to address it. In 2009 the government investigated and prosecuted three police officers under Article 80; the case was sent to a serious crimes court. The government did not report any follow up regarding its 2008 investigation of 25 security officials for trafficking-related complicity. The government continued an investigation of a prison warden who was arrested and jailed in February 2007 for facilitating trafficking activities. In September 2009, a Turkish trafficker convicted in the Netherlands for forcing more than 100 women into prostitution escaped Dutch detention. The Dutch media subsequently reported he was running a nightclub in Antalya with members of his trafficking network. While Turkish authorities met with Dutch counterparts to discuss the case, the government did not initiate proceedings against him in 2009.

Protection

The Government of Turkey made some important improvements to increase its capacity to identify and protect victims of trafficking in 2009. It did not, however, provide adequate financial support to its specialized anti-trafficking shelters during the reporting period. In July 2009, the police, in partnership with IOM and an NGO, signed a tri-party agreement to establish the country's third anti-trafficking shelter in Antalya; the municipality donated the facility. The government reported that it made securing long-term funding a priority in 2009; however, it has yet to provide adequate funding to either of its shelters in Ankara and Istanbul. Notably the Ministry of Foreign Affairs independently provided approximately $20,000 to the shelter in Istanbul and Ankara. Both shelters continue to require external donor funding to stay in operation and assist trafficking victims. These two NGO-run shelters provided care to 85 trafficking victims in 2009. While the government encouraged victims to participate in trafficking investigations and prosecutions, most trafficking victims chose to return to their country of origin and declined participation in prosecutions of their traffickers, most often due to victims' perceived fear of authorities, retribution from their traffickers, and slow court procedures. During the reporting period, the government began to allow video testimony for trafficking victims to provide statements in court and prosecutors worked with shelter staff to tape video testimony to encourage more trafficking victims to testify against their traffickers.

The government took important steps to improve its capacity to identify and refer potential trafficking victims during the reporting period. In 2009, police signed an agreement with the Istanbul trafficking shelter to allow shelter staff into immigration detention facilities to interview foreign women who may have been too afraid

to disclose elements of their exploitation to police. The shelter staff began efforts to identify potential trafficking victims held in the detention facility in Istanbul as of June 2009; police agreed to accept the NGOs assessments of identified trafficking victims. Further, in April 2009, police signed an agreement with translators to provide broader translation services during interviews of potential victims. In 2009, the government identified a total of 102 trafficking victims, a continued decline from 118 in 2008 and 148 in 2007; IOM facilitated the repatriation of 75 of these victims. Gaps in the referral process may have resulted in some victims not receiving adequate care and assistance after providing information about their traffickers to law enforcement, and some victims may be missed and not identified as such. The government offered victims legal alternatives to their removal to countries where they would face retribution or hardship. Foreign victims may apply for humanitarian visas and remain in Turkey up to six months with the option to extend for an additional six months. However, no such visas were requested during the reporting period.

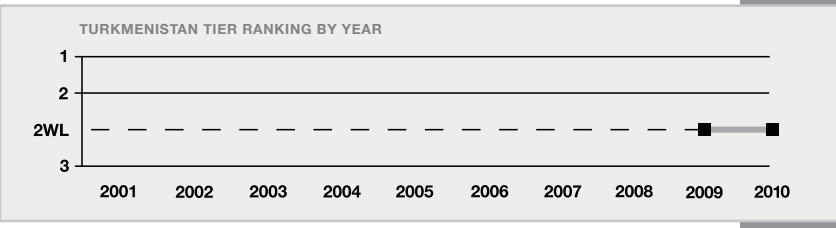
Prevention

The Turkish government improved its anti-trafficking prevention efforts in 2009, launching an international televised campaign in partnership with the Government of Moldova targeting both potential victims and clients. The government reported that consular and border officials continued to insert anti-trafficking material in passports it reviewed; this material publicized its national IOM- run anti-trafficking ("157") hotline. IOM reported that the highest percentage of calls continued to come from Turkish clients of victims. 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 international peacekeeping duties.

TURKMENISTAN (Tier 2 Watch List)

Turkmenistan is a source country for women subjected to trafficking in persons, specifically forced prostitution and for men in forced labor. Women from Turkmenistan are subjected to forced prostitution in Turkey. Men and women from Turkmenistan are subjected to conditions of forced labor in Turkey, including domestic servitude and also 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. Because the determination that the Government of Turkmenistan is making significant efforts is based in part on the government's commitments to take additional future steps over the next year, Turkmenistan is placed on Tier 2 Watch List for the second consecutive year. The government has indicated its commitment to implement the "Law on Combating Trafficking in Persons," adopted in December 2007. 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. During the next reporting period, the government has agreed to provide facility space for a foreign-funded shelter for trafficking victims to be operated by IOM and has also formally agreed to work with IOM to conduct a human trafficking awareness program for students in all five provinces of the country. Although the government did not demonstrate any efforts to investigate or prosecute trafficking offenses during the reporting period, in May 2010 the government demonstrated significant political will by adopting amendments to the criminal code that prescribed penalties for all forms of human trafficking.



Recommendations for Turkmenistan: Fully implement the 2007 Law on Combating Trafficking in Persons; use Article 129 to vigorously investigate and prosecute trafficking offenses and convict and punish trafficking offenders; provide training for prosecutors and other relevant government authorities on the proper application of Article 129; investigate individual instances of government officials complicit in the facilitation of trafficking; ensure that border guards, police, and other relevant government officials identify and refer victims of trafficking for assistance; develop systematic victim identification and referral procedures and identify victims of human trafficking; provide financial assistance to anti-trafficking organizations assisting victims, including shelter space; establish safeguards and training procedures to ensure victims are not punished for unlawful 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. The government prohibits all forms of trafficking in persons through Article 129 of its criminal code – adopted in May 2010 – which prescribes penalties ranging from four to 25 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government reported no efforts to investigate, prosecute, convict, or punish any trafficking offenders during the

reporting period. During the previous reporting period, the government reportedly investigated and prosecuted two cases of trafficking under non-trafficking statutes, although the government provided no information on whether the individuals prosecuted in these cases were convicted or sentenced to time in prison. The General Prosecutor's Office provided regular training for 10 to 15 prosecutors on trafficking in Ashgabat. Various international organizations also provided training for more than 100 officials from the State Migration, State Customs, and State Border Services on the legal anti-trafficking framework and general trafficking issues. Despite unconfirmed reports that some customs or migration officials were complicit in human trafficking, the government did not report efforts to investigate such officials for trafficking related complicity. Although the Turkmenistan government did not form formal anti-trafficking partnerships with other foreign governments, it reportedly issued instructions to its foreign missions abroad to cooperate with foreign law enforcement authorities on trafficking cases.

Protection

During the reporting period the Government of Turkmenistan demonstrated no efforts to protect or assist victims. The government 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. However, in April 2010, the government pledged to donate facility space for a trafficking shelter that will be foreign-funded and operated by IOM. The 2007 trafficking law has provisions for victim care facilities and guarantees protection and assistance for victims of trafficking, though these elements of the law were unimplemented during the reporting period In 2009, twenty-five victims were assisted by non-government funded organizations, compared with 20 victims assisted by non-government-funded organizations in 2008. The government did not refer any victims to NGOs or IOM for assistance in 2009. Government personnel employed no formal victim identification procedures and did not provide victim identification, victim referral, or victim sensitivity training for border guards or police. The government did not encourage victims to assist in trafficking investigations or prosecutions. There were no reports of victims being punished during the reporting period for unlawful acts committed as a direct result of their being trafficked. The government did not assist with the repatriation of foreign victims in 2009 and there were unconfirmed reports that some victims of trafficking were denied assistance by Turkmen consular officials in a destination country.

Prevention

The Government of Turkmenistan did not demonstrate significant efforts to prevent human trafficking during the reporting period. The government did not fund or conduct any anti-trafficking awareness campaigns in 2009, although Turkmen citizens traveling to Turkey received written contact information for anti-trafficking organizations operating in Turkey if travelers end up needing trafficking assistance. However in April 2010, the Ministries of Education and Health, in cooperation with IOM, formally agreed to conduct an information campaign in public schools for young adolescents. The campaign will be carried out in all five provinces of Turkmenistan by representatives of non-governmental organizations using Turkmen language publications and stories that warn of the hazards of human trafficking. The government made regular efforts, however, to monitor the trafficking situation within its borders.

UGANDA (Tier 2)

Uganda is a source and destination country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. Ugandan children are exploited in conditions of forced labor within the country in the fishing, agricultural, and domestic service sectors, as well as for commercial sexual exploitation; they are also taken to East African and European countries for the same purposes. Karamojong women and children in particular are subject to domestic servitude, commercial sexual exploitation, cattle herding, and begging. Security companies and employment agencies in Kampala recruit Ugandans to migrate and work as security guards and domestic servants in Iraq, where sometimes their travel documents and pay have been withheld as a means to obtain and maintain their compelled labor; labor trafficking victims repatriated from Iraq in 2009 reported harsh working conditions, physical and sexual abuse, withholding of food, and being confined to their employer's residence.

Pakistani, Indian, and other Asian migrant workers are subjected to forced labor in the country, and South Asia crime networks transport South Asian children to the country for commercial sexual exploitation. Children from the Democratic Republic of the Congo (DRC), Rwanda, Burundi, Kenya, Tanzania, and Sudan are subjected to forced agricultural labor and commercial sexual exploitation in Uganda. Until August 2006, the Lord's Resistance Army (LRA) abducted children and adults in northern Uganda to serve as soldiers, sex slaves, and porters. There have been no LRA attacks in Uganda since 2006, but some of these children remain captive with LRA elements currently located in the DRC, Central African Republic, and southern Sudan.

The Government of Uganda does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government's efforts to investigate human trafficking offenses increased during the year, though it did not show progress in prosecuting human trafficking offenses and punishing trafficking offenders.

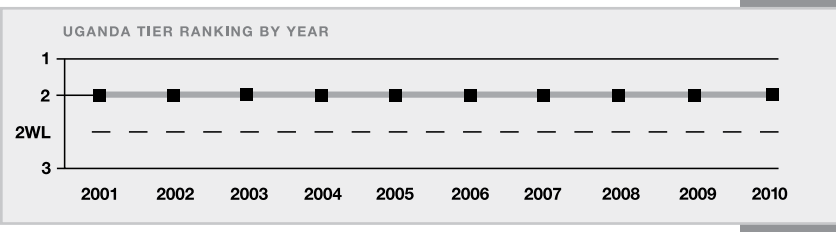
Recommendations for Uganda: Implement comprehensive anti-trafficking legislation; increase efforts to prosecute, convict, and punish trafficking offenders; institute a unified system of documenting and collecting data on human trafficking cases for use by law enforcement, labor, and social welfare officials; investigate and punish labor recruiters responsible for knowingly sending Ugandans into forced labor abroad; launch a nationwide anti-trafficking public awareness campaign with a particular focus on forced labor; and establish policies and procedures for government officials to proactively identify and interview potential trafficking victims and transfer them to the care, when appropriate, of local organizations.

Prosecution

The Government of Uganda's overall anti-trafficking law enforcement efforts improved in 2009, from no reported prosecutions or convictions in 2008 to three prosecutions and one conviction in 2009. The Ugandan Police Force's (UPF) Child and Family Protection Unit (CFPU) investigated a number of suspected trafficking cases during the reporting period, but courts failed to move pending cases through the judicial process. The investigations reported in the 2009 Report did not result in active prosecutions during the year. Neither the police nor the Department of Public Prosecution maintained records of investigations, prosecutions, or convictions of trafficking offenses, and could not provide comprehensive statistics or information on particular cases. In October 2009, the President signed the Anti-Trafficking in Persons Act of 2008 and it was published in the official gazette. The penal code was not, however, updated to reflect the new law and the Attorney General did not formally notify the police – steps that are required to bring new legislation into effect. The act prescribes punishment of 15 years' to life imprisonment, penalties which are sufficiently stringent and commensurate with those prescribed for other serious crimes. Because the law is not yet in effect, suspected trafficking offenses continued to be charged under other statutes during the year, such as prohibitions on procurement for prostitution, defilement, and kidnapping. For example, in February 2009, a Kampala court sentenced a Ugandan woman to four years' imprisonment for abducting three girls to serve as domestic servants in southern Sudan. In March 2009, a Mbale court issued an indictment against two Ugandan women on charges of kidnapping for alleged abduction of four children and taking them to Kenya for forced labor. The UPF incorporated a one-day trafficking first responder course into the basic training program at the police academy. By April 2009, the CFPU had provided this training to 150 officers.

Protection

The government sustained its moderate levels of protection for child victims during the reporting period. The government has not developed or implemented procedures for the systematic identification of victims among high risk groups; as a result, potential victims are sometimes prosecuted for immigration or prostitution violations. Lacking resources to provide sufficient direct assistance, it typically referred those victims it did identify to NGOs on an *ad hoc* basis. During the year, the UPF identified and referred 12 child trafficking victims to a local NGO's shelter in Kampala. Its memorandum of understanding with the same NGO continued to allow for the presence of the NGO's social workers in three police stations to assist trafficking victims with legal, medical, psychological, and family tracing services. The UPF worked in partnership with Kenyan authorities to repatriate four child victims to Uganda. The Ministry of Gender, Labor, and Social Development (MGLSD) continued to remove Karamojong children in possible trafficking situations from Kampala's streets and transferred 300 of them to two MGLSD-operated shelters in Karamoja that provided food, medical treatment, counseling, and family tracing. The ministry also operated a facility in Kampala for the initial intake of street children. There were, however, no similar government-funded or operated facilities or services for adult trafficking victims. In 2009, the Ugandan military's Child Protection Unit in Gulu received and processed 66 children returning from LRA captivity before transporting them to NGO-run rehabilitation centers for longer-term care. The government provided each child with basic non-food items for resettlement.



In mid-2009, the government issued travel documents for the repatriation of 14 Ugandan women from Iraq in partnership with IOM and the Governments of Iraq and the United States. The Special Task Force for the Elimination of Human Sacrifice and Trafficking, a 15-member inter-ministerial committee headed by the Deputy Police Commissioner, assisted with the repatriation of three Ugandan girls from a separate case in Iraq. Current Ugandan law does not provide assistance to foreign trafficking victims and immigration officials are required to deport individuals in violation of the immigration code without regard to their status as trafficking victims. In 2009, however, the Ministry of Internal Affairs allowed Pakistani victims, on a case-by-case basis, to remain in Uganda to assist with an investigation. Once in effect, the new anti-trafficking law will remedy many of the current legal limitations regarding the protection of foreign victims. The government reports that it has a policy of encouraging trafficking victims to testify against their exploiters, though no victims chose to do so during the last year.

Prevention

The Ugandan government sustained its efforts to prevent human trafficking through increased public awareness efforts during the year. In January 2010, the task force began compiling a comprehensive report on human trafficking for release in mid-2010. In the same month, it directed district security committees to form task force teams under their respective police commanders to improve local efforts to combat trafficking; teams have been established in some parts of the country. The police operated a specific hotline for reporting trafficking cases, but failed to keep records of calls, if any, received. Following the repatriation of trafficked Ugandan domestic workers from Iraq, the External Labor Unit of the MGLSD revoked the license of the employment agency that fraudulently recruited them and, in August 2009, officially suspended the sending of domestic workers to Middle Eastern countries. Local governments convened child labor committees, enforced local bylaws against child labor, monitored the working conditions of children, and counseled parents whose children were not in school. The MGLSD's labor inspectors conducted no investigations of exploitative or forced child labor in 2009 and reported no open cases involving such crimes. The small number of inspectors and limited resources precluded inspections in the rural areas or the informal sector. During the year, police investigated hundreds of reports of human sacrifice, many involving forced removal of body parts, and confirmed the validity of 29 cases, 15 of which involved the victimization of children; it did not transfer any of these cases to courts for prosecution. In November 2009, the task force and a local NGO launched a campaign against the forced removal of body parts for human sacrifices in both Kampala and Kamuli District, and hosted a public dialogue on the issue that was covered by local media. Government officials also participated in a solidarity march to protest increased incidents of child sacrifices. The government did not make efforts to reduce the demand for forced labor or sex acts. The government provided anti-trafficking training to members of the Ugandan armed forces prior to their deployment abroad on international peacekeeping missions. Uganda is not a party to the 2000 UN TIP Protocol.

UKRAINE (Tier 2)

Ukraine is a source, transit and increasingly destination country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. 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 continued to be forced into prostitution or subjected to involuntary domestic servitude or forced labor in service industries and textile or light manufacturing sectors. The majority of Ukrainian male labor trafficking victims were subjected to forced labor in Russia but also in other countries, primarily as construction laborers, factory and agricultural workers, or sailors. IOM reports that four percent of reported trafficking victims in Ukraine are children, although the number may be higher due to under-reporting. Children were most often forced into prostitution or forced to beg. An increasing number of Ukrainian victims were subjected to forced labor and forced prostitution within the country in 2009. Homeless children or children in orphanages continued to be 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. In 2009, the government improved its incarceration rate for convicted traffickers and it initiated projects and legislation to improve its capacity to identify and refer victims to services. The General Prosecutor's Office continued to encourage prosecutors to challenge non-custodial sentences imposed on convicted traffickers in 2009. However, the majority of convicted traffickers continued to receive no time in jail. Courtroom treatment of and protection for witnesses in trials remained inadequate. Ukraine did not vigorously address official complicity in facilitating trafficking, which hampered its ability to tackle its human trafficking problem.

Recommendations for Ukraine: Seek sentences for convicted trafficking offenders that require them to serve appropriate jail time; continue to monitor human trafficking trial procedures and encourage prosecutors to give more serious attention to human trafficking cases by appealing non-custodial sentences; vigorously investigate and prosecute trafficking complicity by government officials; continue to take steps to establish formal mechanisms for the proactive identification and referral of trafficking victims to services; increase funding for NGOs providing critical care to victims; consider establishing a fund derived from assets seized from convicted traffickers for this purpose; provide specialized assistance to child trafficking victims; and continue trafficking-specific training for prosecutors and judges.

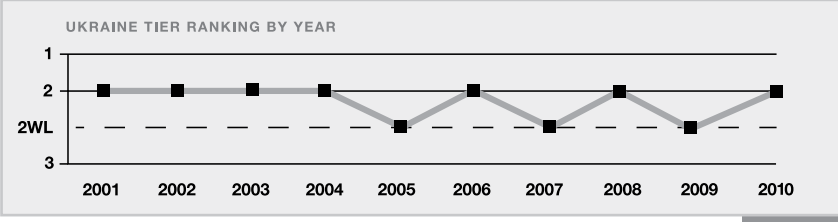
Prosecution

The Government of Ukraine sustained its law enforcement efforts during the reporting period. However, punishments for convicted trafficking offenders continued to be minimal. The government prohibits all forms of trafficking through Article 149 of its Criminal Code. Penalties prescribed range from three to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes. However, courts in various regions throughout Ukraine have interpreted Article 149's applicability to labor trafficking cases differently, causing some convicted labor trafficking offenders to receive light sentences. The

government prosecuted 80 trafficking cases under Article 149 in 2009, the same number it reported prosecuting in 2008. The government reported that it convicted 110 trafficking offenders in 2009, compared with 99 the previous year. Thirty-three convicted trafficking offenders were sentenced to time in prison in 2009, compared with 22 in 2008. Sentences ranged from less than two to 10 years' imprisonment. Forty-one convicted traffickers were placed on probation and courts confiscated the assets of 15 traffickers. Thirty-six convicted traffickers remained free on appeal. The government reported it investigated 23 cases of suspected forced labor involving 131 victims in 2009. It did not, however, disaggregate its conviction data to demonstrate whether it had prosecuted any forced labor offenders in 2009. Government prosecutors demonstrated a more aggressive stance on sentencing by appealing low sentences imposed on 41 convicted trafficking offenders in 2009. The General Prosecutor's Office continued to encourage prosecutors to challenge non-custodial sentences imposed on convicted traffickers via issuance of a directive to all state prosecutors in 2009. Further, prosecutors began filing additional petitions to challenge sentences even after conventional avenues of appeal had been exhausted, a more complicated and difficult process. NGOs continued to report that official trafficking-related corruption was a problem, particularly with prosecutors and judges. In 2009, the government investigated and charged three anti-trafficking officers for soliciting bribes totaling $39,675 from women engaged in prostitution.

