

## Prosecution

The Government of Italy continued to proactively investigate and prosecute trafficking offenders during the reporting period. Italy prohibits all forms of trafficking in persons through its 2003 Measures Against Trafficking in Persons Law, which prescribes penalties of eight to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. In 2009, the government reported investigating 2,521 suspected trafficking offenders, resulting in the arrest of 286 people, compared with investigating 2,738 suspects, and arresting 365 people in 2008. Italian courts convicted 166 trafficking offenders in 2009, an increase from 138 convictions in 2008. The average sentence imposed on offenders convicted under the country's trafficking law was 6.5 years in prison. Trafficking offenders convicted under exploitation of underage prostitution and slavery laws were given sentences averaging 3.5 and 1.5 years, respectively. The government did not disaggregate its data to demonstrate convictions of forced labor offenders. In February 2011, investigators disrupted a criminal organization composed of three groups of Romanians and Italians suspected of trafficking in persons in Messina. Prosecutors requested the arrest of 40 individuals accused of recruiting, kidnapping, segregating, raping, and forcing Romanian victims into prostitution as well as threatening their relatives in Romania. The suspects reportedly also auctioned off the virginity of underage victims. Although the government continued to investigate acts of trafficking-related complicity involving police officers and other officials, it did not report any resulting prosecutions, convictions, or sentences. Specifically, the government did not report additional action in a case from December 2009 in which authorities arrested and charged two prison guards with exploitation of women in prostitution or a case from September 2007 involving an officer of the Italian consulate in Kyiv arrested for facilitating the trafficking of young girls for forced prostitution. In May 2010, officials arrested two police officers suspected of trafficking-related complicity in a night club in Pisa. In February 2011, judges set a trial date for Prime Minister Berlusconi for the alleged commercial sexual exploitation of a Moroccan child; media reports indicate evidence of third party involvement in the case, indicating the girl was a victim of trafficking.

## Protection

In 2010, the Government of Italy continued to provide comprehensive assistance to identified trafficking victims, primarily through the funding of NGOs by national, regional and local authorities. Article 13 of the Law 228/2003 provides victims with three to six months' assistance while Article 18 of Law 286/1998 guarantees victims shelter benefits for another 12 months and reintegration assistance. Application of this article is renewable if the victim finds employment or has enrolled in a training program, and is sheltered in special facilities. Foreign child victims of trafficking received an automatic residence permit until they reached age 18. While there are arrangements at the local level to help guide officials in identifying and referring trafficking victims, the government did not have formal procedures on the national level for all front-line responders in Italy. The

government did not provide information on the overall number of victims identified or the number who entered social protection programs during the year, though it reported that 527 victims obtained temporary residence visas in 2010, a decline from 810 victims who obtained such visas in 2009. The police reported identifying 640 victims of labor exploitation in 2010, compared to 410 identified in 2009. During the reporting period, government funding made available for social assistance programs for trafficking victims was approximately \$12.7 million. Eighty-three victims assisted law enforcement in the investigation of their traffickers. The Italian government does not have a formal reflection period during which trafficking victims can recuperate and decide whether to assist law enforcement, but rather informally grants one without it being limited to a finite number of days. A recent NGO report praised this informal reflection period, noting its "important results" when combined with comprehensive assistance provided to victims.

During the reporting period, the government continued to implement anti-immigration security laws and policies resulting in fines for illegal migrants and their expedited expulsion from Italy. Further, in November 2010, the government approved a security package that provides for the return of foreign women in prostitution found on the street in violation of rules adopted by local authorities. Local and international experts continue to voice concerns that this commitment to expedited expulsion has prevented law enforcement authorities from adequately identifying potential victims of trafficking.

## Prevention

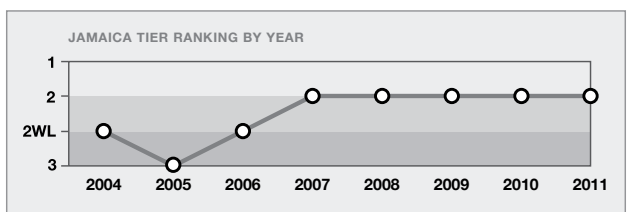
The Government of Italy demonstrated some efforts to prevent trafficking in 2010, but did not launch any new, comprehensive anti-trafficking campaigns to raise awareness or address demand for forced prostitution and forced labor during the reporting period. The Ministry for Equal Opportunity established a committee that included independent experts and NGOs to draft Italy's first national action plan on trafficking in 2010. Transparency in the government's anti-trafficking efforts was limited, however, as the government did not report publicly on its policies or various measures to address the problem. In September 2010, a federation of tour operators and trade unions presented its first report on child sex tourism: reportedly 78 percent of 130 tour operators informed their tourism clients about the need to respect children when traveling abroad; however, the report criticized Italian authorities for not enforcing child sex tourism laws. The Center of Excellence for Stability Police Units continued to organize training on human rights and trafficking for personnel who serve in international missions and the Italian armed forces regularly organize training to prevent the trafficking or sexual exploitation of women and children while troops are deployed abroad for any purpose.

## JAMAICA (Tier 2)

Jamaica is a source, transit, and destination country for adults and children subjected to sex trafficking and forced labor. NGOs report that the most common form of

trafficking in Jamaica is sex trafficking, which allegedly occurs in night clubs, bars, and private homes. The populations most vulnerable to trafficking include women and children from poor and single-parent backgrounds. People living in Jamaica's poverty-stricken garrison communities, territories ruled by criminal "dons" that are effectively outside of the government's control, are especially at risk. NGOs have reported that child sex tourism is a problem in Jamaica's resort areas. In addition, massage parlors in Jamaica reportedly often lure women into prostitution under the false pretense of employment as massage therapists and then withhold their wages and restrict their movement – key human trafficking indicators. Foreign victims have been identified in forced prostitution and domestic servitude in Jamaica. Jamaican children also may be subjected to forced domestic service and forced begging. An NGO working with street children reported that the forced labor of children in street vending is prevalent. There is evidence that foreign nationals are subjected to forced labor in Jamaica. Some Jamaican women, men, and girls have been subjected to forced labor or sex trafficking in Canada, the United States, the UK, countries throughout the Caribbean, and elsewhere.

The Government of Jamaica does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made strides in investigating international sex and labor trafficking operations and initiated four new prosecutions. The government also made progress in identifying foreign victims. The government reported no convictions of trafficking offenders or any officials complicit in human trafficking during the reporting period, and there were few results regarding Jamaican citizen victims of sex trafficking or forced labor assisted in Jamaica.



**Recommendations for Jamaica:** Vigorously prosecute, convict, and punish trafficking offenders, including officials complicit in forced labor or sex trafficking; ensure prescribed penalties for human trafficking are commensurate with penalties for other serious crimes, such as forcible sexual assault; enhance guidance and training to police, labor inspectors, child welfare officials, health workers and other government workers in the proactive identification of local as well as foreign victims of forced labor and sex trafficking (including children under 18 in prostitution in night clubs, bars, and massage parlors) and their referral to adequate service providers; encourage partnerships between police and NGOs in Negril, Montego Bay, and other towns outside of Kingston, fostering more referrals of Jamaican victims and prosecution of cases; continue to develop victim protection services for children; and explore using existing partnerships with NGOs to expand awareness activities, particularly prevention

campaigns directed at youth and potential clients of the sex trade.