Protection

The Government of Ukraine took some modest but important steps to improve protections for trafficking victims during the reporting period. In 2009, it drafted a comprehensive trafficking law to codify its anti-trafficking protection policies, establish a mechanism for referral of victims, and formalize cooperation between government and NGOs in this process; however, the government did not formally adopt or implement this law during the reporting period. In 2009, the government launched a pilot project to develop a referral mechanism in two oblasts in partnership with the OSCE. During the reporting period, the government registered 335 new victims of trafficking, including 42 children. Local oblast centers reported providing direct assistance to at least 16 trafficking victims in 2009 after referral by local anti-trafficking NGOs. Local governments offered some in-kind contributions in 2009, including restoration of documents and employment assistance. Ukrainian consulates reported providing assistance to 66 Ukrainian citizen victims abroad during the reporting period. The government, however, continued to rely on international donors to provide the majority of victim assistance. IOM, working with its local partners, provided assistance to 773 victims, including 32 domestic victims, in 2009. The government continued to place child trafficking victims in temporary homeless shelters for children that do not offer specialized services for trafficking victims. While the government encouraged victims to cooperate with law enforcement in the prosecution of their traffickers, the government's protection of victims who testified against their traffickers remained inadequate; the physical security it provided to victims during trial proceedings was limited and available only to those determined to be in immediate danger. Some regional courts, in partnership with international donors, took steps to install witness protection rooms to increase security for victims of violent crimes, including trafficking victims, in 2009. There were no reports of victims being punished for unlawful acts committed as a direct result of being trafficked, but there were continued reports that victims' rights were not fully respected during trials. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

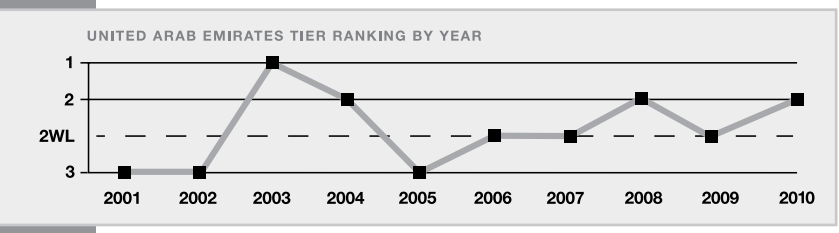


Prevention

The national government made limited progress in preventing trafficking in 2009, although some local authorities took steps to implement prevention programs in their oblasts. Inadequate funding and a lack of political commitment and understanding about trafficking continued to hinder the government's implementation of its national anti-trafficking plan. Only two people were assigned responsibilities for anti-trafficking in the national government in 2009. Further, the government's Interagency Council met only once during the reporting period and local experts reported that its mandate included other social issues that limited its ability to focus on trafficking. Authorities approved the establishment of anti-trafficking action plans in the majority of oblasts during the reporting period. Oblast coordination councils – that included NGOs – generally met quarterly to facilitate implementation of these plans. Two oblasts provided approximately $22,000 for prevention programs in 2009. Local authorities provided modest financial and in-kind assistance to NGOs to carry out prevention campaigns. Ukraine's National Academy of Defense cooperated with IOM to conduct five countertrafficking training sessions for Ukrainian troops prior to deployment for international peacekeeping duties in 2009.

UNITED ARAB EMIRATES (Tier 2)

The United Arab Emirates (UAE) is a destination for men and women, predominantly from South and Southeast Asia, who are subjected to trafficking in persons, specifically forced labor and forced prostitution. Migrant workers, who comprise more than 90 percent of the UAE's private sector workforce, are recruited from India, Pakistan, Bangladesh, Nepal, Sri Lanka, Indonesia, Ethiopia, Eritrea, China, Thailand, Korea, Afghanistan, Iran, and the Philippines. Women from some of these countries travel willingly to the UAE to work as domestic servants, secretaries, and hotel cleaners, but some are subjected to conditions indicative of forced labor, including unlawful withholding of passports, restrictions on movement, non-payment of wages, threats, or physical or sexual abuse. Workers on Saadiyat Island, the cited location of considerable foreign investment and development, reported the illegal withholding of passports is universal. Restrictive sponsorship laws for foreign domestic workers often give employers power to control their movements and make them vulnerable to exploitation. Men from India, Sri Lanka, Bangladesh, and Pakistan are drawn to the UAE for work in the construction sector, but are often subjected to conditions of involuntary servitude and debt bondage as they struggle to pay off debts for recruitment fees. This typically takes one year. The continuing global recession has contributed to the vulnerability of some migrant workers to forced labor and debt bondage, particularly in the construction sector. Trafficking offenders are exploitative recruitment agents in the sending countries and businesses or individuals within the UAE who promise migrants nonexistent employment opportunities.



Some women from Eastern Europe, Central Asia, Southeast Asia, the Far East, East Africa, Iraq, Iran, and Morocco are subjected to forced prostitution in the UAE. Media reports described at least two cases of Iraqi families who knowingly sold their teenage daughters to other Iraqi residents in the UAE for forced prostitution, and a Tajik official estimates approximately 30 percent of the estimated 200 Tajik women in prostitution in the UAE are victims of trafficking.

The Government of the United Arab Emirates does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to demonstrate clear progress in prosecuting and convicting sex trafficking offenders during the year and made modest progress to provide protections to identified female trafficking victims. However, there were no discernible anti-trafficking efforts against the forced labor of temporary migrant workers and domestic servants. Furthermore, the UAE historically has not recognized people forced into labor as trafficking victims, particularly if they are over the age of 18 and enter the country voluntarily.

Recommendations for the United Arab Emirates: Utilize the newly announced Ministry of Labor unit on labor trafficking to identify, investigate, and prosecute labor trafficking offenses, and convict and punish trafficking offenders, including recruitment agents and employers who subject others to forced labor; develop and institute formal procedures of law enforcement for 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 that is not detention-based for both males and females, referral to available aid, and credible recourse for obtaining financial restitution; ensure trafficking victims are not incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked; enforce prohibitions on withholding passports for all workers; offer domestic workers protections given to other migrant laborers; and reform the sponsorship system so it does not provide excessive power to sponsors or employers in granting and sustaining the legal status of workers.

Prosecution

The UAE government made significant progress in its law enforcement efforts against sex trafficking over the last year. However, it had no investigations, prosecutions, or convictions for more prevalent forced labor offenses. In March 2010, the Ministry of Labor announced the creation of a new unit to identify and investigate potential labor trafficking cases. The UAE prohibits all forms of trafficking under its federal law Number 51 of 2006, which prescribes penalties ranging from one year to life imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Although this law includes 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. The prosecutions of at least 36 sex trafficking cases were initiated in UAE courts during the last year. While the government has not yet released law enforcement data, press reports indicated that all of these have resulted in convictions, as of April 2010, with sentences imposed ranging from one year for failure to report knowledge of a trafficking victim to life

imprisonment for commercial sexual exploitation. The government did not prosecute, convict, or punish any labor trafficking offenders. In October 2009, the Emirate of Dubai created a permanent task force to investigate and prosecute trafficking cases. The government organized the training of UAE law enforcement officials and NGO representatives on identifying trafficked persons and traffickers and techniques for interviewing potential victims. Dubai police held workshops with the Dubai Foundation for Women and Children, which operates the local trafficking shelter.

Although Belgian authorities continued to investigate eight family members of the royal family of Abu Dhabi for allegedly subjecting 17 Asian and Middle Eastern girls into forced domestic servitude while staying at a Brussels hotel in 2008, the UAE government made no efforts of its own to investigate this matter during the year. In early 2010, UK authorities began investigating allegations that UAE diplomats had subjected their domestic servants to conditions of forced labor.

Protection

The UAE government showed limited progress in its efforts to provide victims of trafficking with assistance. UAE authorities did not employ formal procedures for proactively identifying victims of trafficking among high risk persons with whom they come in contact. UAE authorities did not follow internationally-recognized guidelines in identifying, interviewing, and protecting suspected victims of trafficking; a number of Tajik women identified as victims of trafficking upon their repatriation from the UAE were not given victim status and care while in UAE government custody. The government identified an estimated 80 trafficking victims during the reporting period, all of whom were female victims of sex trafficking. Thirty of these victims were repatriated quickly using government funds. The government offered some, but not all, foreign victims meaningful alternatives to their repatriation. The remaining 50 were offered comprehensive services in the government-operated shelters in Dubai and Abu Dhabi, which only provide services to female victims of trafficking and abuse. Administration of the Dubai shelter included several practices harmful to victims' welfare, including the detention of all victims (which was prolonged in cases in which the police wanted to use a victim as a prosecution witness), and tight restrictions on victims' movements and access to persons outside the shelter. The government announced plans to open additional shelters for sex trafficking victims in the northern emirates of Sharjah and Ras Al Khaimah by mid-2010. Victims of labor trafficking – likely the most prevalent form of trafficking in the UAE – were not offered shelter, counseling, or immigration relief by the government during the reporting period. Several unofficial shelters supported hundreds of female domestic workers who fled their employers and reported conditions of forced labor. The UAE government, however, did not encourage any of these victims to participate in investigations or prosecutions, and it did not initiate proactive investigations of forced labor offenses committed against these victims. The government encouraged identified victims of sex trafficking to assist in the investigation and prosecution of traffickers, by providing victims with housing and sometimes employment; however, most victims did not testify. The government waived penalties for immigration and other violations, and provided repatriation assistance, for identified trafficking victims. Victims who are not identified may be incarcerated, fined, deported, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. The UAE government continued to fund a UNICEF program to provide rehabilitation assistance to repatriated children who had been trafficked to the UAE in previous years for service as camel jockeys.

Prevention

The UAE government made clear progress in preventing human trafficking over the reporting period. Coordination of all government anti-trafficking efforts continued through the National Committee to Combat Human Trafficking. The government conducted anti-trafficking awareness campaigns within the UAE and in embassies and consulates in source countries. The Ministry of Interior organized seminars in workplaces and labor camps, intended to educate workers on their rights and methods of obtaining assistance. The government publicized its toll-free hotline, although it is unclear whether the hotline functioned well. It produced multi-language pamphlets on human trafficking, distributed to labor camps, government offices, NGOs, and media outlets, and a pocket book on workers' rights was also printed in various languages. The UAE government sustained and expanded a mandatory electronic wage deposit system for foreign laborers intended to prevent abuse of the government's migrant sponsorship system by establishing a record of direct salary payments. As of April 2010, this system covered 1.8 million workers. All companies will be required to use this system by May 2010. One of the penalties for non-compliance with the system is a prohibition on new hiring; as of March 2010, approximately 800 companies that have not complied with the November 30, 2009 deadline are barred from hiring new workers. Two delegations of law enforcement officials and shelter personnel were part of an international training program. Abu Dhabi hosted a symposium on protecting victims of human trafficking. The government initiated a bilateral agreement with Thailand to prevent source country labor rights abuses. The government has not taken any measures to reduce commercial sex acts.

UNITED KINGDOM (Tier 1)

The United Kingdom (UK) is a destination country for men, women, and children primarily from Africa, Asia,

and Eastern Europe who are subjected to trafficking in persons, specifically forced prostitution and forced labor, including involuntary domestic servitude. Some UK children are trafficked internally for the purpose of prostitution, and foreign unaccompanied minors continue to be forced to beg or steal. Migrant workers are subjected to forced labor in agriculture, construction, food processing, domestic service, and food services. There are reports that domestic workers are subjected to forced labor by diplomats in the UK, primarily from Saudi Arabia and UAE; these workers cannot change their employer without losing their immigration status, leaving them vulnerable to abuse, and their employers are often immune from prosecution. Children, mostly from Vietnam and China, continued to be subjected to debt bondage by Vietnamese organized crime gangs for forced work on cannabis farms. Reports continue to indicate a large-scale trafficking problem in Scotland; the government has not convicted any trafficking offenders within this territory. Further, inadequate protection measures for victims continue to result in their re-trafficking throughout the UK.

There is continued anecdotal evidence that trafficking may occur, though not on a large scale, in some UK territories such as Bermuda. Reportedly, migrant workers are employed in Bermuda under a strict system of government work permits obtained by employers on behalf of their foreign employees. This system may render migrant workers vulnerable to exploitation and trafficking in the construction, hospitality, and domestic service sectors. Some cases reportedly involve employers confiscating passports and threatening workers with debt bondage. Bermuda authorities and NGOs reported victims rarely lodge a formal complaint out of fear of deportation. Reportedly, the Bermuda Industrial Union in 2009 began offering union protection to some migrant workers.

The Government of the United Kingdom fully complies with the minimum standards for the elimination of trafficking. The government continued to take steps to establish a victim-centered response and instituted reforms to reflect the importance of trafficking on its national agenda. Local experts and observers, however, continued to report inadequate and inconsistent protection efforts for trafficking victims in the UK, and the late 2009 closure of the government's specialist anti-trafficking police unit in London raised concerns over prospects for improved anti-trafficking efforts. Furthermore, some experts criticized the UK Border Agency's role as the lead anti-trafficking agency, arguing that its focus on immigration prevented a human rights approach to identifying, protecting and supporting victims of human trafficking. During the reporting period, however, the government stepped up its anti-trafficking training efforts to improve national and local authorities' response to trafficking victims in the United Kingdom.

Recommendations for the United Kingdom: Take greater steps to ensure that victims are not penalized for unlawful acts committed as a direct result of being trafficked; ensure all trafficking victims are provided access to specialized services and safe accommodation; continue to improve protections for men who are victims of forced labor; improve protections for British children as well as unaccompanied minor asylum seekers who are victims of trafficking and take steps to reduce their vulnerability to trafficking; and continue to vigorously prosecute and convict all trafficking offenses, including forced labor and involuntary domestic servitude.

Prosecution

The Government of the United Kingdom sustained strong anti-human trafficking law enforcement efforts during the past year. The UK prohibits all forms of trafficking through its 2003 Sexual Offenses Act and its 2004 Asylum and Immigration Act, which prescribe penalties of a maximum of 14 and 10 years' imprisonment respectively, though the specific punishments prescribed for sex trafficking are less severe than those prescribed for rape. In December 2009, the government passed the Coroners and Justice Act to criminalize slavery explicitly; according to a local expert, interpretations of current law tend to emphasize cross border movement versus the condition of involuntary servitude. In order to use the 2003 and 2004 trafficking laws, authorities must prove a double intent to both transport and exploit victims before they arrive in the UK. Despite these legal challenges, concerted law enforcement efforts to investigate trafficking within the Roma communities in the UK and Romania resulted in the government's first convictions for child trafficking in October 2009. The government reported it convicted 31 trafficking offenders for sexual exploitation under its Sexual Offenses Act and convicted two offenders for forced labor under its Asylum and Immigration Act in 2009, an increase over the 23 convictions achieved in 2008. The average length of imposed sentences on the 31 convicted offenders was 4.4 years. The UK reported convicted traffickers serve longer terms as a result of additional convictions for other related offenses. An NGO specializing in care of migrant domestic workers in the UK reported that, out of 22 trafficking victims who chose to report their abuse to authorities since May 2008, only four were investigated as trafficking crimes. In February 2010, a spokesman for the police announced an increased focus to uncover more cases of forced labor.

Despite a year-long lobbying effort by stakeholders to prevent its disbandment, the UK government's specialist Metropolitan Police anti-trafficking unit was closed in late 2009 after operating for two years; the UK government citing a lack of funding behind its closure. The unit, comprised of approximately 11 officers, was the only specialist team solely dedicated to investigating human trafficking in the country. According to media reporting and NGOs, the unit received praise from former survivors of trafficking for its victim-centered approach and sensitivity shown to them. For continuity and expertise, the UK government added some officers from the

disbanded specialist unit to a new Clubs and Vice team designated to address trafficking abuses.

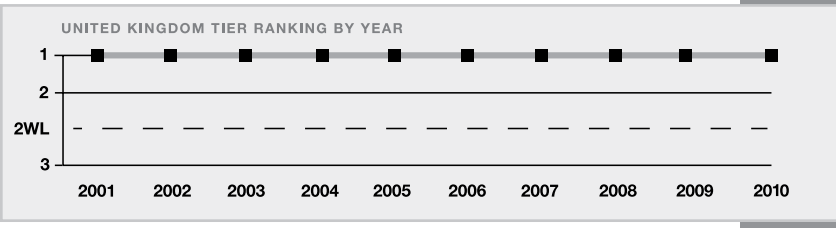
Protection

The UK government improved its capacity to identify and protect victims in 2009. In April, the UK initiated a National Referral Mechanism (NRM), which included a 45-day reflection period for potential trafficking victims. The government identified 527 trafficking victims through its NRM between April and December 2009; the UK Border Agency and police identified the majority of victims. Some local observers, however, reported the government did not effectively refer victims through the NRM. According to an Anti-Trafficking Monitoring Group consisting of NGOs and international organizations, the NRM lacked coordination, did not ensure adequate oversight of individual cases and failed to meet the needs of victims of forced labor and involuntary domestic servitude. Furthermore, the government failed to provide safe accommodation for some victims identified through the NRM; despite being officially recognized as trafficking victims, the government housed 27 victims in an immigrant detention center and 22 victims in prison or in a young offenders' institution in 2009.

The government provided significant funding for its specialized shelter for adult women trafficking victims, awarding it $5.7 million for the two-year period of 2009-2011. The government expanded funding to this NGO to extend its assistance to women subjected to involuntary domestic servitude. The NGO was able to expand its capacity to 54 and to assist an increased number of trafficking victims during the last year. Overall, the shelter assisted 260 trafficking victims in 2009; ninety-six women were provided with shelter and 164 were supported on an outreach basis. Some of the victims who were not accommodated at the shelter did not meet all of the government's strict criteria for admission; victims must be: over 18 years of age; involved in prostitution or domestic slavery in the UK within three months of referral; willing to cooperate in the prosecution of their traffickers; and must have been trafficked into the UK from abroad. Furthermore, if a victim escapes before exploitation occurs, she cannot receive accommodation.

The government did not provide specialized protections to trafficked children or British nationals subjected to forced prostitution in 2009, but it reported providing some services to these victims through trained local authorities. The government reported it referred 88 children through the NRM between April and December 2009; 81 were accommodated by local authorities. However, anecdotal reports indicate that NRM case authorities with significantly less expertise can undermine local authorities' decision making over a child's safeguarding. The government publicly acknowledged in 2009 that some rescued children placed in the care of local authorities may be vulnerable to their traffickers; it reported conducting a review in 2009 to improve the handling of rescued children. Although the government has not established comprehensive services for male victims, it provided accommodation and support to 68 people identified as victims of forced labor, including men. The government also invested $464,000 to develop flexible support services for victims of labor trafficking and allocated some funding to an NGO to offer some support and limited safe accommodation to forced labor victims.