**Prosecution**

The government prohibits all forms of trafficking through its comprehensive Trafficking Act of Jamaica, which went into effect in 2007. Punishments prescribed for human trafficking under the Act extend up to 10 years' imprisonment, which are sufficiently stringent but do not appear to be commensurate with penalties prescribed for other serious crimes, such as rape. The Jamaican Constabulary Force has a specialized anti-trafficking unit, which conducted 14 human trafficking raids and investigations. Officials initiated four new prosecutions of sex trafficking offenders during the reporting period. Six additional prosecutions from the previous reporting period remained ongoing. The government reported no convictions of trafficking offenders or any officials complicit in human trafficking. One alleged trafficking offender undergoing prosecution fled the country on bail. The government provided in-kind assistance to an OAS training event on human trafficking awareness; the national anti-trafficking task force identified the need for continued sensitization and education of government officials.

**Protection**

The government made some progress in the protection of trafficking victims during the reporting period. The government identified eight foreign victims of sex trafficking, including two children, and seven foreign forced labor victims during the year. The Office of the Children's Advocate released a report in 2010 that documented the government's identification of at least 16 child trafficking victims in 2009. Government officials reportedly employed formal procedures to proactively identify victims of trafficking and to refer them to organizations providing services. The government continued to work with NGOs on preparations to make operational a shelter equipped to protect Jamaican and foreign trafficking victims during the reporting period. The Government of Jamaica reportedly attempted to return child victims to their families or referred them to foster homes. It also directly operated facilities that could house child trafficking victims, though some of these facilities also served as juvenile detention centers. At least eight foreign victims received shelter provided by the government or by NGOs that receive some government funding as well as psychological care and medical services. Despite scarce resources, the government reportedly spent \$176,470 on victim protection and assistance in 2010, including the refurbishing and furnishing of the government-owned shelter. Four victims identified during the reporting period chose to assist in the prosecution of their offenders. The Jamaican government did not penalize victims for immigration violations or other unlawful acts committed as a direct result of being in forced prostitution or forced labor. During the year, the government developed formal guidance for immigration officials, advising them not to deport foreign victims.

## Prevention

The government demonstrated some trafficking prevention efforts during the reporting period. The government acknowledged Jamaica's trafficking problem, and the government's anti-trafficking task force sustained partnerships with NGOs in coordinating anti-trafficking activities and implementing the national anti-trafficking action plan. The Office of the Children's Advocate raised awareness about the prostitution of children and other forms of child trafficking and served as a monitoring mechanism regarding the government's efforts to address child trafficking. Immigration officials also conducted some anti-trafficking outreach targeted toward Jamaicans traveling overseas, and the national anti-trafficking task force made several presentations to the public in tandem with the launch of a book about people in prostitution in Jamaica. A government-operated general crime victim hotline offered specialized assistance to persons reporting human trafficking. The government charged a foreign visitor that was alleged to have engaged in child sex tourism in June 2009 with carnal abuse, which actually carries higher penalties than child sex tourism. The Office of the Director of Public Prosecutions indicated that the accused would face trial in May 2011.

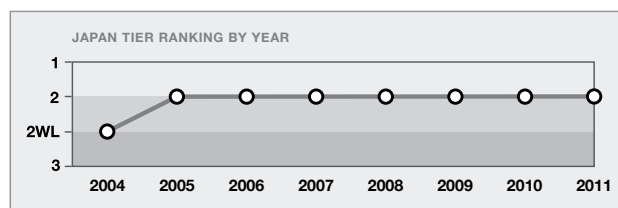
## JAPAN (Tier 2)

Japan is a destination, source, and transit country for men, women, and children subjected to forced labor and sex trafficking. Male and female migrant workers from China, Indonesia, the Philippines, Vietnam, and other Asian countries are sometimes subject to conditions of forced labor. Some women and children from East Asia, Southeast Asia, and in previous years, Eastern Europe, Russia, South America, and Latin America who travel to Japan for employment or fraudulent marriage are forced into prostitution. During the reporting period, there was a growth in trafficking of Japanese nationals, including foreign-born children of Japanese citizens who acquired nationality. In addition, traffickers continued to use fraudulent marriages between foreign women and Japanese men to facilitate the entry of these women into Japan for forced prostitution. Government and NGO sources report that there was an increase in the number of children identified as victims of trafficking. Japanese organized crime syndicates (the *Yakuza*) are believed to play a significant role in trafficking in Japan, both directly and indirectly. Traffickers strictly control the movements of victims, using debt bondage, threats of violence or deportation, blackmail, and other coercive psychological methods to control victims. Victims of forced prostitution sometimes face debts upon commencement of their contracts as high as \$50,000 and most are required to pay employers additional fees for living expenses, medical care, and other necessities, leaving them predisposed to debt bondage. "Fines" for misbehavior added to their original debt, and the process that brothel operators used to calculate these debts was not transparent. Some of the victims identified during the reporting period were forced to work in exploitative conditions in strip clubs and hostess bars, but were reportedly not forced to have sex with clients. Japan is also a transit country for persons trafficked

from East Asia to North America. Japanese men continue to be a significant source of demand for child sex tourism in Southeast Asia.

Although the Government of Japan has not officially recognized the existence of forced labor within the Industrial Trainee and Technical Internship Program (the "foreign trainee program"), the media and NGOs continue to report abuses including debt bondage, restrictions on movement, unpaid wages and overtime, fraud, and contracting workers out to different employers – elements which contribute to situations of trafficking. The majority of trainees are Chinese nationals who pay fees of more than \$1,400 to Chinese brokers to apply for the program and deposits – which are now illegal – of up to \$4,000 and a lien on their home. An NGO survey of Chinese trainees in Japan, conducted in late 2010, found that workers' deposits are regularly seized by the brokers if they report mistreatment or attempt to leave the program. Some trainees also reported having their passports and other travel documents taken from them and their movements controlled to prevent escape or communication.

The Government of Japan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Although Japan provided a modest grant to IOM for the repatriation of foreign victims identified in Japan, the government's resources dedicated specifically to assist victims of trafficking were low, particularly relative to Japan's wealth and the size of its trafficking problem. During the year, the government published a manual for law enforcement and judicial officers on identifying trafficking victims and developed a Public Awareness Roadmap to increase prevention of trafficking in Japan. The government also reported some efforts to punish and prevent trafficking of women for forced prostitution. Nonetheless, the government made inadequate efforts to address abuses in the foreign trainee program despite credible reports of mistreatment of foreign workers. Although the government took some steps to reduce practices that increase the vulnerability of these workers to forced labor, the government reported poor law enforcement against forced labor crimes and did not identify or provide protection to any victims of forced labor. In addition, Japan's victim protection structure for forced prostitution remains weak given the lack of services dedicated specifically to victims of trafficking.



**Recommendations for Japan:** Dedicate more government resources to anti-trafficking efforts, including dedicated law enforcement units, trafficking-specific shelters, and legal aid for victims of trafficking; consider drafting and enacting a comprehensive anti-trafficking law prohibiting all forms of trafficking and prescribing sufficiently stringent



penalties; significantly increase efforts to investigate, prosecute, and assign sufficiently stringent jail sentences to acts of forced labor, including within the foreign trainee program, and ensure that abuses reported to labor offices are referred to criminal authorities for investigation; enforce bans on deposits, punishment agreements, withholding of passports, and other practices that contribute to forced labor in the foreign trainee program; continue to increase efforts to enforce laws and stringently punish perpetrators of forced prostitution; make greater efforts to proactively investigate and, where warranted, punish government complicity in trafficking or trafficking-related offenses; further expand and implement formal victim identification procedures and train personnel who have contact with individuals arrested for prostitution, foreign trainees, or other migrants on the use of these procedures to identify a greater number of trafficking victims; ensure that victims are not punished for unlawful acts committed as a direct result of being trafficked; establish protection policies for all victims of trafficking, including male victims and victims of forced labor; ensure that protection services, including medical and legal services, are fully accessible to victims of trafficking by making them free and actively informing victims of their availability; and more aggressively investigate and, where warranted, prosecute and punish Japanese nationals who engage in child sex tourism.

### Prosecution

The Japanese government took modest, but overall inadequate, steps to enforce laws against trafficking during the reporting period; while the government reportedly increased its law enforcement efforts against forced prostitution, it did not report any efforts to address forced labor. Japan does not have a comprehensive anti-trafficking law, but Japan's 2005 amendment to its criminal code, which prohibits the buying and selling of persons, and a variety of other criminal code articles and laws, could be used to prosecute some trafficking offenses. However, it is unclear if the existing legal framework is sufficiently comprehensive to criminalize all severe forms of trafficking in persons. These laws prescribe punishments ranging from one to 10 years' imprisonment, which are sufficiently stringent and generally commensurate with penalties prescribed for other serious crimes. During the reporting period, the government reported 19 investigations for offenses reported to be related to trafficking, resulting in the arrest of 24 individuals under a variety of laws, including immigration and anti-prostitution statutes. Given the incomplete nature of the government's data, it is not clear how many of these involve actual trafficking offenses. The government convicted 14 individuals of various trafficking-related offenses, though most were convicted under statutes other than those for human trafficking crimes. Of these 14 convicted offenders, six received non-suspended jail sentences ranging from 2.5 to 4.5 years plus fines, six received suspended jail sentences of approximately one to two years plus fines, and one was ordered to only pay a fine. Ten cases were not prosecuted for lack of evidence. These law enforcement efforts against sex forms of trafficking are an increase from the five convictions reported last year. The National Police Agency (NPA), Ministry of Justice, Bureau of Immigration, and

the Public Prosecutor's office regularly trained officers on trafficking investigation and prosecution techniques, including training programs conducted by IOM and NGOs. In July 2010, the government distributed a 10-page manual to assist law enforcement, judicial and other government officers in identifying and investigating trafficking offenses and implementing victim protection measures.

Nonetheless, Japan made inadequate efforts to criminally investigate and punish acts of forced labor. Article 5 of Japan's Labor Standards Law prohibits forced labor and prescribes a penalty of one to 10 years' imprisonment or a fine ranging from \$2,400 to \$36,000, but is generally limited to acts committed by the employer. A July 2010 government ordinance bans the practices of requiring deposits from applicants to the foreign trainee program and imposing fines for misbehavior or early termination. Despite the availability of these prohibitions, however, authorities failed to arrest, prosecute, convict, or sentence to jail any individual for forced labor or other illegal practices contributing to forced labor in the foreign trainee program. The government investigated only three cases of suspected forced labor during the reporting period. Most cases of abuse taking place under the foreign trainee program are settled out of court or through administrative or civil hearings, resulting in penalties which are not sufficiently stringent or reflective of the heinous nature of the crime, such as fines. For example, in November 2010, the Labor Standards Office determined that a 31-year-old Chinese trainee officially died due to overwork; although he had worked over 80 hours per week for 12 months preceding his death without full compensation, the company received only a \$6,000 fine as punishment and no individual was sentenced to imprisonment or otherwise held criminally responsible for his death.

In addition, the government failed to address government complicity in trafficking offenses. Although corruption remains a serious concern in the large and socially accepted entertainment industry in Japan, which includes the prostitution industry, the government did not report investigations, arrests, prosecutions, convictions, or jail sentences against any official for trafficking-related complicity during the reporting period.

### Protection

The Government of Japan identified more victims of sex trafficking than last year, but its overall efforts to protect victims of trafficking, particularly victims of forced labor, remained weak. During the reporting period, 43 victims of trafficking for sexual purposes were identified, including a male victim – an increase from the 17 victims reported last year, though similar to the number identified in 2008 (37), and lower than the number of victims identified in each of the years from 2005 to 2007. Japanese authorities produced a manual entitled, "How to Treat Human Trafficking Cases: Measures Regarding the Identification of Victims" that was distributed to government agencies in July 2010 to identify victims of trafficking. The manual's focus, however, appears to be primarily on identifying the immigration status of foreign migrants and their methods of entering Japan, rather than identifying indicators of nonconsensual exploitation of the migrants. It is also unclear if this

manual led to the identification of any victims and whether it was used widely throughout the country. Some victims were reportedly arrested or detained before authorities identified them as trafficking victims. Japan failed to identify any victims of forced labor during the reporting period despite ample evidence that many workers in the foreign trainee program face abuses indicative of forced labor. The government has no specific protection policy for victims of forced labor and it has never identified a victim of labor trafficking. Moreover, services provided to identified victims of trafficking for forced prostitution were inadequate. Japan continues to lack dedicated shelters for victims of trafficking. Of the identified victims, 32 received care at government shelters for domestic violence victims – Women’s Consulting Centers (WCCs) – but these victims reportedly faced restrictions on movement outside of these multi-purpose shelters, and inadequate services inside them. Due to limitations on these shelters’ space and language capabilities, WCCs sometimes referred victims to government-subsidized NGO shelters. For instance, due to the government’s continued lack of protection services for male victims of trafficking, the one male victim identified during the reporting period received services at an NGO shelter. IOM provided protection to 20 foreign victims of trafficking during the reporting period with government funding. Although the government paid for victims’ psychological services and related interpretation costs in the WCC shelters, some victims at NGO shelters did not receive this care. A government program exists to pay for all medical services incurred while a victim resides at the WCC, but the system for administering these services is not well organized and, as a result, some victims of trafficking did not receive all available care. The government-funded Legal Support Center provides *pro bono* legal services to destitute victims of crime, including trafficking victims, but information about available service was not always provided to victims in the government and NGO shelters. If a victim is a child, the WCC works with a local Child Guidance Center to provide shelter and services to the victim; the government reported that one victim was assisted in this manner during the reporting period. Furthermore, while authorities reported encouraging victims’ participation in the investigation and prosecution of their traffickers, victims were not provided with any incentives for participation, such as the ability to work or otherwise generate income. In addition, the relative confinement of the WCC shelters and the inability of victims to work led most victims to seek repatriation. A long-term residency visa is available to persons identified as trafficking victims who fear returning to their home country, but only one person has ever applied for or received this benefit.

### Prevention

The Japanese government made limited efforts to prevent trafficking in persons during the reporting period. The Inter-ministerial Liaison Committee continued to meet, chaired by the cabinet secretary, and agreed on a “Public Awareness Roadmap” and released posters and distributed brochures aimed at raising awareness of trafficking. More than 33,000 posters and 50,000 leaflets were distributed to local governments, police stations, community centers, universities, immigration offices, and airports. NGOs,

however, reported that this campaign had little effect and failed to reach the consumers of commercial sexual services. The Immigration Bureau conducted an online campaign to raise awareness of trafficking and used flyers to encourage local immigration offices to be alert for indications of trafficking. In July 2010, the government amended the rules of the foreign trainee program to allow first-year participants access to the Labor Standards Office and to ban the use of deposits and penalties for misbehavior or early termination, in order to prevent conditions of forced labor within this program and provide increased legal redress to participants of the program. The government did not report its efforts to enforce the ban on deposits and it is unclear whether the new rules contributed to a reduction in the number of cases of misconduct committed by the organizations that receive the interns. NGO sources report that brokers have instructed participants to deny the existence of these deposits or “punishment agreements” to Japanese authorities. The government continued to fund a number of anti-trafficking projects around the world. For years, a significant number of Japanese men have traveled to other Asian countries, particularly the Philippines, Cambodia, and Thailand, to engage in sex with children. Japan has the legal authority to prosecute Japanese nationals who engage in child sex tourism abroad and arrested one man under this law in February 2011; a total of eight persons have been convicted under this law since 2002. Japan is not a party to the 2000 UN TIP Protocol.