The government encouraged victims to assist in trafficking investigations and prosecutions and reported it provided a 45-day reflection period and renewable one-year residence permits to foreign victims who decide to cooperate with law enforcement. While the UK government has a policy of not penalizing victims for unlawful acts committed as a direct result of being trafficked, some identified victims of trafficking continued to be charged and prosecuted for immigration offenses. The government published updated legal guidance in March 2009 to emphasize the role of the prosecutor in identifying potential trafficking victims who may have committed crimes while under duress or coercion by their traffickers. It continued to provide foreign victims with legal alternatives to their removal to countries where they face hardship or retribution through established asylum procedures; some NGOs continued to criticize this process as cumbersome and inconsistent. According to a February 2010 Human Rights Watch Report, some trafficking victims applying for asylum continue to be routed through a "fast track" asylum system. This report noted the process is not equipped to deal with complex trafficking cases, nor does it allow adequate time for a victim to recover and to explain case circumstances to an immigration official before deportation.



Prevention

The UK government sustained trafficking prevention efforts throughout the year. The United Kingdom Human Trafficking Center (UKHTC) continued to serve as a multi-agency, centralized point for the development of expertise among governmental, inter-governmental and non-governmental stakeholders involved in anti-trafficking. The UKHTC's national referral mechanism tracks and publicly releases quarterly referral statistics broken down by nationality, gender, type of exploitation and age, improving anti-trafficking information in the United Kingdom. The UKHTC reported it chaired quarterly working level meetings in 2009 to share operational best practices and disseminated relevant intelligence on trafficking. The government provided $2.47 million for the UKHTC's activities during 2009-

2010. The government also updated its National Action Plan on trafficking in 2009, which included measures to prepare for the potential expected increased demand for exploited labor and forced prostitution during and leading up to the 2012 Olympic Games in London. The government continued its "Blue Blindfold" awareness campaign to encourage more reporting of suspected trafficking within local communities. During the reporting period, the Ministry of Justice produced a leaflet published in ten languages to introduce the NRM framework for practitioners who may come into contact with trafficking victims. In 2009, in partnership with local NGOs, the Met police unit produced a video resource for police that contains excerpts from victims about their experience with law enforcement as well as case workers explaining the process of trafficking and exploitation. It provided anti-trafficking training to UK troops prior to their deployment abroad as part of international peacekeeping missions in 2009.

UNITED STATES OF AMERICA (Tier 1)

The United States is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced labor, debt bondage, and forced prostitution. Trafficking occurs primarily for labor and most commonly in domestic servitude, agriculture, manufacturing, janitorial services, hotel services, construction, health and elder care, hair and nail salons, and strip club dancing. Vulnerabilities remain even for legally documented temporary workers who typically fill labor needs in the hospitality, landscaping, construction, food service, and agricultural industries. In some human trafficking cases, workers are victims of fraudulent recruitment practices and have incurred large debts for promised employment in the United States, which makes them susceptible to debt bondage and involuntary servitude. Trafficking cases also involve passport confiscation, nonpayment or limited payment of wages, restriction of movement, isolation from the community, and physical and sexual abuse as means of keeping victims in compelled service. There are cases of domestic workers, foreigners on A3 and G5 visas, being subjected to trafficking-related abuse by diplomats posted to the United States. Combined federal and state human trafficking information indicates that more investigations and prosecutions have taken place for sex trafficking offenses than for labor trafficking offenses, but law enforcement identified a comparatively higher number of labor trafficking victims as such cases often involve more victims. More U.S. citizens, both adult and children, are found in sex trafficking than labor trafficking; U.S. citizen child victims are often runaway and homeless youth. More foreign victims are found in labor trafficking than sex trafficking, some of whom have entered the country under work or student-based visa programs. Primary countries of origin for foreign victims certified by the U.S. government were Thailand, Mexico, Philippines, Haiti, India, Guatemala, and the Dominican Republic. Eighty-two percent of these foreign adult victims and 56 percent of foreign child trafficking victims were labor trafficking victims. Sex trafficking of foreign children included boys.

The U.S. government fully complies with the minimum standards for the elimination of trafficking. The government sustained strong law enforcement efforts and continued to encourage a victim-centered approach among local, state, and federal law enforcement. Prioritizing trafficking cases and continued training are required to increase the number of cases prosecuted and victims identified. The U.S. government saw improvement in the protection of trafficked foreign children due to new procedures to grant benefits and services more promptly upon identification. However, government services for trafficked U.S. citizen children were not well coordinated; they were dispersed through existing child protection and juvenile justice structures. The government made grants to NGOs for victim services, though there are reports that the system is cumbersome and some NGOs have opted out of participating. Victim identification, given the amount of resources put into the effort, is considered to be low and law enforcement officials are sometimes untrained or unwilling to undertake victim protection measures. Over the past year, the government has broadened its prevention efforts. The U.S. government annually reports on its activities to combat human trafficking in a report compiled by the Department of Justice available at www.justice.gov/olp/human_trafficking.htm including detailed information on funding and suggestions for improved performance – a self-monitoring exercise that leads to improvements throughout the year.

Recommendations for the United States: Improve law enforcement data collection on human trafficking cases at the state and local level; offer advanced training to more federal agents and Assistant U.S. Attorneys with greater depth and frequency on the complexities of trafficking victim protection and proper identification, investigation, and prosecution of human trafficking cases; formalize, expand, and intensify anti-trafficking task forces by replicating models used for counternarcotics and counterterrorism; provide additional guidance and oversight on human trafficking from federal law enforcement agencies headquarters to field offices; develop additional guidance, reporting requirements, and accountability measures related to human trafficking from the Department of Justice to the Executive Office of U.S. Attorneys and U.S. Attorneys' Offices; encourage local, state, and federal investigations and prosecutions through leadership of federal law enforcement that prioritizes trafficking cases; mandate victim identification training for immigration, detention, and removal officers and immigration services officers; increase U.S. government efforts to identify and assist U.S. citizen victims; improve the efficiency of victim services grant-making structures that include comprehensive case management, community collaboration, training and outreach; increase

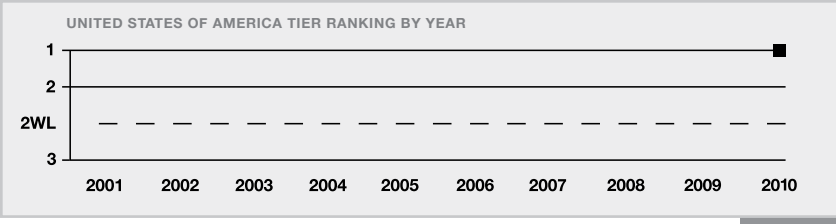
funding for victim services; enhance federal government partnerships with state, local, and tribal agencies; take steps toward greater cooperation between the private and public sectors to develop promising business practices to rid supply chains of forced labor; strengthen enforcement tools related to the restriction of importing goods made from forced and child labor; enhance labor trafficking training to U.S. law enforcement; augment training for state and local law enforcement operating under cooperative agreements with federal immigration authorities to increase anti-trafficking activities and better identify and protect trafficking victims; brief domestic workers in the United States assigned to foreign diplomats of their labor rights; strengthen enforcement of temporary worker programs; increase public awareness through linguistically and culturally appropriate grassroots outreach; and intensify enforcement and workers rights infrastructure, such as ombudsman offices, in insular areas.

Prosecution

The U.S. government demonstrated progress in its anti-trafficking law enforcement efforts through 2009. The United States prohibits all forms of trafficking in persons through criminal statutes that were enacted over 150 years ago in the wake of the U.S. Civil War to effectuate the Constitutional prohibition of slavery and involuntary servitude. These statutes were updated and modernized by the Trafficking Victims Protection Act of 2000 (TVPA) and subsequent legislation. Enforcement of the involuntary servitude and slavery efforts were subsequently carried out under the umbrella term "trafficking in persons." U.S. law prohibits peonage, involuntary servitude, forced labor, sex trafficking, and servitude induced by confiscation or withholding of documents, such as passports. Sex trafficking prosecutions involving children do not require a showing of force, fraud, or coercion. Additional federal laws can also be utilized in trafficking prosecutions and traffickers are occasionally convicted under those statutes instead of specific trafficking offenses.

Penalties prescribed under these statutes range from five to 20 years' imprisonment for peonage, involuntary servitude, forced labor, and domestic servitude, and up to life imprisonment for aggravating circumstances. Penalties for sex trafficking range up to life imprisonment with a mandatory minimum penalty of 10 years for sex trafficking of minors and 15 years for sex trafficking by force, fraud, or coercion or sex trafficking of minors under age 14. There is also a five-year maximum penalty for the related offense of fraud in foreign labor contracting under 18 U.S. C. § 1351. New sentencing guidelines promulgated in 2009 established equivalent sentencing of peonage, slavery, and trafficking in persons cases for anyone who financially benefits through participation in a trafficking venture knowing or in reckless disregard of the trafficking conduct under 18 U.S.C. § 1593A as well as increased penalties for harboring unauthorized immigrants for purposes of prostitution. These penalties are sufficiently stringent and commensurate with penalties prescribed under U.S. law for other serious offenses, such as rape, kidnapping, or if death results.

TVPA trafficking offenses are investigated by federal law enforcement agencies and prosecuted by the U.S. Department of Justice (DOJ). The federal government tracks its activities by Fiscal Year (FY) which runs from October 1 through September 30. In FY 2009, the Human Trafficking Prosecution Unit, a specialized anti-trafficking unit of DOJ's Civil Rights Division, in partnership with U.S. Attorneys' Offices, charged 114 individuals, and obtained 47 convictions in 43 human trafficking prosecutions (21 labor trafficking and 22 sex trafficking). This represents the highest number of prosecutions and defendants charged in a given year. The average prison sentence imposed for federal trafficking crimes in FY 2009 was 13 years and prison terms imposed in FY 2009 ranged from two months to 45 years. These figures include forced labor prosecutions and prosecutions involving sex trafficking of adults.



All 50 states prohibit the prostitution of children under state and local laws that predate the enactment of the TVPA. The Innocence Lost Initiative is a collaboration of federal and state law enforcement authorities and victim assistance providers focused on combating the prostitution of children. In FY 2009, the Initiative conducted a national operation leading to the identification of 306 children and 151 convictions of traffickers in state and federal courts. DOJ's Child Exploitation and Obscenity Section and U.S. Attorneys' Offices prosecuted other child sex trafficking cases outside of the Innocence Lost Initiative, but data on those efforts was unavailable. Some NGOs expressed concern that adult women found in prostitution during these child- focused operations were not properly screened to determine if they were victims of trafficking. In more recent operations, however, federal law enforcement disseminated guidance, screening instruments, and cross-referral and coordination protocols to investigative agents and prosecutors nationwide to enhance capacity to identify and assist adult sex trafficking victims and to investigate and prosecute this form of trafficking. Traffickers were also prosecuted under a myriad of state laws, but no comprehensive data is available on state prosecutions and convictions. Forty-two states have enacted specific anti-trafficking statutes using varying definitions and a range of penalties. Such statutes are only gradually coming into use; during the reporting period, two states obtained their first convictions under anti-trafficking statutes passed in 2003 and 2007.

DOJ funds 38 anti-trafficking task forces nationwide comprised of federal, state, and local law enforcement investigators and prosecutors, labor enforcement, and a nongovernmental victim service provider. The goals of these task forces are case coordination as well as law enforcement training in the geographic area to identify, investigate, and prosecute cases through a victim-centered approach. Research has shown that locales with task forces are more likely to identify cases and bring them forward. The numbers of state and federal investigations and prosecutions among the task forces varied widely. Initial analysis indicates that state law enforcement conducted more sex trafficking investigations than labor trafficking investigations, often applying criminal statutes predating the passage of state anti-trafficking statutes. The emphasis on sex trafficking is attributed to local law enforcement relying on its pre-existing vice units devoted to prostitution enforcement, whereas there were no comparable pre-existing structures for involuntary servitude in labor sectors. In 2009, DOJ undertook a review of the task forces' results and considered how to better support them including enhanced training, restructuring, and consolidation.

Despite the mandates of 2005 and 2008 amendments to the TVPA, uniform data collection for trafficking crimes or numbers of victims among federal, state and local law enforcement agencies did not occur during the reporting period. Most, but not all, of the DOJ task forces collected information on investigations in a single database, but this information was incomplete as it does not have full task force participation or nationwide coverage. Six states – Florida, Minnesota, New Mexico, New York, Rhode Island and Texas – mandated data collection and reporting on trafficking cases, but this has not yet been fully implemented. The lack of uniform data collection remains an impediment to a comprehensive understanding of the enforcement and victim service response to trafficking in the United States. There were no reports of official complicity in human trafficking during the reporting period.

The U.S. government undertook considerable law enforcement training efforts during the reporting period. The DOJ task forces trained over 13,000 law enforcement officers and other persons likely to come into contact with human trafficking victims. The task forces themselves received week-long intensive training. The Federal Bureau of Investigation provided comprehensive anti-trafficking training to agents attending the annual civil rights conference, including changes in the law, victim services, and suggested victim interview techniques. The Department of Homeland Security (DHS) mandated human trafficking training for all officers and agents of U.S. Customs and Border Protection and made a web-based human trafficking course available to officers and agents of U.S. Immigration and Customs Enforcement (ICE). Additionally, ICE offices nationwide hosted trainings reaching more than 6,000 federal, state, and local law enforcement officials. In a separate effort, some state and local law enforcement agencies operate under cooperative agreements following section 287(g) of the Immigration and Nationality Act, which authorizes the federally supervised enforcement of certain immigration authorities related to the investigation, apprehension, and detention of unauthorized immigrants in the United States. Participants in the 287(g) agreement must undergo training on victim and witness protections, including victim-based immigration relief. However, victim advocates reported that this training has not enhanced the response to or identification of trafficking victims or other immigrant victims of crime. The Department of Defense (DOD) instituted mandatory law enforcement training on identification, investigation, and information sharing with civilian or host nation law enforcement agencies.

U.S. authorities forged partnerships with counterparts in several countries to advance specific trafficking investigations during the reporting period, including a unique effort with Mexico where trafficking cases were jointly investigated by ICE, the Federal Bureau of Investigation, and the Government of Mexico and then prosecuted in Mexican and U.S. courts.

Protection

The U.S. government demonstrated sustained efforts to identify an increased number of trafficking victims and ensured that they received access to essential protective services. The U.S. government has formal procedures to guide officials in victim identification and referrals to victim services provided by NGOs. The U.S. government also funds an NGO-operated national hotline and referral service. There continued to be uneven knowledge among law enforcement authorities about human trafficking, including how to identify victims and how to access victim assistance. NGOs reported several instances of the detention of victims and potential victims, including children arrested for prostitution, and victims unidentified in immigration detention, some of whom were reportedly later identified and granted immigration relief. Victim advocates sometimes encountered difficulties securing law enforcement assistance to request public benefits and immigration relief.

The U.S. government continued to fund NGOs to provide victim services, including shelter. In February 2010, the cabinet-level President's Interagency Task Force to Monitor and Combat Trafficking in Persons publicly pledged to uphold a system that provides for all trafficking victims, whether they have lost their freedom through sex trafficking or labor trafficking and regardless of age, gender, or immigration status. The U.S. government worked to ensure access to comprehensive victim services by funding NGOs to provide case management, health and mental health care, shelter, legal services, interpretation, education, vocational training, and employment placement. The expense and limited availability of temporary housing options for all victims continued to be an issue. NGOs reported that, although lawyers are needed to assist victims in navigating the

complex system of eligibility for benefits and the criminal justice system, government funding for legal service providers to assist trafficking victims was severely limited.

The U.S. government encouraged victims to assist with investigations and prosecutions. The TVPA provides two principal types of immigration relief to foreign trafficking victims: 1) continued presence, which allows temporary immigration relief and may allow work authorization for potential victims who are also potential witnesses in an investigation or prosecution and 2) T nonimmigrant status or "T visas," which generally allow for legal immigration status for up to four years for victims who cooperate with reasonable law enforcement requests for assistance with an investigation or prosecution. Testimony against the trafficker, conviction of the trafficker, or formal denunciation of the trafficker is not required, nor is sponsorship or approval by an investigating agency. However, such support counts in an applicant's favor. Victims may also apply for T visas on behalf of certain family members, including spouses and minor children, parents and minor siblings of victims under 21, and victims' family members who are in danger as a result of the victim's escape from the trafficker or cooperation with law enforcement. T visa holders and their family members are authorized to work and after three years are then eligible for permanent residence status and eventual citizenship. Some victim advocates reported encountering difficulties in having law enforcement officials apply for continued presence and completing certification forms for the T visa; the problem was particularly acute among state and local officials who may be less familiar with the TVPA.

In 2009, continued presence was issued to 299 potential victim-witnesses and 313 T visas were granted. T visas were issued to 273 immediate family members of victims. Approximately 500 T visa holders, including victims and their family members, became lawful permanent residents in 2009, which puts them on a path to obtaining U.S. citizenship. There are other forms of immigration relief for which trafficking victims may be eligible, most notably the U visa for victims of specific crimes including trafficking offenses; however, information about which crime U visa holders suffered is not disaggregated so the number of trafficking victims who received such relief is unknown. During the reporting period, the Secretary of Labor announced that the Department of Labor would exercise its authority and implement a protocol to certify U visa applications in appropriate circumstances, which includes trafficking.

Foreign nationals generally are not eligible for federal public benefits such as food assistance and health care programs. When continued presence or a T visa is granted, the U.S. government issues a document that certifies the victim's eligibility to receive public benefits to the same extent as a refugee. In FY 2009, 330 such certifications were issued to foreign adults and 50 eligibility letters were issued to foreign children, an increase from 286 and 31, respectively, in FY 2008. Certified victims came from 47 countries. Primary countries of origin for foreign victims were Thailand, Mexico, Philippines, Haiti, India, Guatemala, and the Dominican Republic. Eighty-two percent of foreign adult victims were labor trafficking victims, of which 58 percent were men and 42 percent were women; 15 percent were adult sex trafficking victims, all of whom were women; and three percent were victims of both forms. Fifty-six percent of foreign child victims were labor trafficking victims, of which half were boys and half were girls; 38 percent were sex trafficking victims, of which 16 percent were boys; and six percent were victims of both forms. NGOs reported that amendments to the TVPA in 2008 improved the protection of trafficked foreign children; there is now a process to grant eligibility letters and, therefore, benefits and services, upon identification without delay and without requirement that the child cooperate with law enforcement.

In 2009, a program funded by the Department of State – the Return, Reintegration, and Family Reunification Program for Victims of Trafficking – assisted two victims in returning to their home country and reunited 128 family members with trafficked persons in the United States. Since its inception in 2005, the program has assisted 15 victims in returning to their country of origin and has reunified 378 family members from 41 countries of origin. Despite training of U.S. consular officers on T and U visas, NGOs reported delays with persons traveling to join their family members in the United States due to unfamiliarity of some U.S. embassy personnel with victim-based visa programs.