## JORDAN (Tier 2)

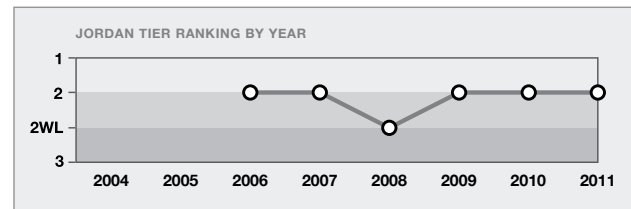
Jordan is a destination and transit country for adults and children subjected to forced labor and, to a lesser extent, sex trafficking. Small numbers of Jordanian adults are reportedly subjected to forced labor as low-skilled workers in Qatar and Kuwait, while Jordanian children employed within the country as mechanics, agricultural laborers, and beggars may be exploited in situations of forced labor. Jordan’s sponsorship system binds foreign workers to their designated employers without adequate access to legal recourse when they face abuse and without the ability to switch employers, thereby placing a significant amount of power in the hands of employers and recruitment agencies. Migrant workers are further rendered vulnerable to forced labor due to indebtedness to recruiters, negative societal attitudes toward foreign workers, and legal requirements that foreign workers rely on employers to renew their work and residency permits. Women from Sri Lanka, Indonesia, and the Philippines voluntarily migrate to Jordan for employment as domestic workers; some are subjected to conditions of forced labor after arrival, including through such practices as unlawful withholding of passports, restrictions on movement, nonpayment of wages, threats of imprisonment, and physical or sexual abuse. Approximately 480 Filipina, Indonesian, and Sri Lankan domestic workers, most of who had fled conditions indicative of forced labor, were sheltered at their respective embassies in Amman at the conclusion of the reporting period. In March 2011, the Government of Jordan announced it would allow the legal recruitment of domestic workers from Vietnam in light of continued bans imposed

by the Indonesian and Philippine governments against the employment of their nationals in Jordan. The Aqaba Special Economic Zone Authority, governed under separate labor regulations, allows the recruitment of domestic workers from Ethiopia, Nepal, Kenya, and Ghana.

Chinese, Bangladeshi, Indian, Sri Lankan, Nepali, and Indonesian men and women encounter conditions indicative of forced labor in a few of the Jordanian garment sector's factories, including unlawful withholding of passports, delayed payment of wages, forced overtime, and, to a lesser extent, verbal and physical abuse. Observers noted a decrease in the holding of factory workers' passports by factory managers during the year, possibly due to increased awareness of criminal prohibition of this practice. While garment sector employees may enjoy greater freedom of movement as a result, continued bureaucratic difficulties in accessing legal remedies to complaints of abuse and in legally transferring from one employer to another may contribute to this group's vulnerability by encouraging illegal employment. In 2010, the garment workers' union received 450 individual complaints from workers of labor abuses, compared to 1,444 filed in 2009, a sharp decrease that may indicate some improvements in labor conditions in the garment sector. During the year, NGOs and the media reported that unlawful practices in Jordan's agricultural sector – such as passport confiscation, nonpayment or underpayment of wages, forced overtime, and possibly debt bondage – led to conditions of forced labor for some Egyptian and, to a lesser extent, Syrian workers. Egyptian migrant workers may also experience forced labor in the construction and building maintenance sectors. Moroccan, Tunisian, and Eastern European women are reportedly subjected to forced prostitution after migrating to Jordan to work in restaurants and night clubs. Jordan's airports may be transit points for South and Southeast Asian men and women *en route* to employment opportunities in other Middle Eastern countries, where some experience labor exploitation after arrival.

The Government of Jordan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, it demonstrated progress in enforcing regulations restricting garment sector employers from withholding their workers' passports, responding to labor complaints made by factory workers, waiving migrant domestic workers' accumulated overstay fines, and punishing a small number of individuals for crimes of forced labor against domestic workers. Despite these efforts, the government demonstrated overall decreased commitment to combat human trafficking, as once effective structures became moribund. Several government reshuffles, limited capacity in key ministries, and a general lack of inter-ministerial coordination and cooperation prevented Jordan from capitalizing upon the solid anti-trafficking legal and strategic framework established in the previous reporting period. The government accomplished little to implement its national anti-trafficking action plan in 2010, and did not finalize guidelines for establishing and operating a facility to provide shelter and other forms of assistance to trafficking victims. It failed to enforce its bylaws that provide standards for employing domestic workers and operating recruitment agencies, and did not launch an

anti-trafficking public awareness campaign. To the extent the government worked to combat forced labor, it is almost exclusive emphasis on conditions in garment factories left abused workers in other sectors – particularly domestic service and agriculture – without viable means of recourse or assistance.



**Recommendations for Jordan:** Using the anti-trafficking statute, increase efforts to investigate, prosecute, convict, and sentence trafficking offenses, especially those involving the forced labor of domestic, garment factory, and agricultural workers; increase penalties for forced labor offenses; implement an awareness campaign to educate the general public, as well as foreign migrant workers in all sectors, on the nature of human trafficking, particularly forced labor and the proper treatment of domestic workers under Jordanian law; issue regulations governing work in the agricultural sector; enhance protective services available to trafficking victims to include the availability of adequate shelter; strengthen efforts to proactively identify victims of forced labor and forced prostitution and ensure identified victims are not punished for unlawful acts committed as a direct result of their being trafficked; ensure that identified trafficking victims are promptly referred to law enforcement, social services, and labor officials to protection services using a standardized procedure; and, where appropriate, increase bilateral partnerships and systematic information sharing with governments of source countries to better protect migrant workers from abuse and resolve cases of alleged exploitation.

**Prosecution**

The Government of Jordan made increased efforts to prosecute and punish trafficking offenders during the reporting period. Police officials, however, did not always view withholding passports and nonpayment of wages as indicators of human trafficking. The Anti-Human Trafficking Law of 2008, which became effective in March 2009, prohibits all forms of trafficking and prescribes penalties of six months' to 10 years' imprisonment for forced prostitution, child trafficking, trafficking of women and girls, and trafficking crimes involving other aggravating circumstances; these penalties are sufficiently stringent, though not commensurate with those for other serious crimes, such as rape. Penalties prescribed for labor trafficking offenses against men that do not involve aggravating circumstances are limited to a minimum of six months' imprisonment and a maximum fine of \$7,000 – penalties that are not sufficiently stringent. Jordan's labor law assigns administrative penalties, such as fines of up to \$1,400, for labor violations committed against Jordanian or foreign workers, including forced labor violations; these penalties also are not sufficiently stringent.



Over the last year, the government investigated and prosecuted several cases involving forced labor and forced prostitution. The Public Security Department (PSD) reported its investigation of 12 cases involving the exploitation of domestic workers and referral of six cases to the courts. The Jordanian government reportedly used the anti-trafficking law to convict and sentence six individuals in 2010 for crimes involving the exploitation of domestic workers. Three defendants – all owners of recruitment agencies – were sentenced in unrelated cases in March and May 2010 to six months' imprisonment and a \$1,410 fine for forcing runaway domestic workers to illegally work on a daily basis for various employers while collecting their wages. In September and October 2010, courts in Madaba and Amman, respectively, convicted and sentenced to one year's imprisonment and a \$1,410 fine two female employers for forcibly hiring out their domestic workers to their neighbors and illegally collecting the payments. In late 2010, a third female employer was convicted for the same crime and received an identical sentence. In addition, the Higher Criminal Court in Amman commenced the prosecution of a domestic worker's employer on charges of human trafficking and rape. In early 2011, three additional cases were filed in Amman and one in Zarqa involving the alleged exploitation of migrant domestic workers; these prosecutions remained pending at the close of the reporting period. Contrary to previous reporting, the government has not concluded the prosecution of two suspected trafficking offenders for forcing two Tunisian women into prostitution. Two cases pending in Amman courts at the close of the previous reporting period – the prosecution of an employer who allegedly confined a Sri Lankan domestic worker to the house without pay for more than 10 years and the prosecution of a man charged with the sexual assault of his domestic worker – remained pending final judicial decisions. The government made no efforts, however, to prosecute forced labor abuses in other sectors, including against those employers suspected of withholding workers' passports as a means of keeping workers in situations of forced labor. The government provided anti-trafficking training to some officials through its police training academy and a training program for labor inspectors.