DOJ and the Department of Health and Human Services (HHS) provided funding to NGOs for victim assistance. In FY 2009, approximately 700 foreign victims received services from NGOs supported by the federal government; 57 percent of these victims were men and 43 percent were women. DOJ made grants to 37 victim assistance organizations working in conjunction with law enforcement task forces nationwide. These grants focus on emergency assistance for foreign victims until an individual is certified or decides not to work with law enforcement. Once a victim is certified, a contractor for HHS reimburses NGO providers for services. NGOs reported difficulty operating under one funding system for pre-certified victims and another funding system for certified victims. The reimbursement program replaced an earlier system of HHS capacity-building grants; NGOs reported that the shift from grants to a per capita reimbursement system undercuts the development of a trafficking-specific program infrastructure as well as the advancement of expertise in the victim services community. While there has been a 210 percent increase in certifications of foreign victims over the past five years, there has been no corresponding increase in funding for services. In each of the last three years, the U.S. government exhausted the funding allotted for the reimbursement system before the end of the year. HHS-funded outreach programs identified over 700

potential foreign trafficking victims in addition to more than 1,000 American citizens. It is unknown how many U.S. citizen victims were referred to law enforcement or received services. The majority of identified U.S. citizen victims were children found in prostitution. In 2009, DOJ funded three demonstration projects to provide comprehensive services to U.S. citizen child victims of labor or sex trafficking, two projects for case management assistance to children found in prostitution, and one training and technical assistance project targeted at 10 youth-serving organizations assisting children found in prostitution. These services are not contingent on the child victim cooperating with law enforcement. Extensive programs for at-risk youth, including runaway and homeless youth, also assist this population, as do child protective services agencies in all states and territories; this infrastructure predates the TVPA. It is not clear to what extent these programs identify and assist child trafficking victims among the children they serve though NGOs reported that these programs and agencies require training to better identify and work with trafficking victims. During the year, DOJ and HHS examined more coordinated, systemic ways to protect citizen victims and ensure that all victims are offered services and protection, whether foreign nationals or U.S. citizens.

While the TVPA sets forth a federal victim protection framework and principles, such protections are far from universal at the state and local levels. Only nine of 50 states offered state public benefits to trafficking victims. Eighteen permitted victims to bring civil lawsuits in state court. Seven encouraged law enforcement to provide the required accompanying documentation for T visa applications. Eighteen instituted mandatory restitution. Nine states required that victims' names and/or locations be kept confidential. During the reporting period, state legislators worked with NGOs to further develop state-provided victim service and protection options.

The TVPA mandates that victims not be inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. The prostitution of children has traditionally been handled as a vice crime or a juvenile justice issue and the anti-trafficking approach of the TVPA has been slow to fully permeate the state child protection and juvenile justice systems. In 2008, the most recent year for which data is available, 206 males and 643 females under 18 years of age were reported to the Federal Bureau of Investigation as having been arrested for prostitution and commercialized vice. Some states created diversion programs so that children found in prostitution could receive shelter and services as opposed to convictions and jail; other states considered "safe haven" laws that would effectively decriminalize children found in prostitution. One state proposed legislation that would vacate prostitution convictions of sex trafficking victims, thereby eliminating barriers to immigration status, employment, and housing.

During the reporting period, DHS trained 250 ICE agents to identify and treat trafficking victims using approaches that focus on the needs of the victims and established 12 full-time, non-agent Victim Assistance Specialists nationwide. DHS hired two child forensic interview specialists to conduct interviews of child and adolescent victims, as well as to develop training for agents on conducting developmentally appropriate and victim-sensitive interviews of children. DHS created a process for screening unaccompanied unauthorized immigrant minors. HHS' child victim specialists trained child welfare officials in 13 states as well as shelter staff for unaccompanied foreign minors in five states.

Prevention

The Government of the United States continued to make appreciable progress on addressing prevention throughout the reporting period. The cabinet-level President's Interagency Task Force to Monitor and Combat Trafficking (PITF) is statutorily directed to coordinate the implementation of the TVPA and, therefore, the government-wide efforts to combat human trafficking. The Senior Policy Operating Group (SPOG) implements the PITF's guidance and is charged with coordinating the government's interagency effort to combat human trafficking. The SPOG meets quarterly and includes senior-level representatives from U.S. government agencies and the White House. Additionally, Grantmaking, Research and Data, and Public Affairs committees advance the work of the SPOG.

The U.S. government undertook multiple efforts to reduce the demand for commercial sex and cheap labor to which traffickers respond. The Departments of Agriculture, Labor, and State worked with experts to develop recommendations to reduce the likelihood that agricultural products and commodities imported into the United States are produced with the use of forced labor and child labor. In September 2009, as directed by the TVPA of 2005, the Department of Labor (DOL) published an initial list of goods from countries that DOL had reason to believe were produced by child labor or forced labor in violation of international standards. DHS is responsible for enforcing the prohibition against importing such products, but the relevant statute, the Smoot-Hawley Tariff Act of 1930, is limited in application and does not reflect the modern approach of the TVPA.

DOL carries out civil law enforcement in the workplace and targets industries that employ at-risk workers including restaurants, construction, and agriculture; DOL inspectors and investigators are often in a position to identify exploitive labor practices, which may be indicative of trafficking. During the reporting period, DOL increased its enforcement staff, but investigators did not receive trafficking-specific training. DOL's Office of Inspector General, which conducts criminal investigations of fraud involving the H2B foreign labor certification program, identified labor trafficking violations in some of its cases during the reporting period. The U.S. Equal Employment Opportunity Commission (EEOC), which investigates discrimination charges against employers,

participated for the first time in both the PITF and SPOG meetings as a full partner. The EEOC committed to active participation nationwide in order to identify additional labor trafficking cases.

Allegations of U.S. government contractors and subcontractors engaging in forced labor and procuring commercial sex acts were well-publicized, most recently involving private security firms hired by U.S. embassies as well as DOD contractors. All U.S. government contracts are required to include a provision that prohibits trafficking in persons by its contractors, contractor employees, subcontractors, and subcontractor employees. The U.S. government has the authority to terminate a contract without penalty if trafficking occurs and, in some cases, may have extraterritorial jurisdiction to prosecute federal contractors and subcontractors for human trafficking offenses that occur overseas. In 2009, the Department of State, DOD, and the US Agency for International Development conducted audits of a representative sample of contracts. DOD investigated one contractor and DOJ determined the facts and circumstances did not warrant further action; the contractor took corrective action. The Department of State's site visits yielded anecdotal evidence of some contractor behavior suggesting possible human trafficking, including withholding passports, garnishing wages, and summary dismissal, which resulted in referrals for investigations. During the reporting period, although allegations have been investigated, no contractors were prosecuted and no contracts were terminated. An additional Department of State report to Congress is forthcoming in the summer of 2010.

The U.S. government also engaged in prevention efforts within its temporary worker programs, especially under visas that allowed the admission in FY 2009 of 60,112 temporary agricultural workers and 44,847 workers in sectors such as hospitality, food service, and construction. NGO reports and prosecutions indicated that private recruiters often charge excessive fees, which leave workers vulnerable to debt bondage; identity documents are confiscated; and victims feel they risk deportation should they report labor violations. Workers' immigration status is tied to the sponsor of their employment-based visa. The work-based visas do not shield employers from liability for enslaving their workers, and anti-trafficking statutes were supplemented in 2008 by the enactment of 18 U.S. C. § 1351 to criminalize fraud in foreign labor contracting. The first such charges were brought in the reporting period and the prosecution is pending. The Departments of State, HHS, DHS, DOJ, and DOL formed a partnership with civil society to produce a "know your rights" brochure distributed by consulates worldwide informing visa applicants of their employment rights once in the United States and how to obtain help if needed, including how to seek help for human trafficking. Regulations released during the reporting period allow for the debarment of employers who have committed certain violations of the temporary worker programs from participation for one to five years, but no employers were debarred during the reporting period.

During the reporting period, the Department of State issued formal guidelines for U.S. diplomats and employees working overseas under Chief of Mission authority who employ domestic workers, emphasizing that violators who engage in trafficking can face removal from employment and federal prosecution. The Department of State also promulgated guidelines governing the treatment of workers sponsored by foreign diplomats in the United States, including requirements that the worker be paid by check or electronic funds transfer, and ensuring transparency in contracting. The U.S. government formally briefed the Diplomatic Corps of these new guidelines and of possible consequences of domestic worker abuse. New laws and regulations provided that foreign embassies may lose the ability to sponsor additional domestic workers if they tolerate such behavior by their employees; no suspensions occurred within the reporting period. The Department of State worked with civil society to establish an intake mechanism for such cases to be reported.

The U.S. government adopted measures to inform and educate the public, including potential victims, about the causes and consequences of human trafficking. DHS conducted three extensive public awareness campaigns in 2009, spanning domestic urban areas, ports of entry, and foreign source countries. Additionally, DHS developed and implemented screening of unaccompanied minors arriving at and between ports of entry to determine whether they were victims of or at risk of trafficking. The Department of Education hosted a national conference at which it informed school teachers, nurses, and law enforcement about the problem of human trafficking and their role in identifying and preventing trafficking. HHS distributed public awareness materials in 2009 as part of a nationwide campaign that began in 2004. HHS also funded an NGO to operate the National Human Trafficking Resource Center, which operates a national hotline (1-888-3737-888) and provides national training and technical assistance to government and civil society organizations to identify and assist victims. In FY 2009, the Center received a total of 7,257 phone calls. These calls included 1,019 tips, of which approximately 300 were referred to law enforcement, and 697 requests for victim care referrals.

The U.S. government provides a substantial amount of international assistance aimed at preventing trafficking in persons, protecting victims, and prosecuting traffickers through foreign assistance from Department of State, DOL, and the U.S. Agency for International Development. In FY 2009, the government funded 168 international anti-trafficking programs, totaling approximately $84 million and benefiting over 80 countries.

The United States does not directly participate in UN peacekeeping and has only a minimal presence within those operations. Nevertheless, pre-deployment anti-

trafficking training takes place. DOD mandated general human trafficking awareness training for all military members and civilian employees. In 2009, 60 percent of DOD employees received such basic anti-trafficking training. U.S. military personnel deployed to Haiti in the wake of the February 2010 earthquake received pre-departure briefings on their responsibility to guard against modern slavery, the warning signs of trafficking, and the U.S. government's zero tolerance policy for commercial sex and trafficking.

State and local jurisdictions engaged in a number of efforts to reduce demand for commercial sex. Common activities included deterrence such as public naming of men arrested for solicitation of prostitution or rehabilitation programs that dismissed solicitation charges following attendance at programs intended to sensitize the arrestees about the damage caused by prostitution. Federally funded evaluation of one such program showed a preventative effect against recidivism in the men who completed the course. There were not similar deferral programs for adult women arrested for prostitution offenses. State and local law enforcement arrested 12,133 men for prostitution offenses in 2008, the year for which most recent data is available. At the federal level, DOD launched a demand reduction campaign to help make contractors, government personnel, and military members aware of common signs of human trafficking and a hotline number to report suspected incidents.

U.S. laws provide extraterritorial jurisdiction over child sex tourism offenses perpetrated overseas by U.S. citizens. The federal government made 11 criminal arrests, brought five indictments, and obtained 10 convictions in child sex tourism cases in FY 2009.

U.S. Insular Areas

The U.S. insular areas consist of American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. Federal authority over these areas resides in the Department of the Interior (DOI). While the U.S. government has compacts of free association with Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands, they are independent of the United States and thus not discussed here.

The insular areas are a destination for men and women subjected to forced labor, debt bondage, and forced prostitution. The U.S. government holds a unique relationship with each insular possession. While the U.S. constitutional prohibition of involuntary servitude and anti-trafficking statutes apply in all areas subject to U.S. jurisdiction, systemic issues prevent full enforcement of the law. For instance, American Samoa controls its own immigration and labor laws, including its temporary worker programs, as did CNMI until its recent federal transition. Temporary workers constitute the majority of the population in some territories; this creates a particular vulnerability for trafficking that is largely unenforced. DOJ sought cases throughout the territories during the reporting period, but challenges of distance and limitations of resources, in combination with the potential scope of trafficking, mean that the territories warrant targeted attention, coordination, and resources. In the Territory of American Samoa, Chinese women have been forced into prostitution in nightclubs and brothels and Chinese and Vietnamese garment workers have been found in forced labor. American Samoa controls its own immigration policies and enforcement. Local law enforcement initiated an investigation of the territorial immigration office regarding its role in suspected forced labor and sex trafficking. In October 2009, the American Samoan House and Senate introduced an anti-trafficking bill, which would criminalize human trafficking and involuntary servitude as felonies.

In the Commonwealth of the Northern Mariana Islands (CNMI), forced labor and forced prostitution have at times been such high-profile issues that a Federal Labor Ombudsman, with an office established within DOI by Congress, operates in the Commonwealth. This office has documented labor abuses as well as numerous claims of foreign women forced into prostitution. Traffickers have been prosecuted for forcing Chinese women into prostitution in a karaoke bar as well as forcing Filipinos to labor and into commercial sexual exploitation. Labor trafficking was also of concern because temporary workers exceed the number of U.S. citizens in the 176 square mile Commonwealth. CNMI enacted its Anti-Trafficking Act in 2005 and has a DOJ funded task force on the largest island, Saipan. In 2008, the most recent year for which data is available, the NGO working on the task force assisted 14 human trafficking victims. CNMI is currently transitioning from independent control of immigration and labor enforcement to federal law and DHS assumed immigration and border control during the reporting period. During the reporting period, DOI requested that the Federal Bureau of Investigation send additional federal investigators to the CNMI to handle the expanding caseload.

The Territory of Guam has experienced both sex and labor trafficking. The first case came to light in 2008, when Chuukese women were identified as forced into prostitution, which prompted Guam to enact an anti-trafficking law in 2009. A federal sex trafficking prosecution is pending. Of particular concern for the coming years is the vulnerability of approximately 15,000 temporary workers expected to arrive primarily from the Philippines to construct new military facilities, without any corresponding increase in enforcement resources.

In the Commonwealth of Puerto Rico, sex trafficking appears to be more prevalent, involving Puerto Rican children as well as foreign women from the Dominican Republic, Haiti, and China. There are reports of involuntary domestic servitude as well as forced labor in a shrimp processing facility. Puerto Rico has no local anti-trafficking law. Reports indicated that suspected incidents are referred to federal authorities. Even with a federal

presence and a documented human trafficking problem, Puerto Rico has yet to prosecute a human trafficking case.

There were no documented cases of human trafficking in the territory of the U.S. Virgin Islands, though NGOs believe the tourism industry invites trafficking for sex and labor. NGOs in the U.S. Virgin Islands worked together to identify potential cases and be prepared to assist victims.

URUGUAY (Tier 2)

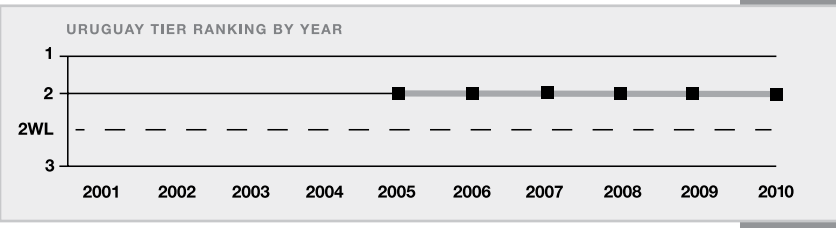
Uruguay is primarily a source and transit country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Most victims are women and girls trafficked within the country to border and tourist areas for commercial sexual exploitation; some boys are also trafficked for the same purpose. Lured by fraudulent recruitment offers, some Uruguayan women migrated to Spain and Italy, and were subsequently forced into prostitution. There is anecdotal evidence some cases of human trafficking were linked to local and international crime rings, which traffic narcotics and other contraband.

The Government of Uruguay does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government increased its prevention efforts, sustained victim protection services, and brought one trafficking case to trial. However, the government continues to lag in adequately prosecuting and convicting trafficking offenders.

Recommendations for Uruguay: Increase efforts to investigate and prosecute trafficking offenses and to convict and punish trafficking offenders; proactively investigate potential cases of forced labor; increase use of the new anti-trafficking law; expand anti-trafficking training for judges and law enforcement personnel; establish a formal mechanism to identify trafficking victims among vulnerable populations, including prostituted women and girls; and enhance and expand victim services, particularly outside the capital.

Prosecution

The Government of Uruguay sustained its anti-trafficking law enforcement efforts during the last year. In 2008, the government enacted an anti-trafficking statute as part of a broader immigration reform package. Article 78 of that law prohibits all forms of trafficking in persons, prescribing penalties of four to 16 years' imprisonment: these penalties are increased if the victim is a child or if the trafficker used violence, intimidation, or deceit. Article 78 supplements older Uruguayan laws prohibiting child trafficking, child pornography, and forced labor, which prescribe penalties ranging from six months' to 12 years' imprisonment. These penalties are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. During the reporting period, the government prosecuted two trafficking offenders in one case under its new anti-trafficking statute; the two traffickers subjected seven women to forced prostitution in Spain and remain in prison awaiting sentencing. This remains the only case tried under the anti-trafficking law; however, other cases were tried under anti-pimping statutes. The government maintained anti-trafficking training for members of its diplomatic corps, and several border officials received training in how to identify potential trafficking victims. The government sustained partnerships with other governments to cooperate on international trafficking cases, working particularly close with the Argentine government, with whom they share immigration databases. There was no confirmed evidence of official complicity of Uruguayan officials with human trafficking.



Protection

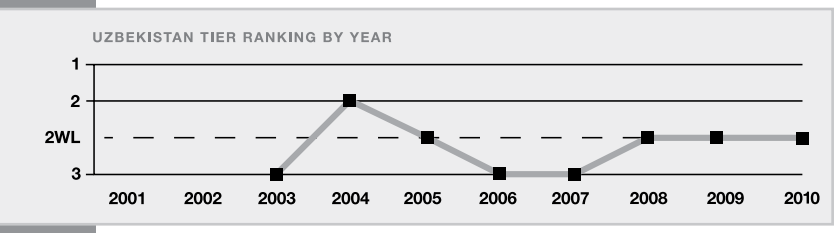
The Uruguayan government continued to ensure trafficking victims received access to basic victim services during the year, with international donors providing significant funding for these services. Uruguayan authorities referred child victims of trafficking to government institutions for care. The government operated shelters accessible to adult female victims of abuse, including trafficking victims, and sought to provide them with legal, medical, and psychological care: however, the government could not accommodate the demand for these services, and victim care services were uneven outside the capital. Adult male trafficking victims remain ineligible for services. While the government provided limited funding to NGOs working in the area of trafficking, the majority of human trafficking-related victim services remained concentrated in 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. However, the government worked with a local NGO to distribute leaflets about human trafficking to women in prostitution. The government encourages, but does not require, victims to assist in the investigation and prosecution of their traffickers. In June 2009, the government passed new legislation offering additional witness protection to victims who testify; however, the law has yet to be used in a human trafficking case. 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. The government continued to forge partnerships with NGOs, international organizations, and foreign governments, and officials participated in several regional conferences and training activities related to human trafficking. In an effort to reduce consumer demand for commercial sex acts involving children, the government launched a campaign in February 2010 to distribute 30,000 anti-trafficking leaflets and 10,000 stickers in tourist areas. Government officials maintained efforts to reach out to hotel workers and to others in the broader tourism sector to raise awareness about child sex tourism and the commercial sexual exploitation of children. The Ministry of Education continued to include anti-trafficking material in its high school sex education curriculum. Two government committees related to human trafficking met on a regular basis: an informal interagency committee that coordinates the government's anti-trafficking efforts, and a special committee that addressed cases of commercial and non-commercial sexual exploitation of children. Authorities provided anti-trafficking training to Uruguayan troops being deployed on international peacekeeping missions during the year. The government collaborated with a local NGO to publish and distribute 3,000 informational leaflets on human trafficking to women in prostitution. There were no known efforts to address demand for forced labor.