## Protection

The government made inadequate efforts to protect victims of trafficking during the last year; it did not provide any specialized services to trafficking victims. The government reportedly identified 12 potential victims of domestic servitude during the reporting period; it is unclear what services it provided, if any, to these victims. While Article 7 of the anti-trafficking law contains a provision for the opening of shelters, the country continued to lack direct shelter services for victims of trafficking. The working group established in 2009 under the National Committee for the Prevention of Human Trafficking to draft bylaws to serve as the legal framework for operating shelters for trafficking victims did not formulate and receive approval for these bylaws during the reporting period. The Committee also failed to approve the Ministry of Social Development's (MOSD) management and resource plan for operating a shelter. The MOSD shelter for abused women accepted some foreign victims of trafficking in 2010; however, this shelter lacks sufficient capacity and

services specific to trafficking victims. During the year, the Ministry of Labor rented hotel rooms for some garment sector workers pending investigations of labor complaints, but reported that funds for this purpose were limited; none of these investigations resulted in criminal proceedings in 2010. In contrast, unidentified victims were generally kept in administrative detention pending deportation or, in the case of domestic workers, sometimes sought refuge at their respective embassies, as Jordanian law enforcement and social welfare authorities did not employ systematic procedures to proactively identify victims of trafficking among vulnerable populations.

Most detained foreign domestic workers, even those who claimed abuse, were not screened for victimization. For example, in June 2010, preventative security cadres in Zarqa governorate raided a house used as a brothel and arrested seven Asian males and six females, some of who had previously worked as maids; government authorities determined that the women were not potential trafficking victims and prosecuted all 13 individuals for prostitution violations. The government did not adequately ensure that identified victims were not penalized for unlawful acts committed as a direct result of being trafficked. Victims continued to be vulnerable to arrest and detention if found without valid residency documents and some foreign domestic workers fleeing abusive employers were incarcerated after their employers filed false claims of theft against them; several local observers indicate that the majority of such accusations are unfounded. In early 2011, the PSD granted residency permits to nine migrant domestic workers being held by a recruitment agency, forced to perform illegal day labor, and denied wages; these residency permits, however, did not allow the victimized workers to seek alternate employment. The government did not actively encourage victims to pursue the investigation or prosecution of trafficking offenses committed against them, and did not provide lawyers for alleged victims to pursue criminal or civil cases against their employers. The threat of detention due to expired residency documents and the lack of special work permits and visas that would allow trafficking victims to remain legally in Jordan made it difficult for abused workers to leave their employers, thereby leaving them vulnerable to prolonged situations of human trafficking.

The fining of foreign workers without valid residency documents – including identified trafficking victims – on a per day basis for being out-of-status served as a disincentive to remain in Jordan and pursue legal action against traffickers. During the year, the Ministry of Interior (MOI), in consultation with an *ad hoc* committee comprised of government and private sector representatives, waived the accumulated overstay penalties levied against some "runaway" foreign domestic workers in order to repatriate them. Others, however, remained in detention for prolonged periods as they were either unable to pay these fines or were subject to a lengthy and highly bureaucratic process to obtain a waiver, which could take in excess of two years; the government failed to screen detained out-of-status migrant workers for victimization. In March 2011, the cabinet granted a 50 percent reduction in foreign domestic workers' accumulated overstay fines and provided a two-month grace period to pay these fines. In April 2011,

the cabinet announced a two-month amnesty for Filipina, Sri Lankan, and Indonesian domestic workers to apply for both a waiver of the entirety of their accumulated overstay fines and a new work permit. This amnesty was then extended in May 2011 until mid-June.

While foreign workers in garment sector factories were not liable for overstay fines, for which the government instead held their sponsoring employer accountable, the Ministry of Interior reportedly deported foreign factory workers rather than investigating their claims of labor violations. The Ministry of Labor (MOL) made some headway in limiting this practice during the reporting period, successfully reversing deportation orders in a small number of cases to allow time for investigation or by placing some workers with different factories while investigations were pending. The government did not provide long-term shelter to trafficking victims, although the PSD provided residency permits in the one aforementioned case.

### Prevention

The government's efforts to prevent trafficking decreased during the reporting period. It did not conduct any information or education campaigns beyond the labor inspectorate's provision of brief awareness raising workshops for workers in garment factories. As a result, awareness of human trafficking and the appropriate treatment of domestic workers remained low among the general population. The National Committee for the Prevention of Human Trafficking did little to implement its National Strategy and Action Plan to Combat Human Trafficking (2010 – 2012) that was launched in March 2010. The committee is required by law to meet quarterly, but meetings were not consistently held during the reporting period, greatly limiting its effectiveness. The government made little effort to enforce its two bylaws enacted in 2009 that provide standards for employing domestic workers and operating recruitment agencies; their implementation was partially hindered by the unclear nature of some of the regulations, as well as the inability of the labor inspectorate to monitor effectively domestic servants' workplaces. The government also made no effort to rectify weaknesses in the bylaws, including the requirement that the worker obtain the employer's permission to leave the house; if a domestic worker flees the premises, the employer is neither bound to fulfill any financial obligations toward the worker nor bear the expense of returning her to her home country. A standardized contract for the employment of domestic workers, which is required by law, was not consistently implemented. Unlike the previous reporting period, the government provided no information regarding its closure of or fines issued against recruitment agencies for failure to comply with the labor law or recruitment agency bylaw.

The MOL continued operation of a hotline to receive labor complaints, such as the withholding of workers' passports; the inspectorate did not maintain complete records of calls received, but contended that every complaint was investigated. NGO and private sector contacts reported that the hotline provided better assistance to factory workers than to domestic helpers, as after-hours calls required a complainant to leave a message and be called back. The MOL Labor Inspectorate conducted regular

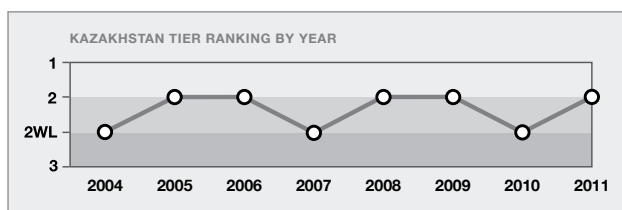
night inspections of garment sector factories, and contacts confirmed these inspections were being carried out. The government has not issued regulations governing work in the agricultural sector, leaving the Ministry of Labor without a clear mandate to investigate possible labor violations within this field. Labor inspectors issued an unknown number of fines for labor violations in some garment factories. In contrast to past years, the government did not provide information as to whether administrative courts heard cases of wage nonpayment and provided compensation to aggrieved foreign workers. Additionally, labor regulations prevented the three-person inspectorate dedicated to addressing abuses against domestic workers from investigating private homes when they doubled as workplaces for domestic workers. The MOL undertook two nationwide child labor inspection and education campaigns during the reporting period, covering a total of 900 workplaces, which included brief lectures on the laws governing child labor in Jordan. While these inspections resulted in an unknown number of fines and warnings for employers found to be using child labor, it is unclear whether the children were screened for victimization by forced labor and what assistance, if any, was provided them. The government did not undertake any discernible measures to reduce the demand for commercial sex acts during the year. Jordan's Peace Operations Training Center provided anti-trafficking training as part of the standard training regimen for peacekeepers being deployed abroad as part of international peacekeeping missions.