UZBEKISTAN (Tier 2 Watch List)

Uzbekistan is a source country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor, and women and girls in forced prostitution. Uzbek men are forced to labor in Kazakhstan and Russia in the construction, cotton, and tobacco industries. Women and girls are subjected to forced prostitution in the U.A.E., India, Kazakhstan, Russia, Turkey, Thailand, Israel, Malaysia, South Korea, Japan, China, Indonesia, and also within Uzbekistan. Men and women from Uzbekistan are subjected to involuntary domestic servitude and forced labor in the agricultural and construction industries in Russia. Domestic forced labor remains prevalent during the annual cotton harvest, when many school-age children, college students, and adults are forced to pick cotton. During the 2009 fall harvest, school children were forced to pick cotton in at least 8 of 14 regions in the country.



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. Despite these efforts, Uzbekistan did not work to eliminate the use of forced child and forced adult labor in the annual cotton harvest, however, 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 for the third consecutive year. The government continued to set a quota for national cotton production and paid farmers artificially low prices for the cotton produced; making it almost impossible for Uzbek farmers to pay wages that would attract a consenting workforce. Provincial governors were held personally responsible for ensuring that the quota was met; they in turn passed along this pressure to local officials, who organized and forced school children, university students, faculty, and other adult government employees to pick cotton to ensure that the national quota was met. The Government of Uzbekistan made strides in addressing transnational sex and labor trafficking, greatly increasing the number of criminal prosecutions in this area and conducting comprehensive awareness campaigns about the dangers of trafficking. The government also opened a shelter to assist victims of both sex and labor trafficking in November 2009 and increased the number of victims identified.

Recommendations for Uzbekistan: Take substantive action to end the use of forced labor during the annual cotton harvest; use Article 135 to prosecute, convict, and criminally punish government officials who force children and adults to pick cotton during the annual 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; consider requiring officials from the Ministry of Labor and Social Responsibility or the Ministry of Education to monitor school attendance and ensure that schools are not closed during the harvest as means to avoid the forced labor of school children; ensure that victims are not punished for acts committed as a result of being trafficked; and continue efforts to improve the collection of law enforcement trafficking data.

Prosecution

The government reported improved law enforcement efforts; however, it did not demonstrate efforts to investigate, prosecute, convict, or criminally punish government officials complicit in trafficking, particularly those who forced children and adults to pick cotton during the 2009 harvest. Article 135 of the criminal code prohibits both forced prostitution and forced labor, and prescribes penalties of 3 to 12 years' imprisonment, which are sufficiently stringent and commensurate with

punishments prescribed for other serious crimes, such as rape. In 2009, law enforcement agencies reported conducting 1,978 trafficking investigations, compared with 900 investigations involving 670 suspects reported in 2008. Authorities prosecuted 815 trafficking cases in 2009. Authorities reported convicting approximately 1,198 trafficking offenders in 2009, compared with 400 in 2008. The government reported that 960 convicted trafficking offenders were sentenced to an average of six years' imprisonment, compared with approximately 300 convicted offenders sentenced to some time in prison in 2008. In 2009, 238 convicted offenders served no time in prison compared with approximately 100 convicted trafficking offenders in 2008. The government did not effectively enforce Article 135 to prohibit the use of forced labor of children and adults during the annual cotton harvest.

The government did not investigate, prosecute, convict, or criminally punish any government officials for their involvement in forcing children and adults to work the fields during the annual cotton harvest. There were reports of border guards and low-level police officers involved in the fraudulent issuance of exit visas and individual police officers accepting bribes from traffickers. In 2009, the government reported that one government official was investigated for trafficking complicity; however, he received an administrative rather than a criminal penalty.

Protection

The government continued to improve assistance and protection for victims of trafficking. In November 2009, the government opened its first shelter for trafficking victims in Tashkent and assisted 48 victims during the reporting period. Privately-funded NGOs ran two additional shelters in the country. Local observers described a need for additional trafficking shelters in Karakalpakstan and the Ferghana valley. The government identified 4,660 victims – including 4,016 men and 644 women, a significant increase from 2,941 victims identified in 2008. NGOs and the government assisted at least 459 victims in 2009 – including 337 women 99 men, and 23 children – with services and repatriation, compared with 342 victims assisted by NGOs in 2008. The 2008 comprehensive anti-trafficking law and the 2008 anti-trafficking national action plan both mandate that victims receive immediate and long-term assistance; victims assisted at the new government shelter are allowed to stay up to 90 days. Although local governments are tasked with providing longer-term reintegration assistance, in general they did not have the resources to provide this care. NGOs reported improved government efforts to refer victims for assistance. The government reported that a significant number of identified victims assisted law enforcement in trafficking investigations in 2009; however, many unidentified victims were still afraid to provide information or cooperate with law enforcement out of cultural shame or fear of retribution by their traffickers, and the government did not have a victim-witness protection program. Per Uzbek law, however, these victims are supposed to be immune from prosecution under charges related to the trafficking. Some identified Uzbek victims were punished for illegal migration offenses.

Prevention

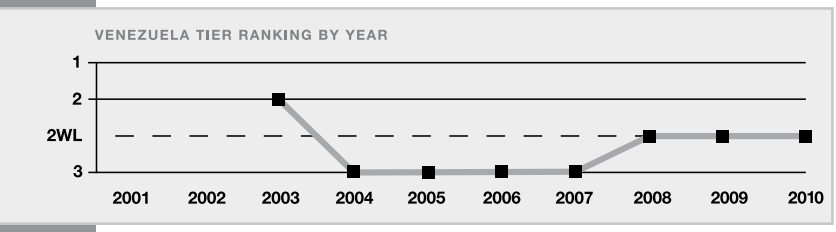
The Uzbek government sustained its transnational labor and sex trafficking awareness efforts; however, it did not make significant efforts to prevent the use of forced labor of adults and children during the annual cotton harvest. Although the government made some efforts to condemn the use of forced child labor during the annual harvest – including the Ministry of Education's request of school directors to certify they would not force students to participate in the harvest – school closings were reported in a majority of districts. Additionally, the government did not take measurable steps to reduce adult forced labor in the cotton sector. The government did not respond to the international community's calls for an independent assessment of the use of forced labor during the 2009 cotton harvest, although it permitted UNICEF to conduct some monitoring of forced child labor during the fall harvest. State-run media that focused on other forms of trafficking included television broadcasts, public service announcements on television and radio, articles in newspapers, billboards, and posters displayed in towns throughout the country.

VENEZUELA (Tier 2 Watch List)

Venezuela is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Venezuelan women and girls are found in conditions of forced prostitution within the country, lured from poor interior regions to urban and tourist areas, such as Caracas, Maracaibo, and Margarita Island. Victims are often recruited through false job offers. Some Venezuelan and Ecuadorian children are forced to work as street beggars or as domestic servants. Venezuelan women and girls are trafficked across international borders for forced prostitution to Mexico and Western Europe, and to Caribbean destinations, such as Trinidad and Tobago, the Netherlands Antilles, and the Dominican Republic. Organized crime is widely believed to be involved in sex trafficking in Venezuela. Venezuela is a transit country for men, women, and children from neighboring countries, such as Colombia and Peru, as well as a destination for migrants from China, who are subsequently subjected to forced labor. Some of these migrants may be subjected to commercial sexual exploitation and forced labor in Venezuela. Human trafficking is reportedly increasing in Venezuela's Orinoco River Basin area, where victims are exploited in mining operations, and in border regions of Tachira State, which suffer from political violence and infiltration by armed rebel groups.

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. During the reporting period, the government convicted two trafficking offenders and maintained public awareness initiatives. Despite these efforts, the government did not provide adequate assistance to victims and did not increase its capability to combat human trafficking through amending existing laws to prohibit the internal trafficking of men and boys, enhancing data collection, or improving interagency coordination; therefore, Venezuela is placed on Tier 2 Watch List for the third consecutive year. The Government of Venezuela provided minimal information on its efforts to combat human trafficking for this report.

Recommendations for Venezuela: Amend existing trafficking laws to prohibit and adequately punish the internal trafficking of men and boys; intensify efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; provide greater assistance and services to trafficking victims; implement formal and proactive procedures for identifying trafficking victims among vulnerable populations; designate a coordinator to lead the government's anti-trafficking efforts; and improve data collection for trafficking crimes.



Prosecution

The Government of Venezuela modestly increased its limited anti-trafficking law enforcement efforts over the last year. Venezuelan law prohibits most forms of human trafficking through its 2007 Organic Law on the Right of Women to a Violence-Free Life. Article 56 of this law prohibits the trafficking of women and girls for the purposes of sexual exploitation, forced labor, slavery, irregular adoption, or organ extraction, prescribing punishments of 15 to 20 years' imprisonment. Articles 46 and 47 prohibit forced prostitution and sexual slavery, and carry penalties of 10 to 20 years' imprisonment. Article 16 of the Organic Law Against Organized Crime, enacted in 2005, prohibits trafficking across international borders for labor or sexual exploitation, and prescribes penalties of 10 to 18 years' imprisonment. The above penalties are sufficiently stringent, and commensurate with those for other serious crimes, such as rape. These anti-trafficking provisions, however, do not address the internal trafficking of adult males or boys. 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.

The government investigated a small number of trafficking cases, including one involving the alleged labor trafficking of 56 Colombian workers on a Venezuelan shrimp farm. During the reporting period, the government reported convicting an offender for trafficking women into forced prostitution in Spain: he received a sentence of 17 years, six months. Authorities also reported one conviction for the prostitution of a minor; a trafficking offender who subjected a child to forced prostitution was sentenced to six years and six months. During the previous year, no trafficking-related convictions had been reported. Authorities collaborated with the governments of Spain, Romania, and Trinidad & Tobago on transnational trafficking cases. There were no confirmed reports of government complicity with human trafficking in 2009, though corruption among public officials, particularly related to the issuance of false identity documents, appeared to be widespread. Seven Cuban doctors and one nurse filed a lawsuit in the United States against the governments of Venezuela and Cuba and the Venezuelan state-run oil company for labor exploitation; the medical workers claimed they were forced into servitude and paid low wages to help repay Cuba's oil debts to Venezuela. Many Venezuelan law enforcement officials reportedly did not distinguish between human trafficking and migrant smuggling offenses.

Protection

The government sustained limited efforts to assist trafficking victims during the reporting period. According to NGOs, the government did not have a formal mechanism for identifying trafficking victims among vulnerable populations, such as women in prostitution. The government also did not operate shelters accessible to or dedicated for trafficking victims, relying on NGOs and international organizations to provide the bulk of victim assistance. State-operated shelters for victims of domestic violence or at-risk youth did not have sufficient space or adequate services to meet the needs of trafficking victims. Government-provided psychological and medical examinations were available to trafficking victims, but additional victim services, such as follow-up medical aid, legal assistance with filing a complaint, job training, and reintegration assistance, remained lacking. Authorities encouraged some victims to assist in the investigation and prosecution of their traffickers. There were no reports of victims being jailed or penalized for unlawful acts committed as a direct result of being trafficked. Foreign victims who faced retribution if returned to their country of origin could apply for refugee status; however, the government did not report whether any trafficking victims applied for or received this status over the past year. There were no reports of government assistance

to repatriated trafficking victims during the reporting period.

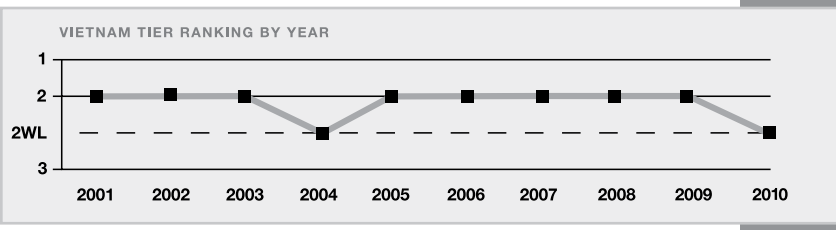
Prevention

The Venezuelan government maintained efforts to prevent human trafficking over the year by conducting some public awareness campaigns about the dangers of human trafficking. The government continued to operate a national 24-hour hotline through which it received trafficking complaints. However, NGOs reported it frequently does not work or is not answered. The government aired public service announcements and distributed materials to raise awareness about commercial sexual exploitation and forced labor. Authorities collaborated with NGOs and international organizations on other anti-trafficking efforts, but relations with these organizations were reportedly mixed. The lack of a central coordinating body for the government's anti-trafficking efforts led to difficulties in obtaining comprehensive information about the government's anti-trafficking activities. The extent of anti-trafficking training provided to government officials was unclear. Lower-level government officials acknowledge human trafficking is a problem in the country. No specific activities to reduce the demand for commercial sex acts or forced labor were reported during the year.

VIETNAM (Tier 2 Watch List)

Vietnam is a source and destination country for men, women, and children subjected to trafficking in persons, specifically conditions of forced prostitution and forced labor. Vietnam is a source country for men and women who migrate abroad for work through predominantly state-affiliated and private labor export companies in the construction, fishing, and manufacturing sectors primarily in Malaysia, Taiwan, South Korea, China, and Japan, as well as in Thailand, Indonesia, the United Kingdom, Czech Republic, Russia, and the Middle East, and some of these workers subsequently face conditions of forced labor. Vietnamese women and children subjected to forced prostitution throughout Asia are often misled by fraudulent labor opportunities and sold to brothels on the borders of Cambodia, China, and Laos, with some eventually sent to third countries, including Thailand and Malaysia. Vietnamese labor export companies, most of which are state-affiliated, may charge workers in excess of the fees allowed by law, sometimes as much as $10,000 to recruitment agencies for the opportunity to work abroad, incurring some of the highest debts among Asian expatriate workers, making them highly vulnerable to debt bondage and forced labor, and upon arrival in destination countries, some workers find themselves compelled to work in substandard conditions for little or no pay and no credible avenues of legal recourse.

Reports indicate that some recruitment companies did not allow workers to read their contracts until the day before they were scheduled to depart the country and after they had already paid significant recruitment fees; some workers reported signing contracts in languages they could not read. There have been documented cases of recruitment companies being unresponsive to workers' requests for assistance in situations of exploitation. There are reports that the global economic crisis has led to the early termination of some contracts and the early return of some migrants to Vietnam with significant outstanding debts, placing them at risk of forced labor. There are also reports of some Vietnamese children trafficked internally and also abroad for forced labor. Vietnamese women and children are transported to locations throughout Asia for forced prostitution, often misled by fraudulent labor opportunities and sold to brothels on the borders of Cambodia and China, with some eventually sent to third countries, including Thailand and Malaysia. In both sex trafficking and labor trafficking, debt bondage, confiscation of identity and travel documents, and threats of deportation are utilized to intimidate victims. Some Vietnamese women migrating to China, Taiwan, Hong Kong, Macau, and increasingly to South Korea as part of internationally brokered marriages are subsequently subjected to conditions of forced labor or forced prostitution or both. Cambodian children and Vietnamese children from rural areas are subjected to commercial sexual exploitation, forced street hawking, and forced begging in the major urban centers of Vietnam, often as a part of organized crime rings, and some Vietnamese children are victims of forced and bonded labor in urban family-run house factories. Vietnam is a destination for child sex tourism with perpetrators reportedly coming from Japan, South Korea, China, Taiwan, the United Kingdom, Australia, Europe, and the United States, though the problem is not believed to be widespread.



The Government of Vietnam does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. While the government continued efforts to combat cross-border sex trafficking and made efforts to protect some victims of trafficking, it did not show evidence of progress in criminally prosecuting and criminally punishing labor trafficking offenders and protecting victims of all forms of trafficking, particularly victims of labor trafficking and internal trafficking; therefore, Vietnam is placed on Tier 2 Watch List. The government has never reported prosecuting a case of labor trafficking. The government has promoted increased labor exports as a way to address

unemployment and alleviate poverty, and as a source of remittances, but it has not put into place adequate measures to protect the rights of Vietnamese migrant workers or taken adequate measures to prevent new incidents of labor trafficking, such as the implementation of adequate laws to regulate labor recruitment companies. Additionally, the government has not made efforts to address the problem of internal trafficking in Vietnam.

Recommendations for Vietnam: Criminally prohibit and prescribe punishment for labor trafficking offenses; criminally prosecute those involved in forced labor, the recruitment of persons for the purpose of labor exploitation, or fraudulent labor recruitment; develop formal procedures for the identification of labor trafficking victims, relying on recognized indicators of forced labor, such as the confiscation of travel documents by employers or labor brokers; identify Vietnamese migrant workers who have been subjected to forced labor and provide them with victim services; increase efforts to protect Vietnamese workers going abroad for work through labor export companies; ensure that state-licensed recruitment agencies do not engage in fraud or charge illegal commissions for overseas employment; take measures to ensure that victims of labor trafficking are not threatened or otherwise punished for protesting labor conditions or for leaving their place of employment, in Vietnam or abroad; ensure victim protection and assistance services are provided to male victims and victims of labor trafficking; ensure the workers have effective legal redress from labor trafficking; make greater efforts to work closely with destination governments to investigate and prosecute trafficking cases, including labor trafficking cases; improve interagency cooperation on anti-trafficking efforts; and implement and support a visible anti-trafficking awareness campaign directed at clients of the sex trade.

Prosecution

The Vietnamese government demonstrated some law enforcement efforts to combat trafficking in persons for transnational sex trafficking, although government statistics include some non-trafficking crimes, such as abduction and selling of children for adoption. The government did not, however, report any investigations or prosecutions of cases of internal trafficking or the labor trafficking of Vietnamese citizens. While statutes in Penal Code Article 119 can be used to prosecute some forms of trafficking and were expanded this year to include male victims of trafficking, existing laws do not adequately cover all forms of trafficking, including labor trafficking and the recruitment and harboring of trafficking victims. The majority of traffickers are prosecuted under Articles 119 and 120 of the Penal Code, which can be used to prosecute a variety of related crimes. Vietnamese law does not include provisions for attempts to commit a trafficking offense, participating as an accomplice, and organizing or directing other persons to commit an offense. During the year, the government acknowledged that the problem of labor trafficking exists, as does the trafficking of men, and the National Assembly voted to expand trafficking-related laws to include men. However, it did not take action to identify labor trafficking cases. Vietnamese labor laws do not provide criminal penalties for labor trafficking.

Contract disputes between Vietnamese workers and their Vietnam-based export labor recruitment companies or companies overseas are left almost entirely to the export labor recruiting company to resolve. Although workers have the legal right to take cases to court, in practice few have the resources to do so, and there is no known record of a Vietnamese labor trafficking victim successfully achieving compensation in court; thus, workers are, in practice, left without reasonable legal recourse. The Ministry of Labor, War Invalids, and Social Affairs (MOLISA) reported that in 2009, 98 labor recruitment companies were fined a total of $10,900 and two firms had their licenses revoked. However, the government did not report investigating prosecuting or convicting any offenders of labor trafficking during the reporting period. The Vietnam's Supreme People's Court reported that police in 2009 investigated 183 cases of sex trafficking involving 440 alleged offenders and convicted 360 individuals of sex trafficking offenses; however, these statistics are based on Articles 119 and 120 of the Vietnamese Penal Code, which include crimes other than trafficking, including human smuggling and child abduction for adoption. Most individuals convicted were sentenced to prison terms ranging from three to seven years' imprisonment. The government did not report any prosecutions or convictions of internal trafficking in Vietnam. 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 has never reported any investigations or prosecutions of officials for trafficking-related complicity.

Protection

The Vietnamese government continued some efforts to protect cross-border sex trafficking victims, but authorities need to improve efforts to identify or protect victims of labor trafficking or internal trafficking. The government did not employ systematic procedures nationwide to proactively and effectively identify victims of trafficking among vulnerable populations, such as women arrested for prostitution and migrant workers returning from abroad, and victim identification efforts remained poor across all identified migration and trafficking streams. Border guards and police at the district and provincial levels received limited training about identification of trafficking victims and handling of cases, which in some cases improved some officers' ability to monitor and investigate trafficking cases, but the lack of adequate training reportedly led to poor investigations and techniques that were harmful to some victims. Vietnam's National Steering Committee on Trafficking in Persons reported that 250 Vietnamese

victims were identified by Vietnamese and foreign police, and 500 victims were identified and repatriated by foreign governments, 100 of whom were trafficked to South Korea, Malaysia, and Singapore; however, Vietnamese statistics include some cases in which children were abducted and sold for adoption, a crime not recognized as trafficking under U.S. laws.

The government did not provide adequate legal protection or assistance to the estimated 500,000 Vietnamese workers abroad from conditions of forced labor. During the year, there were numerous reports of overcharging by labor export companies. In a few cases, authorities ordered companies to return overcharged fees to workers. During the reporting period, the government signed three new agreements with Libya, the United Arab Emirates, and Canada to provide Vietnamese laborers, but it is unknown whether agreements signed with governments of demand countries had provisions to prevent human trafficking and protect trafficking victims. Vietnam does not maintain Embassies in many countries where there are reports of trafficking and often responded weakly to protect migrant workers; diplomats were often reportedly unresponsive to complaints of exploitation, abuse, and trafficking by migrant workers. Government regulations do not prohibit labor export companies from withholding the passports of workers in destination countries and companies were known to withhold workers' travel documents, a known contributor to trafficking. Vietnamese workers do not have adequate legal recourse to file complaints in court against labor recruitment companies in cases where they may have been the victim of trafficking. In December 2009, a Hanoi court reportedly dismissed a civil suit filed against four labor export companies by a number of alleged labor trafficking victims sent to Jordan in 2008. There is no known record of a labor trafficking victim ever receiving recourse through civil courts in Vietnam.

Vietnamese Women's Union (VWU), in partnership with NGOs, ran eight shelters in three provinces that provided counseling and vocational training to female sex trafficking victims. However, the government lacks the resources and technical expertise to adequately support shelter systems, and as a result, in many areas shelter systems are rudimentary, underfunded, and lack appropriately trained personnel. There are no shelters or services specifically equipped to assist male victims of trafficking or victims of labor trafficking. Existing shelters' services were targeted to assist female sex trafficking victims; the government called upon ministries and agencies providing services to trafficking victims to extend those services to men. One NGO reported that Vietnamese border guards referred five male labor trafficking victims to a victim reception center that provided health support and vocational training. Authorities reported that repatriated Vietnamese victims who were officially identified by authorities as victims were not penalized for unlawful acts committed as a direct result of being trafficked. The government has a system in place to identify victims of cross-border sex trafficking, but does not have a comprehensive system to identify victims of internal trafficking or labor trafficking from among vulnerable groups. Some labor trafficking victims report that authorities did not assist in their attempts to collect refunded service charges in instances of early termination that was not the fault of the workers through the civil courts system. The government reportedly encourages victims to assist in the prosecution of their traffickers, but there was no data on the number of victims involved in prosecutions during the reporting period. Victims are often reluctant to participate in investigations or trials due to social stigma, fear of retribution in their local communities, and lack of incentives for participation and witness protection. There are no legal alternatives for the removal of foreign victims to countries where they face retribution or hardship. In 2009, the Ministry of Public Security, with assistance from an NGO, developed guidelines to protect trafficking victims during investigations and prosecutions. During the year, the Border Guard partnered with an international organization to conduct training for several border posts on identifying and assisting trafficking victims.

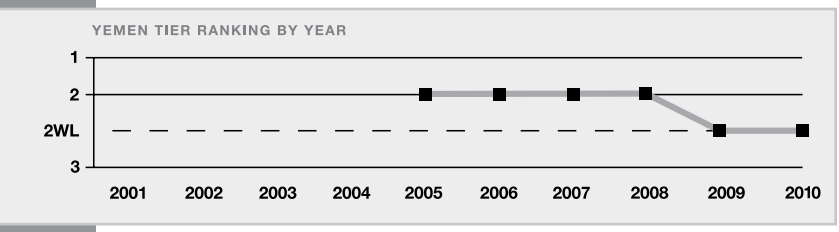
Prevention

The Vietnamese government continued some efforts to prevent trafficking in persons with assistance and cooperation from international organizations, NGOs, and foreign donors. However, as the government advanced goals of increasing labor exports, including to some countries where abuses of migrant workers are rife, it failed to make adequate efforts to prevent labor trafficking by requiring destination governments to provide adequate safeguards against forced labor of its migrant workers. Government regulations of labor and marriage brokers were weak and in some areas, nonexistent. The Vietnamese Women's Union ran local-level education campaigns on the dangers of sex trafficking that reached remote border areas. The government published, in some cases with NGO support, brochures on the dangers of trafficking for Vietnamese laborers abroad, and MOLISA distributed handouts and established a website on safe foreign migration. National-level and local authorities cooperated with a foreign donor partner, worked with MTV to stage a trafficking awareness-raising campaign in Vietnam's five largest cities. The National Committee on Trafficking solicited opinions and suggestions from international NGOs on the implementation of its most recent National Action Plan on Trafficking. The VWU continued to cooperate with its South Korean counterpart in pre-marriage counseling to prevent trafficking of Vietnamese women through international marriage. In September 2009, the government signed a bilateral agreement with Cambodia to standardize procedures for the repatriation of trafficking victims. The government distributed leaflets aimed at both foreign and domestic tourists to combat child sex tourism. Nevertheless, the government has yet to reach adequate agreements with

destination governments on safeguards against forced labor. Government regulations regarding labor trafficking were weak. Vietnam is not a party to the 2000 UN TIP Protocol.

YEMEN (Tier 2 Watch List)

Yemen is a country of origin and, to a much lesser extent, a transit and destination country for women and children subjected to trafficking in persons, specifically forced labor and forced prostitution. Yemeni children, mostly boys, migrate across the northern border with Saudi Arabia, to the Yemeni cities of Aden and Sana'a, or – to a lesser extent – to Oman, and are forced to work primarily as beggars, but also for domestic servitude or forced labor in small shops. Some of these children are subjected to commercial sexual exploitation in transit or once they arrive in Saudi Arabia by traffickers, border patrols, other security officials, and their employers. The government and local NGOs estimate that there are hundreds of thousands of children in forced labor in Yemen. An unconfirmed government report indicates that fewer Yemeni children may have been forced to work in Saudi Arabia in the reporting period due to a combination of awareness campaigns, collaboration between Yemeni and Saudi authorities, and the outbreak of civil war in northern Yemen. Some parents may have refrained from sending their children to Saudi Arabia for fear of their encountering violence in northern Yemen, while other Yemeni children attempting to reach Saudi Arabia were abducted by rebel groups to work as soldiers.



To a lesser extent, Yemen is also a source country for girls subjected to commercial sexual exploitation within the country and in Saudi Arabia. Girls as young as 15 years old are exploited for commercial sex in hotels and clubs in the governorates of Sana'a, Aden and Taiz. The majority of child sex tourists in Yemen originate from Saudi Arabia, with a smaller number possibly coming from other Gulf nations. Yemeni girls who marry Saudi tourists often do not realize the temporary and exploitative nature of these agreements and some are forced into prostitution or abandoned on the streets after reaching Saudi Arabia. Yemen is a transit and destination country for women and children from the Horn of Africa; Ethiopian and Somali women and children travel willingly to Yemen with the hope of working in other Gulf countries, but once they reach Yemen are forced into prostitution or domestic servitude. Others migrate willingly with false promises of comfortable employment as domestic servants in Yemen, but upon arrival are forced into prostitution or domestic servitude. Female Somali refugees are forced into prostitution in Aden and Lahj governorates and Yemeni and Saudi gangs traffic African children to Saudi Arabia. Somali pirates capitalize on the instability in the Horn of Africa to subject Africans to forced labor and prostitution in Yemen, in addition to their piracy and human smuggling crimes.

Despite a 1991 law which stipulates that recruits to the armed forces must be at least 18 years of age, and assertions by the government that the military is in compliance with these laws, credible reports exist that children have been recruited into official government armed forces – as well as government-allied tribal militias and militias of the Houthi rebels – since the sixth round of the intermittent war in Sa'ada began in August 2009. A local NGO estimated that children under the age of 18 may make up more than half of some tribes' armed forces, both those fighting with the government and those allied with the Houthi rebels.

The Government of Yemen does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the Yemeni government did not show evidence of progress in prosecuting and punish trafficking offenders, identifying and protecting sex trafficking victims, or preventing sex trafficking over the last year; therefore, Yemen is placed on Tier 2 Watch List for the second consecutive year. The government took no steps to address commercial sexual exploitation. It continued, however, to provide protection and reunification services to child victims repatriated from Saudi Arabia and to make notable strides in raising awareness of child labor trafficking.

Recommendations for Yemen: Enforce the December 2009 Ministry of Justice decree and take judicial action against human trafficking; expand the two reception centers to also rehabilitate victims of commercial sexual exploitation; institute a formal victim identification mechanism to identify and refer victims to protection services; expand educational campaigns on trafficking to include information on the sex trafficking of children and adults; and fully implement the National Plan of Action.

Prosecution

The Government of Yemen made minimal law enforcement efforts against human trafficking during the reporting period. Yemen prohibits some forms of human trafficking. 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 transaction- and movement-based statute does not prohibit debt bondage or many forms of forced labor and forced prostitution. Article 248 prescribes a penalty of up to ten years imprisonment, which is commensurate with that for other serious crimes, such as rape. Article

161 of the Child Rights Law specifically criminalizes the prostitution of children. Data on arrests and prosecutions for trafficking offenders were incomplete and varied widely depending on the source. Press and NGO sources indicate that between 20 and 26 trafficking offenders were arrested in their attempts to traffic children to Saudi Arabia. No further detail is known about these cases. A local NGO reported that some child trafficking offenders were prosecuted and received sentences up to 10 years; those prosecuted were often families who sold their children and not leaders of trafficking rings. There was no evidence of prosecutions of government officials for complicity in trafficking during the reporting period. Law enforcement officials are receiving training from the IOM in identifying and assisting victims of trafficking. In December 2009, the Ministry of Justice issued a decree to all judicial officials to aggressively pursue human trafficking prosecutions and finish pending cases as soon as possible.

Protection

The government made limited progress in protecting victims over the last year, and remained reluctant to acknowledge trafficking for commercial sexual exploitation. The government did not employ procedures for proactively identifying victims of sex trafficking among high-risk groups and lacked a formalized victim referral process. In partnership with UNICEF and NGOs, the government continued operation of two reception centers in Sana'a and Harath to rehabilitate child labor trafficking victims. In 2009, these centers provided 658 children with social protection, psychological and medical care, and provided 180 children with post-care upon reunification with their families, if possible. Children without families are enrolled in orphanages. A local NGO runs a rehabilitation center in Sana'a; their centers in Sayun and Aden suspended their activities in the past year due to corruption. The government discontinued its previous support for these NGO-run shelters. However, according to officials, the government-run al-Thawra Hospital continued to provide free treatment for the children who reside in the Sana'a NGO shelter. The government did not encourage victims to assist in investigations or prosecutions of their traffickers. Yemen did not ensure that victims are not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. The government did not provide assistance to its nationals who are repatriated as victims of trafficking, although NGOs provided limited assistance and helped reunite some victims with their families. There were no legal alternatives to the removal of foreign trafficking victims to countries in which they may face hardship or retribution.

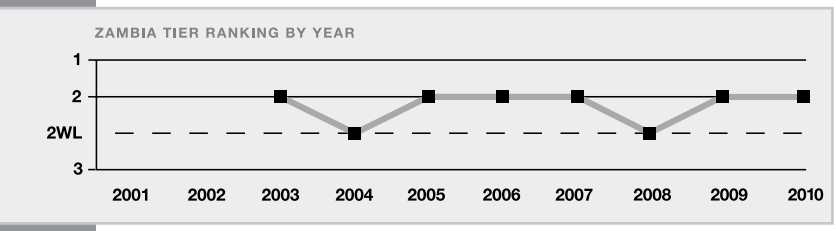
Prevention

The Yemeni government made marked progress in preventing child labor trafficking during the reporting period, particularly through informational and educational campaigns, some in partnership with NGOs and international organizations. The government, however, did not make efforts to prevent sex trafficking of children or adults. One anti-labor trafficking campaign, aired in a Ramadan TV series and in TV and radio interviews, told the stories of trafficked children. The Ministry of Social Affairs and Labor (MOSAL) continued a previous campaign and trained 1,500 community leaders – mainly teachers and imams – about trafficking. Through lectures at taxi stands, MOSAL officials also trained 1,160 taxi and small bus drivers to recognize signs of trafficking, and distributed over 30,000 brochures and stickers to bus and taxi drivers and in taxi stations across the country. The Council of Ministers ratified a national strategy for addressing trafficking in persons on March 31, 2009. MOSAL has contracted a scholar to complete a national situation report and evaluation of current government interventions. The government has not yet developed a universal birth registration system and many children, especially in rural areas, were never registered or registered only after several years, depriving them of a key identity document and therefore increasing their vulnerability to trafficking. The government did not take any significant measures during the reporting period to reduce the demand for commercial sex acts, address the problem of child sex tourism, or ensure its nationals deployed to peacekeeping missions do not facilitate or engage in human trafficking. The Ministry of Justice and Ministry of Interior issued a decree in October 2009 aimed at reducing trafficking via "temporary marriages" by requiring approval by government officials; however, it is unclear whether this decree has been enforced. A bill passed in parliament in February 2009 setting the minimum age for marriage at 17 – a move that would have significantly prevented child trafficking –was rejected by the Sharia Codification Committee which said it was un-Islamic. Yemen has not ratified the 2000 UN TIP Protocol.

ZAMBIA (Tier 2)

Zambia is a source, transit, and destination country for men, women, and children subjected to forced labor and forced prostitution. Most trafficking occurred within the country's borders and primarily involved women and children from rural areas exploited in cities in involuntary domestic servitude or other types of forced labor. Zambian trafficking victims have also been identified in South Africa, the Democratic Republic of the Congo, and Namibia. While orphans and street children are the most vulnerable, a government report shows that children of more affluent village families are also vulnerable to trafficking, as sending children to the city is perceived as a status symbol. Some child domestic workers receive adequate room and board, but others are starved, beaten, deprived of sleep, and/or overworked to the point of exhaustion, practices indicative of forced labor. To a lesser extent, Zambia is a destination for migrants from

Malawi and Mozambique who are exploited in forced labor or forced prostitution. An increasing number of Chinese and Indian men recruited to work in Chinese- or Indian-owned mines in Zambia's Copperbelt region are reportedly exploited by the mining companies in forced labor. After work hours, some Chinese miners are confined to guarded compounds surrounded by high concrete walls topped by electrified barbed wire. Zambia's geographic location, numerous porous borders, and immigration enforcement challenges make it a nexus for trafficking from the Great Lakes Region to South Africa. Increasing numbers of South Asian victims are trafficked through Zambia to South Africa. Officials believe transnational trafficking through Zambia is becoming increasingly organized and linked to criminal groups based largely in South Africa. Traffickers often supply victims with fake documents, and the same travel document is sometimes used for multiple individuals.



The Government of Zambia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government increased and improved law enforcement efforts against trafficking offenders. It also took greater steps to raise public awareness of trafficking and address demand for sex and labor trafficking. Services available for victims, however, remain inadequate, and victim assistance facilities, which the government is required by law to construct, have not been started.

Recommendations for Zambia: Continue to train police, immigration officials, prosecutors, and judges on effectively investigating and prosecuting trafficking crimes; formalize and implement victim identification and referral procedures; improve government services for human trafficking victims as provided for in the new law; increase officials' awareness of the specific provisions of the new anti-trafficking law, particularly among labor officials; and investigate and prosecute mining company personnel who operate their mines using forced labor.

Prosecution

The Government of Zambia's anti-trafficking law enforcement efforts increased over the past year. Zambia's comprehensive Anti-Human Trafficking Act of 2008 criminalizes all forms of trafficking. The law prescribes penalties that range from 25 years' to life imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Two Zambian men successfully prosecuted under the new act in 2009 for selling their children to Tanzanian traffickers are being held in prison pending High Court sentencing. There are currently nine new trafficking prosecutions pending. Immigration and police officials note that transnational trafficking offenders are often convicted for immigration violations due to lack of sufficient evidence to prosecute under anti-trafficking legislation. Such was the situation in the well-publicized case of a Namibian immigration official accused of trafficking Zambian children for labor. Prosecutors were generally able to prove the transportation of a victim and sometimes were able to prove the recruitment of victims, but often lacked adequate evidence to prove an intent to exploit a victim through force, fraud, or coercion upon the victims' arrival at the final destination. Parliament considered but has not yet passed draft amendments to the immigration law that include anti-trafficking provisions. In partnership with IOM, the government distributed simplified copies of the anti-trafficking law to border posts. The first class of 120 police officers with specific anti-trafficking training graduated in late 2009 from a police training college. NGOs trained 240 police, police prosecutors, local court justices, and magistrates in the skills necessary for investigating and prosecuting child trafficking cases. There is no evidence that the government tolerates official complicity in trafficking crimes. A working-level official was charged under the Immigration Act with facilitating the illegal entry of a prohibited immigrant, reportedly due to lack of evidence to support conviction under the anti-trafficking act. The Zambian Police Victims' Support Unit (VSU) forged a partnership with an NGO to revise its data collection practices on trafficking to improve monitoring and reporting.

Protection

The government showed some progress in its efforts to protect trafficking victims over the reporting period. The government did not develop or implement systematic procedures for the identification of trafficking victims, nor did it demonstrate use of a formal mechanism for referring victims to NGOs for protective services. It has not yet funded projects mandated by its anti-trafficking law, such as establishing shelters for victims of trafficking. During the reporting period, officials informally referred 33 victims to IOM, which provided case management and referrals to secure shelters with some psychological counseling, medical treatment, and assistance dealing with the police. Some also offered brief training in income-generating activities such as sewing or handicrafts. Of the 33 Somali, Congolese, Rwandan, Zimbabwean, and Zambian victims referred to IOM by government officials, 25 were under 18 years of age. The new law provides legal alternatives to the removal of victims to countries where they may face hardship or retribution, though the government did not report how many victims, if any, benefitted from these legal alternatives in the last year. Due to limited secure

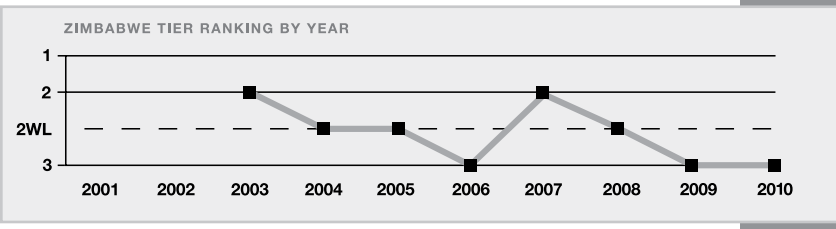
shelter space, foreign victims willing to return to their home countries were sometimes housed in detention facilities before repatriation. The Zambian government did not penalize victims for unlawful acts committed as a direct result of being trafficked. Officials encouraged victims to assist in the investigation and prosecution of traffickers; currently victims are working with authorities in two open cases. In another case, however, the victims reportedly disappeared from a temporary shelter before the case could be concluded.