## KAZAKHSTAN (Tier 2)

Kazakhstan is a destination and to a lesser extent, source and transit country for women and girls subjected to sex trafficking and for men, women, and children subjected to conditions of forced labor. Kazakhstani women and children are subjected to sex trafficking in the United Arab Emirates (UAE), Russia, China, Turkey, Azerbaijan, Greece, Indonesia, and Israel. Women and girls from Uzbekistan, Russia, Kyrgyzstan, Tajikistan, Moldova, and Ukraine are subjected to sex trafficking in Kazakhstan. Women and girls from rural Kazakhstan are subjected to sex trafficking in urban areas of the country. Kazakhstani men, women, and children as well as men from Uzbekistan, Kyrgyzstan, Tajikistan, Mongolia, and Nigeria are subjected to conditions of forced labor in domestic service, cattle breeding and pasturing and also in the harvest of tobacco and cotton in Kazakhstan.

The Government of Kazakhstan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government significantly decreased the use of forced child labor in the cotton harvest, increased law enforcement efforts against human trafficking, passed a law strengthening penalties for convicted child sex trafficking offenders, and increased victim identification. However, it failed to effectively screen migrants for potential victims of trafficking and only identified two foreign victims of labor trafficking, despite being a significant destination country for foreign victims of forced labor.





**Recommendations for Kazakhstan:** Increase efforts to identify foreign victims of both forced prostitution and forced labor, including through expanded training of police officers and government officials in victim identification and assistance; work to ensure that foreign victims of trafficking receive assistance; increase efforts to identify labor trafficking victims, including by ensuring that authorities screen for potential victims of forced labor among those detained during immigration raids and refer those identified as victims for assistance; investigate and prosecute government officials suspected of being complicit in trafficking and convict and punish any complicit officials; continue efforts to prevent the use of forced labor during the cotton and tobacco harvests; continue to increase the number of victims who receive government-funded assistance by increasing funding to anti-trafficking NGOs; conduct trafficking awareness campaigns aimed at reducing the demand for both labor trafficking and commercial sexual exploitation; and continue to strengthen the capacity of police, prosecutors and judges to investigate, prosecute, and adjudicate trafficking cases.

### Prosecution

The government of Kazakhstan demonstrated modest progress in its anti-trafficking law enforcement efforts during the reporting period. Kazakhstan prohibits trafficking in persons for both labor and sexual exploitation through Articles 128, 133, 125(3)(b), 126(3)(b), 270, and 132-1 of its penal code, which prescribe penalties of up to 15 years' imprisonment – penalties sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Kazakhstan amended its penal code in 2010, adding Article 132-1 which strengthens punishments for child sex trafficking offenders. Police investigated 88 trafficking cases in 2010, a significant increase from 49 investigations in 2009. Authorities prosecuted 48 cases in 2010, compared with 35 prosecutions in 2009. A total of 32 trafficking offenders were convicted in 2010, an increase from 24 such convictions in 2009. The government convicted 29 offenders for sex trafficking offences in 2010, an increase from 21 sex trafficking convictions in 2009, and convicted three offenders for forced labor offences in 2010, the same number as in 2009. Five convicted traffickers received parole and served no time in prison. Twenty-seven convicted offenders received sentences ranging from two to 14 years' imprisonment. The Kazakhstani police, in cooperation with foreign donors, provided training in trafficking investigation techniques and victim identification procedures for 79 migration and criminal police officers and provided training for Kazakhstani law enforcement officers in Mongolia, Russia, Qatar, Turkey, Austria, the UAE, Belarus, and Armenia. It also provided in-kind assistance for NGO trainings for government officials. Police jointly investigated two trafficking cases with Russia and one with the UAE. Despite

anecdotal reports of individual police officers complicit in trafficking and with close associations with traffickers, the government did not report any new investigations, prosecutions, or convictions of government officials complicit in trafficking.

The government demonstrated efforts to address the allegations of forced child labor in the 2010 TIP Report. The South Kazakhstan *oblast* government – the region in Kazakhstan where the majority of cotton is grown – issued several directives that explicitly prohibited the use of child labor (including forced child labor) during the 2010 fall cotton harvest. The Department of Education also inspected local schools to ensure they were not closed by local officials during the cotton harvest. Labor inspectors conducted inspection checks of cotton and tobacco fields and found no evidence of forced labor. NGOs in the region reported that the use of forced child and forced adult labor decreased significantly from the previous year. There were no reports of government officials complicit in forced labor in the cotton or tobacco harvests in 2010; however, the government did not pursue any prosecutions or convictions of government officials complicit in forced labor in the cotton or tobacco harvests of 2009.

### Protection

The Government of Kazakhstan made some progress in identifying and protecting trafficking victims in 2010; however, the government identified only one foreign labor trafficking victim, despite being a recognized destination for foreign victims of forced labor. Although migration police reported screening illegal migrants detained during immigration raids, these efforts did not result in the identification of any trafficking victims. In 2010, thousands of migrants were deported without being screened for potential victims of trafficking. In 2010, the government identified 82 victims of trafficking, including 13 victims of forced labor, compared with 59 victims of trafficking, including 12 labor trafficking victims, identified in 2009. Of those identified, nine were foreign victims, including two victims of forced labor, an increase from three foreign victims identified in 2009. The government provided funding in the amount of \$70,000 for the provision of food, shelter, clothing, transportation, and other services for all identified victims; this was a decrease from the \$84,000 in funding the government provided for the same purposes in 2009. In total, 134 trafficking victims, including 49 victims of forced labor, were assisted by IOM, privately funded NGOs, and government-funded programs in 2010. The government fully funds one NGO-run shelter for trafficking victims, which assisted 40 victims, including nine foreign victims, in 2010. The local government of Almaty partially funds another NGO-run shelter, which assisted 33 trafficking victims, including 18 foreign trafficking victims. Shelters are open to all trafficking victims and provide legal, psychological, and medical assistance; however, some foreign victims of trafficking are unable to access medical assistance due to a lack of health insurance or temporary residency permits. Adult trafficking victims were permitted to freely enter and leave the shelters. Some child trafficking victims were held in juvenile detention centers until they were cleared of charges. In 2010, the government adopted a measure that permitted victims of serious crimes, including

trafficking victims, to receive government compensation. The government encouraged victims to participate in trafficking investigations and prosecutions. Foreign victims who agreed to cooperate with law enforcement were permitted to remain in Kazakhstan for the duration of the criminal investigation; this temporary residency status did not permit trafficking victims to work during the investigation. The government did not report how many foreign victims received temporary residence permits in 2010. The government did not offer victims longer-term residency; all victims were forcibly repatriated, either after a short recuperation period or after their service as a prosecution witness was completed. Although some victims cooperated with authorities during the initial investigation, some victims refused to testify in court for fear of retribution from traffickers. There were no reports of victims punished for unlawful acts committed as a direct result of being trafficked; however, unidentified victims may have been deported or prosecuted for immigration or other violations. Authorities provided one victim with repatriation assistance in 2010, a result of a joint investigation with law enforcement officials in the UAE.