Prevention

The Zambian government maintained its efforts to prevent trafficking. In October 2009, the Cabinet approved a national Plan of Action, and established an inter-ministerial anti-trafficking secretariat. Pending approval of a national communication strategy, the government continued to work with NGOs on public awareness projects like IOM's "Break the Chain of Human Trafficking" campaign. Campaigns targeted potential trafficking victims and those who might drive the demand for trafficking. The government supported partners' programs with high-level participation at events and conferences, arranging speakers, and issuing public statements. The VSU regularly featured trafficking on its weekly "Police and You" radio program. To combat internal trafficking, the Ministry of Community Development and Social Services and UNICEF harnessed the influence of traditional leaders through outreach to 50 tribal chiefs and their assistants. The military did not provide anti-trafficking training to troops participating in peacekeeping missions. There were no reports of Zambian peacekeepers exploiting trafficking victims

ZIMBABWE (Tier 3)

Zimbabwe is a country of origin, transit, and destination for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. Zimbabwean women and girls from towns bordering South Africa and Zambia are forced into prostitution in brothels that cater to long-distance truck drivers. Some of these victims are subsequently moved across the border for continued exploitation. Zimbabwean men, women, and children from rural areas are subjected to forced agricultural labor and domestic servitude, or are trafficked into commercial sexual exploitation and subjected to involuntary domestic servitude in cities and towns. Young men and boys are forced by Zimbabwean government security forces to work in the diamond fields of Marange district. Zimbabwean young men and boys illegally migrate to South Africa, where some are forced to labor for months on farms or in mines and in construction without pay before their employers report them to authorities for deportation. Women and men are lured into exploitative labor situations in Angola, United Arab Emirates, Malaysia, and South Africa with false promises of jobs in construction, information technology, and hospitality. Some may end up victims of trafficking. Young women and girls are also lured to China, Egypt, the United Kingdom, and Canada under false pretenses, and then subjected to commercial sexual exploitation. Men, women, and children from Bangladesh, Somalia, India, Pakistan, the Democratic Republic of the Congo, Malawi, Mozambique, and Zambia are trafficked through Zimbabwe *en route* to South Africa. Foreign women and children are trafficked for labor and commercial sexual exploitation from communities near the borders with the four surrounding countries. A small number of trafficked South African girls are exploited in Zimbabwe in involuntary domestic servitude.



The Government of Zimbabwe does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. While the government showed increased interest in trafficking issues and began to provide anti-trafficking training to some public servants, officials made no apparent efforts to proactively identify victims of trafficking. Members of government security services forced men and boys to perform hard labor in diamond mines.

Recommendations for Zimbabwe: Cease security forces' use 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; incorporate trafficking crimes into police procedures for recording and reporting crime data; actively support the trafficking hotline; 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 of Zimbabwe did not record or release information on the number of trafficking investigations, prosecutions, or convictions it pursued in the last year. Zimbabwean law 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. Because trafficking is not a crime according to Zimbabwean law, police do not note whether related crimes such as child prostitution involve elements of trafficking. There have been no reports of prosecutions or convictions for forced labor or forced prostitution

offenses during the reporting period. Resource constraints in the Zimbabwe Republic Police (ZRP) and the judiciary continued to hinder anti-trafficking law enforcement activity. Police lack human, financial, and other resources to conduct proper investigations. Significant delays in the court system often led to detainees remaining in custody for several years before their cases were tried in court. Police and other officials forged partnerships with counterparts in South Africa in order to investigate and prosecute transnational trafficking cases. In summer 2009, seven Zimbabwean men were recruited in Zimbabwe by a Chinese national for jobs with a Chinese-owned construction company in Angola. On arrival, their passports were confiscated and they were subjected to forced labor. Some of the victims returned to Zimbabwe and filed civil complaints against the Chinese recruiter for financial restitution. Law enforcement sources report that the case is progressing slowly in the Zimbabwean labor courts. Police and anti-corruption commission officials have interviewed the victims, but have not filed charges. Human rights organizations, international organization sources, and diamond industry experts continued to report that the Government of Zimbabwe condoned and participated in labor trafficking crimes in the Marange district, where military personnel forced local men and boys to work in the diamond mines. In 2009, the Zimbabwe Republic Police Training Department actively worked with IOM on all of its 2010 counter-trafficking training programs for law enforcement.

Protection

The Zimbabwean government provided trafficking victims with some protection and continued to ensure victims' access to shelter and care services provided by NGOs and international organizations. Although the government has a formal process for referring some victims to international organizations and NGOs for services, the government continued to depend on these organizations to identify trafficking victims and alert the authorities. Its primary partner in addressing human trafficking was IOM, which trained social service providers and NGOs in providing trafficking victims safe shelter, psycho-social support, family tracing, and reunification. The Department of Social Welfare lacked funds to adequately assist victims; it routinely referred internal and transnational trafficking victims to shelters run by local and international NGOs offering specialized services within their existing programs. The government did not keep records about trafficking-related incidents, and could not provide data on how many trafficking victims officials had referred to these facilities. IOM reported it provided assistance to at least 11 trafficking victims in 2009. Trained Department of Social Welfare staff referred identified victims to safe houses where short, medium, and long-term assistance could be provided. The Department of Immigration required all deportees from South Africa and Botswana to attend an IOM briefing on safe migration, which includes a discussion of trafficking. In the past, the government encouraged victims to assist in the prosecution of traffickers, but was believed to have not prosecuted any traffickers during the reporting period. The government did not inappropriately incarcerate or otherwise penalize identified victims for unlawful acts committed as a direct result of being trafficked. The law provides foreign victims with relief from removal to countries where they may face hardship or retribution, although not all trafficking victims who wished to stay in Zimbabwe were routinely provided such relief. In July 2009, 27 Indian men believed to be victims of traffickers were held in Harare Central police station for two weeks for immigration violations before they were deported. Victims may file civil suits against trafficking offenders under the Criminal Procedure and Evidence Act, which provides for victim restitution and compensation. In order to file a civil suit, however, victims must stay in Zimbabwe and overcome serious administrative hurdles in the overcrowded court system. With the exception of deportees from South Africa and Botswana, the government's law enforcement, immigration, and social services did not have a formal system for proactively identifying trafficking victims among vulnerable populations.

Prevention

The government demonstrated some efforts to prevent trafficking. An inter-ministerial task force on trafficking made up of senior government officials that was established in 2006 still lacks a national plan of action and an operational working group. The group met during the reporting period, but it has not implemented any significant plans to date. Government officials attended and led portions of 15 sector-specific training workshops in partnership with IOM. The Ministry of Labor and Social Welfare and UNICEF have agreements with 21 NGOs to advance the National Action Plan for Orphans and Vulnerable Children, designed to ensure their access to education, food, health services, and birth registrations as a means of protecting them from abuse and exploitation. Orphans without birth certificates are particularly vulnerable to exploitation in forced labor and prostitution. The government did not directly fund any trafficking awareness programs, but the state-run media continued to print and air messages about the dangers of illegal migration, false employment scams, underage and forced marriages, prostitution, and exploitative labor conditions. Information regarding measures adopted by the government to ensure its nationals deployed to peacekeeping missions did not facilitate or engage in trafficking was unavailable. Zimbabwe is not a party to the 2000 UN TIP Protocol.

HAITI (Special Case)

In the months prior to the January 12, 2010 earthquake, the Government of Haiti had made limited anti-trafficking progress; prospects for additional, future progress were greatly impeded by the earthquake, which killed over 230,000 people, displaced 1.3 million people, including at least half a million children, and destroyed much of Port au Prince, including much of the government's infrastructure. The limited capacity of Haitian state institutions to respond to human trafficking was further weakened by the earthquake's monumental damage. Haiti remains a Special Case for the fifth consecutive year as the earthquake derailed government efforts to address the significant challenges facing the country, including human trafficking. The Government of Haiti, in partnership with NGOs, identified child trafficking victims, but it did not enact much-needed anti-trafficking legislation. The following background and recommendations are provided to guide government officials and organizations working on anti-trafficking initiatives in Haiti.

Scope and Magnitude. Haiti is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. The majority of trafficking cases are found among the estimated 225,000 *restaveks* —the term for the practice of child slavery in domestic settings—in Haiti and the approximately 3,000 additional Haitian *restaveks* living in Dominican Republic. The majority of children become *restaveks* when they move to cities to live with extended families in the hopes of going to school. *Restaveks* are treated differently from other non-biological children living in households; in addition to involuntary servitude, *restaveks* are particularly vulnerable to beatings, sexual assaults and other abuses by family members in the homes in which they are residing. *Restaveks* are often dismissed when they become teenagers. 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. Since the earthquake, local shelters have received a record number of *restaveks*. Many are also living in Internally Displaced Persons (IDP) camps. The Haitian National Police and local NGOs reported an increase in alleged cases of forced labor and forced prostitution of children and adults since the earthquake. Women and girls are increasingly vulnerable to the IDP's self-appointed "security guardians," who exploit them in exchange for "protection."

The UN has reported on forced prostitution of Dominican women in brothels in Haiti frequented by MINUSTAH Peacekeepers. Some of the Haitians who voluntarily migrate to The Bahamas, the Dominican Republic, other Caribbean nations, South America, and the United States subsequently face conditions of forced labor in agriculture, horticulture, domestic service, and construction.

Government and International Efforts: In a positive step, Haitian officials recognize that human trafficking, including the nonconsensual exploitation of *restavek* children, is a serious problem in the country; however, the lack of legislation prohibiting all forms of trafficking is a major obstacle to progress. The national police child protection unit, the Brigade for the Protection of Minors, does not pursue forced labor or forced prostitution cases because there is no statutory penalty. There may also be confusion among elements of the Haitian government and some of its international donors between the crimes of human smuggling, human trafficking, and illegal adoption. Legislation criminalizing all forms of human trafficking has been pending in Parliament for several years.

The government lacked formal victim identification and assistance policies and resources but the government's social welfare agency worked well with NGOs to identify and refer victims. Prior to the earthquake, the Ministry of Social Affairs in partnership with an international NGO identified 126 *restaveks*; after the earthquake NGOs have identified 816 *restaveks* in 25 major IDP camps in Port-au-Prince. In addition, border officials took commendable steps to identify and assist potential child trafficking victims in the aftermath of the earthquake. Shelter services for adult trafficking victims do not exist. Prevention efforts have been largely NGO driven.

There have been reports that after the earthquake, some members of the international aid community have disregarded Haitian government input on strategies to assist trafficking victims and prevent trafficking. For example, influential members of the international aid community are promoting family-based foster care for unaccompanied minors despite Haitian government concerns that this foster care could lead to more children in situations of forced labor – similar to *restaveks* – because the government lacks the capacity to adequately monitor placements. A divergent definition of trafficking in persons within the NGO community further hindered coordinated anti-trafficking strategies. There have been reports of duplication of anti-trafficking efforts by international organizations unaware of local mechanisms already in place.

Recommendations for Haiti: Enact legislation criminalizing forced prostitution and all forms of forced labor, including involuntary domestic servitude, with penalties that reflect the heinous nature of this human rights abuse; in partnership with NGOs, adopt and employ formal procedures to guide officials in proactive victim identification and referral of victims to available services; provide in-kind support for victim services; improve access to quality education for all children

Recommendations for the international aid community: increase coordination with the government of Haiti and Haitian NGOs on anti-trafficking responses; promote

a definition of trafficking, which includes forced child labor such as that experienced systematically by *restaveks*; incorporate *restavek* prevention and protection in relief and broader development efforts, including education initiatives for all children and sensitization for parents regarding the reality of *restavek* life; build the capacity of Haitian institutions responsible for child protection.

SOMALIA (Special Case)

Somalia remains a Special Case for an eighth consecutive year due to the lack of a viable central government since 1991. Control of its geographic area is divided among the self-declared independent Republic of Somaliland, the semi-autonomous region of Puntland, and the remainder of the country nominally under the control of the Transitional Federal Government (TFG). Somalia currently lacks a national governing structure that could assume responsibility for addressing the country's human trafficking problem. During the reporting period, fighting by TFG troops, allied militias, and African Union forces against anti-TFG forces, terrorist groups, and extremist elements continued. The TFG remained preoccupied with the task of securing government representatives and installations from attacks by such elements; in this perpetual state of insecurity the government was not able to address human trafficking. In addition, the TFG currently lacks the necessary means to identify, investigate, or address systemic issues in Somalia, including those related to forced labor and forced prostitution; its capacity to address human trafficking will not significantly increase without tangible progress in 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 men, women, and children who are subjected to trafficking in persons, specifically conditions of forced labor and sexual servitude. There have been very few reported cases of trafficking, mostly as a result of the lack of public awareness of the problem. Somali women and girls, some of whom were trafficking victims, engaged in prostitution in brothels in Garowe, the Puntland-administered part of Las Anod (Soor region), and pirate towns such as Eyl and Harardheere. Some female brothel owners, who can profit as much as $50 per client, reportedly kept these victims in harsh conditions and meted out physical abuse. Because of an inability to provide care for all family members, some desperate Somalis willingly surrender custody of their children to people with whom they share family relations and clan linkages; some of these children may become victims of forced labor or commercial sexual exploitation. 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.

Human smuggling is widespread in Somalia and evidence suggests that traffickers utilize the same networks and methods as those used by smugglers. There were reports of trafficking offenders preying on young women and children, mostly internally displaced persons from South/Central Somalia, at marketplaces and in the streets, falsely promising them lucrative jobs outside Somalia. Dubious employment agencies are involved with or serve as fronts for traffickers, targeting individuals desiring to reach the Gulf States. Somali women are smuggled, sometimes via Djibouti, to destinations in the Middle East, including Yemen and Syria, as well as to Sudan and South Africa, where they are subjected to conditions of involuntary domestic servitude and, to a lesser extent, forced prostitution. In 2009, there were several reported cases of Somali women trafficked into the commercial sex trade in Sudan after smugglers abandoned them midway through their journey to Libya. Somali men are subjected to conditions of forced labor as herdsmen and menial workers in the Gulf States. Somali children are reportedly smuggled to Saudi Arabia through Yemen for forced begging. Members of the Somali diaspora use fake offers of marriage to lure unsuspecting victims, many of whom are relatives, to Europe, where they are forced into commercial sexual exploitation. Ethiopian women are smuggled through Somalia to Yemen and onward to other destinations in the Middle East where they are forced into domestic servitude and commercial sexual exploitation.

The recruitment and use of children in militias and other fighting forces is a longstanding practice in Somalia and continued during the year. A January 2010 UN report indicated that the number of child soldiers in Somalia had increased over the last three years, with widespread recruitment from schools, madrasas, and among street children. While the TFG's military appeared to be less systematic in the practice of recruiting children than other armed groups, youth under the age of 18 continued to be recruited, including by force and deception, into militias associated with the TFG, its allied forces, and into militias controlled by individuals within the government. Ethnic Somalis claiming to represent the TFG reportedly also recruited underage Somalis from Kenya-based refugee camps in North East Province, as well as possibly Kenyan youth from surrounding areas. There were no reports of Somaliland and Puntland authorities recruiting or using child soldiers during the reporting period.

During the reporting period, al-Shabaab, Hisbul Islam, and allied armed groups used force and deception to exploit orphaned and street children for use in armed conflict, carrying out assassinations, planting bombs, portering, and domestic servitude. Al-Shabaab systematically and forcibly conscripted children, sometimes as young as eight, from southern Somalia, as well as smaller numbers from Puntland. In Kismayo, Baidoa, and Merka, al-Shabaab obligated all boys 15 years of age and older to fight or face death; leaders reportedly killed an estimated 16 teenagers after they refused to serve as fighters. The group also forcibly recruited young

girls who were then "married off" to its militia leaders and used for logistical support and intelligence gathering. In February 2010, for example, Hassan Turki recruited 100 girls between 14 and 18 years of age into his militia in Afmadow, Lower Juba. Al-Shabaab also reportedly recruited Somali children from Kenya-based refugee camps and Nairobi's Eastleigh neighborhood.

Government Efforts. The respective authorities operating in Somalia's three regions made few concrete efforts to address human trafficking during the reporting period; there is a severe lack of capacity in every part of the country to adequately address the problem. Understanding of human trafficking and how it is to be identified and addressed remained low among government officials and the general population. TFG officials recognized trafficking as a problem, but acknowledged that it is not a priority.

None of the three regions have laws that specifically prohibit human trafficking, though the pre-1991 penal code outlaws forced and compulsory labor and local laws prohibit forced labor, involuntary servitude, and slavery in Somaliland. There is neither a unified police force in the territory to enforce these laws, nor any authoritative legal system through which trafficking offenders could be prosecuted. There were no known prosecutions or convictions of human trafficking offenses, including by traditional or *Shari'a* courts, during the reporting period. Unlike in previous years, both Somaliland and Puntland authorities made some efforts to arrest and prosecute smugglers; some arrests may have been linked to human trafficking, but most suspects were released due to lack of evidence. Most crimes, including rape, were addressed under customary law, with penalties varying among clans; most punishments for rape involved paying five to 40 goats or up to 50 camels to the victim's clan members. The government did not provide anti-trafficking training for government officials or protection to trafficking victims; extremely limited victim services were available through national and international NGOs.

The Somaliland administration sustained a partnership with IOM during the reporting period to raise public awareness of human trafficking through radio messaging, posters, billboards, and community-level meetings. IOM also helped local officials construct a one-room counter-trafficking center and establish a committee to identify and assist victims at the Togwajale border post. The Somaliland Human Rights Commission reportedly began a study of human trafficking in the republic.

During the reporting period, the TFG's military improved its recruitment practices and participated in formal troop training to stop child soldier recruitment. New recruits, trained in Uganda and Djibouti, were thoroughly vetted and underage soldiers were removed from the new units upon return to the country. In June 2009, President Sharif publicly condemned al-Shabaab leadership for its recruitment and use of children in armed hostilities. In May 2009, TFG police arrested 14 children who had been kidnapped in the Lower Shabelle Region and forced by al-Shabaab into its militia; the police released the children after several days of care. In March 2010, police intercepted a vehicle along Mogadishu-Afgoe Road transporting 30 children recently recruited by al-Shabaab and took the children to the office of the Police Commissioner. The police provided the children with food and alerted the media in hopes that parents would retrieve their children after hearing radio broadcasts.

"In 2000, when the Trafficking Protocol was adopted, only a small handful of states specifically prohibited the process by which individuals were moved into and maintained in situations of exploitation at home or abroad. Slavery was certainly outlawed in almost every country, but these laws, like their international equivalents, were almost never invoked – certainly not against the exploitative practices such as forced labor, child labor, or debt bondage. … International scrutiny of state actions with respect to such exploitation was extremely limited and ineffective. In less than a decade, that situation has changed dramatically and irreversibly."

Anne Gallagher,
international anti-trafficking expert

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		X(a)		X(a)		X
Albania	X	X	X		X(a)		X(a)	X	X
Algeria	X	X	X		X(a)		X(a)	X	X
Angola			X		X(a)		X(a)	X	X
Antigua & Barbuda		X	X	X	X			X	X
Argentina	X	X	X	X	X	X	X	X	X
Armenia	X	X	X	X	X	X	X	X	X
Australia	X	X	X	X	X	X	X	X	X
Austria	X	X	X	X	X	X	X	X	X
Azerbaijan	X	X	X	X	X	X	X	X	X
The Bahamas	X	X	X					X	X
Bahrain		X(a)	X		X(a)		X(a)	X	X
Bangladesh			X	X	X	X	X	X	X
Barbados	X		X					X	X
Belarus	X	X	X		X(a)		X(a)	X	X
Belgium	X	X	X	X	X	X	X	X	X
Belize		X(a)	X	X	X	X	X	X	X
Benin	X	X	X	X	X	X	X	X	X
Bolivia	X	X	X	X	X		X(a)	X	X
Bosnia & Herzegovina	X	X	X	X	X	X	X	X	X
Botswana	X	X	X		X(a)	X	X	X	X
Brazil	X	X	X	X	X	X	X	X	X
Brunei			X		X(a)				
Bulgaria	X	X	X	X	X	X	X	X	X
Burkina Faso	X	X	X	X	X	X	X	X	X
Burma		X(a)						X	
Burundi	X		X		X(a)	X	X	X	X
Cambodia	X	X	X	X	X	X	X	X	X
Cameroon	X	X	X	X		X		X	X
Canada	X	X	X	X	X	X	X		X
Central African Rep.		X(a)	X					X	X
Chad		X(a)	X	X	X	X	X	X	X
Chile	X	X	X	X	X	X	X	X	X
China (PRC)		X(a)	X	X	X	X	X		
Colombia	X	X	X	X	X	X	X	X	X
Congo (ROC)	X		X		X(a)			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(a)	X	X
El Salvador	X	X	X	X	X	X	X	X	X
Equatorial Guinea	X	X	X		X(a)			X	X
Eritrea					X(a)		X(a)	X	X
Estonia	X	X	X	X	X	X		X	X
Ethiopia			X					X	X
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
The Gambia	X	X	X	X	X	X		X	X
Georgia	X	X	X		X(a)			X	X
Germany	X	X	X	X	X	X	X	X	X
Ghana			X	X		X		X	X
Greece	X		X	X	X	X	X	X	X
Guatemala		X(a)	X	X	X	X	X	X	X
Guinea		X(a)	X					X	X
Guinea-Bissau	X	X	X	X		X		X	X
Guyana		X(a)	X					X	X
Haiti	X		X	X		X		X	X
Honduras		X(a)	X		X(a)		X(a)	X	X
Hong Kong						X	X		
Hungary	X	X	X	X	X	X	X	X	X
Iceland	X		X	X	X	X	X	X	X
India	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
Indonesia	X	X	X	X		X		X	X
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(a)	X	X	X	X	X	X	X
Kazakhstan		X(a)	X	X	X	X	X	X	X
Kenya		X(a)	X	X		X	X	X	X
Kiribati		X(a)	X					X	X
Korea, North (DPRK)									
Korea, South (ROK)	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	X
Malaysia		X(a)	X					X	
Maldives				X	X	X	X		
Mali	X	X	X		X(a)	X	X	X	X
Malta	X	X	X	X	X(a)	X	X	X	X
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			

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	Signature	Ratification, Accession (a), or Acceptance (A)	Ratification	Signature	Ratification, Accession (a)	Signature	Ratification, Accession (a)	Ratification	Ratification
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
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	X	X(A)	X	X	X	X	X	X	X
New Zealand	X	X	X	X		X	X	X	X
Nicaragua		X(a)	X		X(a)		X(a)	X	X
Niger	X	X	X	X	X			X	X
Nigeria	X	X	X	X		X		X	X
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(a)	X		X(a)		X(a)	X	X
Romania	X	X	X	X	X	X	X	X	X
Russia	X	X	X			X	X	X	X
Rwanda	X	X	X		X(a)		X(a)	X	X
St. 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

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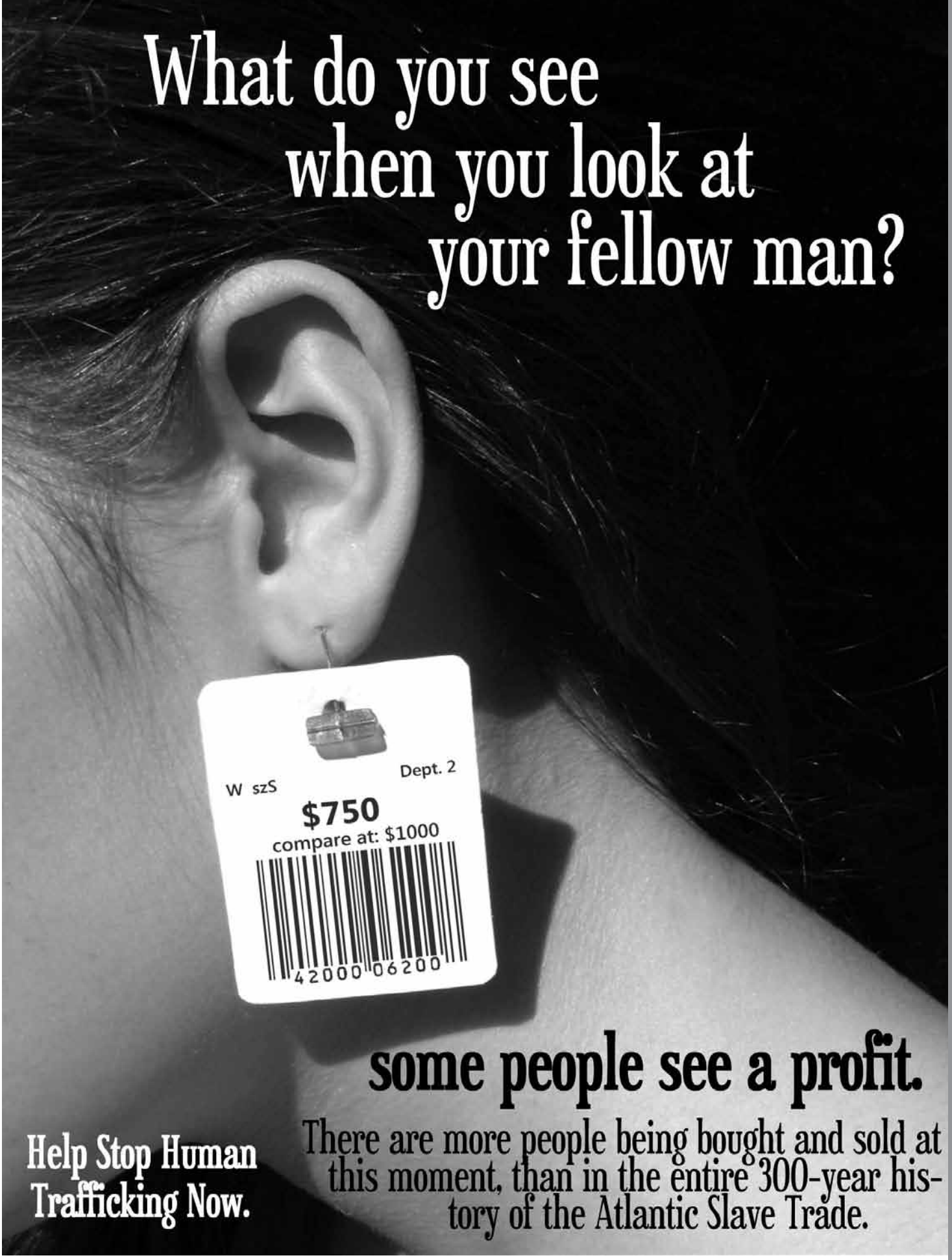
	Signature	Ratification, Accession (a), or Acceptance (A)	Ratification	Signature	Ratification, Accession (a)	Signature	Ratification, Accession (a)	Ratification	Ratification
South Africa	X	X	X		X(a)	X	X	X	X
Spain	X	X	X	X	X	X	X	X	X
Sri Lanka	X		X	X	X	X	X	X	X
Sudan			X		X(a)	X	X	X	X
Suriname		X(a)	X	X		X		X	X
Swaziland	X		X					X	X
Sweden	X	X	X	X	X	X	X	X	X
Switzerland	X	X	X	X	X	X	X	X	X
Syria	X	X	X		X(a)		X(a)	X	X
Tajikistan		X(a)	X		X(a)		X(a)	X	X
Tanzania	X	X	X		X(a)		X(a)	X	X
Thailand	X		X		X(a)		X(a)	X	X
Timor-Leste		X(a)	X		X(a)		X(a)	X	
Togo	X	X	X	X	X	X	X	X	X
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		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



The California-based Not For Sale Campaign called on artists around the world to help raise awareness of human trafficking. This poster was the contribution of one artist, whose goal was "to create a striking – almost shocking – image, that also communicated well the horrible concept of people being bought and sold like products."

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.

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 continues to implement a series of reforms to prevent UN military, police and civilian personnel from engaging in sexual exploitation and abuse while on UN peacekeeping and humanitarian missions. Below are highlights of key UN reforms with updates from 2009. The measures below apply to approximately 120,000 UN uniformed personnel (troops, military observers and police), UN international and national staff members, contractors, consultants, and UN volunteers serving in peacekeeping missions.

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's model memorandum of understanding (MOU) (GA resolution 61/267 B) includes provisions for addressing sexual exploitation and abuse by uniformed personnel. The Department of Peacekeeping Operations (DPKO) is also revising MOUs signed prior to July 2007 to include these provisions. Many UN peacekeeping missions have implemented "off-limits premises and areas," curfews, telephone hotlines, and have required mission personnel to wear uniforms at all times.
- 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 now has on its website statistics on allegations of misconduct and disposition of cases.
- The DPKO has three training modules for different levels of personnel to prevent sexual exploitation and abuse. The Department provides these modules to the troop-contributing countries (TCCs) for pre-deployment training, but it is not able to verify if the training has been completed. Upon arrival at UN missions, the DPKO trains all personnel on the standards of conduct and the zero-tolerance policy as well as prevention of sexual exploitation and abuse. Revised pre-deployment training modules were released to TCCs in 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 implementation of the zero-tolerance policy.

Victim Assistance

- The UN's victim assistance strategy (GA resolution 62/214) authorizes UN missions to provide victims with medical treatment, counseling, social support, legal services, or material care. Children born as a result of sexual exploitation and abuse by peacekeepers are also eligible to receive this assistance. All UN missions have received a victim-assistance guide prepared by a joint UN-NGOtaskforce.
- Several UN missions have established or identified local networks to provide assistance to victims of sexual exploitation and abuse. Community-based reporting and complaints mechanisms have not been set up in most countries, making it difficult to identify victims. A lack of trust in the UN and the remoteness of villages where UN forces operate also hamper victim identification efforts.

Investigations

- The Department of Field Support has a conduct and discipline unit at UN headquarters and conduct and discipline teams (CDTs) at 14 peacekeeping missions. These 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. CDTs also train UN peacekeepers and civilian mission staff on combating sexual harassment, exploitation, abuse, and other types of misconduct.
- The OIOS has launched a three-year pilot project, moving most OIOS investigators and support staff to regional hubs, in order to speed investigation of allegations, make the most effective use of resources, and reduce costs. OIOS investigators and staff remain in long-term assignments to missions where there are high rates of allegations of misconduct.
- There were 112 sexual exploitation and abuse allegations against UN peacekeeping personnel and 78 repatriations in 2009. During the same period, the UN completed 39 investigations into new and pending allegations and deemed 21 of them credible; investigations for 98 cases are still pending. No

information is available on the number of cases of disciplinary action such as suspension, dismissal, censure, demotion, and referral to employers.

- The UN reports that in 2009, it followed up 82 times with affected TCCs concerning the outcomes of disciplinary actions but only received 14 responses.

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 prohibiting its personnel from engaging in human trafficking. There are no known reports of any NATO personnel or units engaging in or facilitating human trafficking. NATO has six ongoing missions with nearly 100,000 troops.

- In 2004, NATO Allies and Partners adopted an anti-human trafficking policy. Provisions included training for personnel of NATO-led missions, support for host country law enforcement in anti-trafficking investigations, guidelines prohibiting contractors from engaging in trafficking, and evaluations of implementation of efforts as part of ongoing reviews.
- Under that policy, military and civilian personnel deployed under NATO-led operations who violate NATO's zero-tolerance policy would be subject to prosecution and punishment under their national legislation. NATO's anti-trafficking coordinator relies on Allies and Partners or other sources to inform NATO of any allegations.
- NATO policy further provides that for each of its operations, specific policy provisions articulate the roles and responsibilities of NATO forces with respect to combating the trafficking of human beings. NATO mission personnel are instructed to refer victims to local NGOs for legal or social services and to cooperate with local law enforcement officials on human trafficking cases.
- NATO has 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.

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 are no known reports of OSCE personnel engaging in or facilitating human trafficking. The OSCE has 18 field missions and 2,870 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 Secretariat is currently conducting a review of its code of conduct for OSCE personnel. "Codes of Conduct" will be the selected topic at the OSCE's annual *Alliance Against Trafficking in Persons* Conference in 2011.
- 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 general orientation training for OSCE personnel includes an optional training component on sexual exploitation and trafficking in human beings.
- The OSCE Ministerial Council Decision 11/08 "Enhancing Criminal Justice Responses to Trafficking in Human Beings through a Comprehensive Approach" directs participating states to include human trafficking policies and consequences in pre-deployment instruction for military and civilian personnel. The OSCE is working in partnership with other international organizations such as NATO to help participating states implement "peace forum training" which includes human trafficking policies instruction for military and civilian personnel and for OSCE contractors.

The OSCE provides these documents to all personnel, including locally-hired mission staff, during orientation trainings. Officials and staff are subject to disciplinary action including dismissal. But OSCE member States and Partners are responsible for taking legal action against nationals participating in missions who violate the policy. Field mission personnel are instructed to refer victims to local NGOs for legal or social services and to cooperate with local law enforcement officials on human trafficking cases.

For further information on the OSCE's anti-trafficking prevention measures please go to **http://www.osce.org/activities/13029.html.**

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 Programme
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 (Palermo Protocol)	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime

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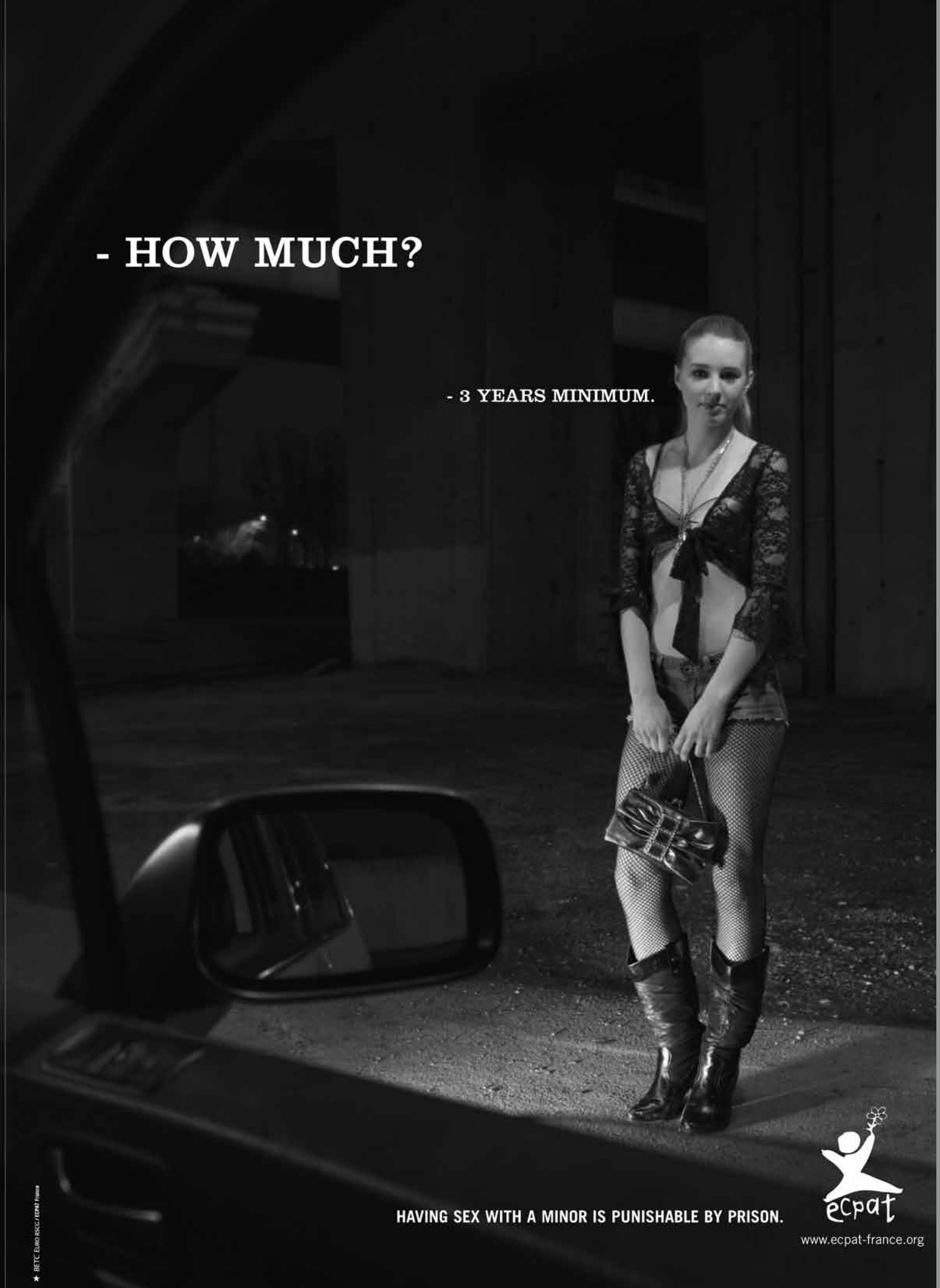
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- 3 YEARS MINIMUM.
HAVING SEX WITH A MINOR IS PUNISHABLE BY PRISON.
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A CLOSING NOTE FROM THE DRAFTERS OF THE REPORT

This report is about people. It's about the strength of the human spirit – the drive for a better life, the capacity to survive the unthinkable, and the dignity that comes with self-determination. The progress the world has made in the past 10 years is a testament to survivors, who tell their truths and rebuild not only their own lives but a society that will never again require such unimaginable courage. These survivors guide our policy and stir our hearts to greater action. Yet we are also driven by accounts of lives unaffected by the 10 years of progress.

Malia, 28, was recruited from her rural Asian community for work in a textile factory in a far-away land. Her recruitment was covered by governmental agreements and involved an employment contract, a passport, and a work visa. One would assume that such legalities would provide sufficient protection from enslavement; the reality proved to be quite different.

Malia's experience was not unique. With hundreds of other Asian workers (mostly women, as they are considered most pliable), she suffered under clear conditions of modern slavery. Her passport was confiscated. She was coerced into accepting new and worse conditions of employment. She was compelled to work very long hours in sub-human conditions. When she resisted, she was threatened with punishment and deportation.

What makes Malia's story stand out in our minds is how it ended. After one of her many 20-hour shifts, Malia struggled to walk back to the factory's dormitory in the early morning and did not see the truck that struck and killed her. She died far from her husband and two children. She was not identified as a victim of slavery. Her death was treated as an unfortunate casualty in the global mobilization of cheap, exploitable labor.

We dedicate this report to Malia and her family. Slavery in the 21st century is utterly unacceptable. But it is particularly outrageous when it occurs as a product of governmental labor agreements. Regardless of how they become enslaved, all victims of forced labor are protected by the UN's trafficking protocol and other international instruments. In the spirit of emancipation and with fierce urgency, we pledge to intensify our efforts to reinforce this message through international partnerships, so that Malia's memory will be honored and her story not repeated.

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