### Prevention

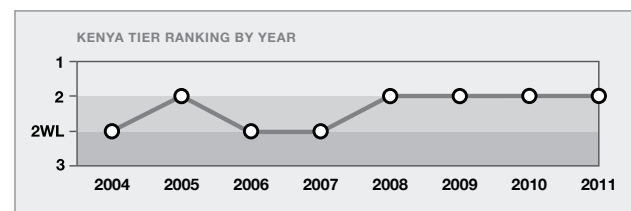
The government increased its prevention efforts during the reporting period, including an awareness campaign by local officials targeted at employers in the cotton or tobacco harvests. The government supported a number of anti-trafficking efforts, including at least 191 newspaper articles and 73 videos on human trafficking. The government ran anti-trafficking campaigns on passenger trains and a hotline for trafficking victims. NGOs received \$64,200 from the national government and \$11,800 from local governments for trafficking prevention activities, including a second trafficking hotline. This represents an overall increase from \$63,000 provided to NGOs for prevention activities in 2009. The government provided in-kind contributions for a program designed to reduce demand for sex trafficking.

## KENYA (Tier 2)

Kenya is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Within the country, Kenyan children are forced into domestic servitude, sex trafficking – including involvement in the coastal sex tourism industry – and labor in agriculture (including on flower plantations), fishing, cattle herding, street vending, and bars. Traffickers, who gain poor families' trust through familial, tribal, or religious ties, fraudulently recruit children through offers to raise and educate them and women through offers to place them in lucrative employment. Kenyan men, women, and children voluntarily migrate to other East African nations, Europe, and the Middle East – particularly Saudi Arabia – in search of employment, where they are trafficked into domestic servitude, massage parlors and brothels, and forced manual labor, including in the construction industry. Children from Burundi, Ethiopia, Rwanda, Somalia, Tanzania, and Uganda are subjected to forced labor and sex trafficking in Kenya. Chinese, Indian, and

Pakistani women reportedly transit Nairobi *en route* to exploitation in Europe's sex trade.

The Government of Kenya does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government enacted comprehensive anti-trafficking legislation and convicted and punished two trafficking offenders. It expanded the reach and effectiveness of its hotline, launched a campaign against child trafficking, provided legal representation for child sex trafficking victims, and established an anti-trafficking office in the Ministry of Gender, Children, and Social Development. It failed, however, to finalize or implement its national plan of action, address trafficking complicity among law enforcement officials, or provide adequate anti-trafficking training to its officials, including diplomats, police, labor inspectors, and children's officers.



**Recommendations for Kenya:** Use the new anti-trafficking legislation to prosecute trafficking offenses and convict and punish trafficking offenders, including government officials suspected of complicity in human trafficking; finalize necessary regulations and put in place appropriate structures to implement the victim protection provisions in the anti-trafficking statute; provide additional awareness training to all levels of government, particularly law enforcement officials, on identifying and responding to trafficking crimes; establish an official process for law enforcement officials to refer trafficking victims for assistance; institute trafficking awareness training for diplomats posted overseas; engage foreign governments on improving legal protections for Kenyan workers to render them less vulnerable to trafficking; and approve and implement the national action plan.

### Prosecution

The government's anti-trafficking law enforcement efforts significantly increased during the reporting period; for the first time, it provided statistics on such efforts for inclusion in this report. In July 2010, the Kenyan parliament held its third reading of the Counter-Trafficking in Persons Bill and, in October, the president signed it into law. Section 1 of the Counter-Trafficking in Persons Act (Act 8 of 2010) prohibits all forms of trafficking and Section 3(5) prescribes a sufficiently stringent minimum punishment of 15 years' imprisonment, which is commensurate with those for other serious crimes, such as rape. Section 3(6) prescribes a minimum punishment of 30 years' imprisonment for the aggravated offenses of controlling or financing the commission of human trafficking crimes. In addition, Sections 14, 15, and 17 of the Sexual Offenses Act of 2006 prohibit the facilitation of child sex tourism (prescribed punishment of at least 10 years' imprisonment),

child prostitution (prescribed punishment of at least 10 years' imprisonment), and forced prostitution (prescribed punishment of at least five years' imprisonment). These sections, however, are not widely used by prosecutors.

The government reported 236 investigations, 10 prosecutions, and six convictions of trafficking offenders during the reporting period, though only two of the convictions actually involved human trafficking offenses. In September 2010, for example, a Nairobi court charged a Tanzanian national and his Kenyan wife under the Children's Act with utilizing unlawful child labor and illegal harboring, for allegedly abducting children from Tanzania and forcing them to beg on the streets of Nairobi; both were convicted and sentenced to two years' imprisonment. In June 2010, police in Kitale apprehended a man suspected of trafficking children from Kenya's Trans-Nzoia and Bungoma Districts to the Sudanese towns of Juba and Torit for use in the sex trade; the status of this case is unknown. Corruption among law enforcement authorities and other public officials continued to hamper efforts to bring traffickers to justice; in certain regions, corrupt police, immigration, or labor officials were complicit in, received bribes to overlook or provide lighter penalties for, or obstructed investigations of human trafficking. The government made no efforts to investigate or prosecute officials suspected of involvement in or facilitation of trafficking during the reporting period. The government did not provide anti-trafficking training to law enforcement officials during the reporting period.

## Protection

The government increased its identification of trafficking victims and tracking of victim protection data during the year. As guidelines for implementing the victim protection provisions of the anti-trafficking statute have yet to be developed, the government continued to lack both a mechanism for identifying victims of trafficking among vulnerable populations and a formal referral process to transfer victims to NGOs for assistance; it maintained no record of the number of victims referred by government officials to service providers during the year. It reported, however, that police, children's officers, and labor officers identified 236 trafficking victims in 2010, though it remains unclear how many received protective services. In 2010, the Ministry of Gender, Children, and Social Development's 450 children's officers – officials charged with advocating for children's rights and obtaining services for children in need – coordinated the work of 2,427 local Children's Advisory Committees, which worked in partnership with police to combat child trafficking, monitor institutions providing services to children, and advance awareness of human trafficking at the local level. During the reporting period, children's officers also reportedly participated in trafficking investigations and provided counseling to victims. In Mombasa, children's officers served on the management committee of the Rescue Center, a shelter for sex trafficking victims, and provided case assessments and service referrals for victims. The Ministry of Gender and a local NGO continued to jointly operate a 24-hour toll-free hotline for reporting cases of child trafficking, labor, and abuse. The hotline is located in a government-owned building and staffed,

in part, by children's officers who facilitated rescues and made referrals to appropriate district officials. During the reporting period, the hotline received 100 reports of child trafficking, including child prostitution, and more than 350 related to child labor. In early 2010, the government established a national steering committee to manage the hotline that, in collaboration with an international NGO, opened additional call centers in the North Eastern and Rift Valley Provinces to better connect children with locally-available victim services. The Ministry of Gender also operated four referral centers located in Mombasa, Malindi, Eldoret, and Garissa that provided counseling and guidance services, as well as referrals to other centers for children who could not return home; it is unknown whether these centers provided such services to trafficking victims during the year.

In contrast to its care for child trafficking victims, the government provided few services – including shelter, medical care, or psycho-social counseling – to trafficked adults, with the exception of some Kenyan victims identified in Saudi Arabia. The Kenyan embassy in Riyadh provided assistance, including with repatriation, to at least one victim of domestic servitude during the reporting period; other victims, however, complained that the embassy was slow to intervene in their cases, did not expeditiously process travel documents, and did not provide material support. The Ministry of Foreign Affairs, which demonstrated greater responsiveness to trafficking issues in 2010 than in previous years, funded travel costs in the amount of \$600 for the one victim returning from Saudi Arabia. While the government reports that it encourages Kenyan victims' assistance in the investigation and prosecution of trafficking crimes during the reporting period, it did not provide information on such instances. It did not inappropriately incarcerate or otherwise penalize identified Kenyan victims for unlawful acts committed as a direct result of being trafficked. Police, however, reportedly arrested foreign trafficking victims for engaging in prostitution or being in Kenya without valid identity documents; in most cases, they pled guilty to immigration violations and were quickly deported. Under the 2010 anti-trafficking law, the Minister of Gender may grant permission for foreign trafficking victims to remain indefinitely in Kenya if it is believed the victim would face hardship or retribution upon repatriation. In 2010, Kenyan police actively cooperated with Ugandan authorities to repatriate both Kenyan and Ugandan child trafficking victims to their respective countries.

## Prevention

The government made progress in its efforts to prevent human trafficking. The National Steering Committee to Combat Human Trafficking, chaired by the Minister of Gender, met three times during the reporting period; however, the five-year National Action Plan on Human Trafficking it drafted in the previous reporting period was not approved in 2010. In addition, the national steering committee formed 32 anti-trafficking sub-committees at the county level that identified cases of abuse and reported them to the local district commissioner. In June 2010, the Ministry of Gender established an Office in Charge of Counter-Trafficking to coordinate the national



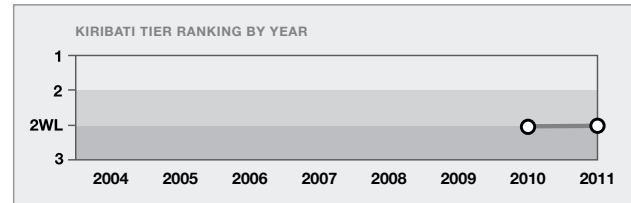
steering committee, build the capacity of stakeholders, and serve as a liaison between the government and NGOs. During the year, the Ministry of Gender's Children's Department conducted an anti-trafficking art and essay campaign, entitled "Stop Child Trafficking," in educational institutions; religious leaders and parents participated in these programs. In partnership with various donor-funded programs, labor officers, children's officers, social workers, chiefs, health officials, police, and religious leaders identified and withdrew an unknown number of children from forced labor situations during the reporting period. District-level child labor committees, which exist in approximately 30 out of 180 districts, in conjunction with local Children's Advisory Committees, raised awareness of child trafficking and labor among local populations. According to the Ministry of Gender, the government successfully prosecuted and punished 2,920 child labor violations during the year, but it failed to provide data regarding which penalties were applied or if the fines were ever collected. The Ministry of Labor, which is required by law to review and attest to all employment contracts for individuals legally migrating to work overseas, verified an unknown number of contracts in 2010; migrant workers, however, often left Kenya before their contracts had been reviewed and approved. In September 2010, the Ministry of Labor convened Kenya's first tripartite consultative workshop on decent work conditions for domestic workers. The government took measures to reduce its child sex tourism problem by launching a national code of conduct for the tourism sector in April. Also in April, police reported their ongoing investigations of four suspected child sex tourists from the Netherlands, United Kingdom, and Spain and the pending prosecution of a fifth tourist by British courts for child prostitution offenses allegedly committed in Kenya; in 2010, the Government of Kenya spent \$75,000 to hire legal representation for the child victims in this case. In 2010, the Malindi Stakeholders Network, chaired by the district commissioner, organized an anti-trafficking music festival for area schools that involved children composing songs on the topic of human trafficking.

## KIRIBATI (Tier 2 Watch List)

Kiribati is a source country for girls subjected to sex trafficking. Crew members on Korean and perhaps other foreign fishing vessels in Kiribati or in its territorial waters exploit prostituted children on board their vessels. Some girls also are prostituted in bars frequented by crew members. Local I-Kiribati, sometimes family members, but also taxi drivers and owners of small boats, knowingly facilitate trafficking by transporting underage girls to the boats for the purposes of prostitution. The girls generally received cash, food, or goods in exchange for sexual services.

The Government of Kiribati does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. While the government worked with UNICEF to begin a radio show on the commercial sexual exploitation of children to raise public awareness of sex trafficking, it made few other efforts. The government did not define

labor or sex trafficking offenses in Kiribati law, make any efforts to proactively identify victims of trafficking or establish formal procedures for the identification of trafficking victims and the referring of these victims to protective services, investigate or prosecute any suspected trafficking offenders, or work with NGOs or international organizations to provide protective services to victims. Additionally, authorities did not investigate or prosecute foreign crewmen for the commercial sexual exploitation of children within its territory, or identify or assist any victims of trafficking during the year; therefore, Kiribati is placed on Tier 2 Watch List for a second consecutive year.



**Recommendations for Kiribati:** Publicly recognize and condemn incidents of trafficking of children for commercial sexual exploitation; develop and implement a definition for labor and sex trafficking offenses, and make efforts to train officials and front-line officers on trafficking; investigate, prosecute, and punish trafficking offenders; investigate and prosecute foreign crewmen for the commercial sexual exploitation of children; proactively identify and assist victims of trafficking; work with NGOs or international organizations to provide protective services to victims; establish formal procedures to identify and refer trafficking victims to protective services; and expand anti-trafficking information and education campaigns.

### Prosecution

The Government of Kiribati failed to demonstrate any meaningful law enforcement efforts to combat human trafficking during the reporting period. Kiribati's 2005 criminal code criminalizes all forms of trafficking, and prescribes penalties of up to 15 years' imprisonment, which are sufficiently stringent. The law also provides protection for victims of trafficking from prosecution for crimes committed as a direct result of being trafficked. The law's lack of a definition of sex or labor trafficking, however, obstructed law enforcement officers from rescuing victims or arresting trafficking offenders on trafficking charges due to the lack of a clear understanding of the crime. The government did not make any efforts to investigate, prosecute, or convict trafficking offenders during the year. Government officials did not have an understanding of trafficking, and authorities made no effort to provide training to law enforcement and court personnel on identifying trafficking victims and prosecuting trafficking offenders.

### Protection

The Government of Kiribati made no discernible progress in identifying or protecting trafficking victims during the reporting period. The government did not identify any trafficking victims, and did not report any efforts

to proactively identify victims during the year. Law enforcement and social services personnel do not have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact. The Kiribati government did not provide any victim care facilities for trafficking victims, and does not have any formal arrangements or mechanisms in place to provide trafficking victims with access to legal, medical, or psychological services. An NGO group reported helping child sex trafficking victims to access counseling and health services during the reporting period. The Kiribati government has not developed or implemented a referral process to transfer victims detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provide short or long-term care. It has a limited capacity to protect victims of trafficking or victims of other crimes, and relies on NGOs and international organizations to provide services to victims of crime.

### Prevention

The government made some efforts to prevent trafficking or raise public awareness of the dangers of trafficking. In January, the Ministry of Internal and Social Affairs worked with UNICEF to begin a public outreach through a weekly radio show on the commercial sexual exploitation of children. The government did not provide any specialized training for government or law enforcement officials on how to recognize, investigate, and prosecute instances of trafficking. It took no action to reduce the demand for commercial sex acts during the reporting period.

## KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF (Tier 3)

The Democratic People's Republic of Korea (DPRK or North Korea) is a source country for men, women, and children who are subjected to forced labor, forced marriage, and sex trafficking. North Korean women and girls commonly migrate to China, often with the help of a facilitator, seeking food, work, freedom, and better life prospects, but may then be forced into marriage, prostitution, or labor. Trafficking networks of Korean-Chinese and North Koreans (usually men) operate along the China-North Korean border, reportedly working with Chinese and North Korean border guards to recruit women for marriage or prostitution in China. North Korean women often pass through many hands, with multiple brokers involved in their trafficking. In some cases, friends, neighbors, and village acquaintances transfer them to traffickers. Some vulnerable North Korean women who make their own way to China are lured, drugged, or kidnapped by traffickers upon arrival. Others are offered jobs, but are subsequently trafficked into involuntary servitude, through forced marriages to Chinese men, often of Korean ethnicity, into forced prostitution in brothels, or the Internet sex industry. Some are forced to serve as hostesses in nightclubs and karaoke bars. Many victims are unable to speak Chinese and are held as prisoners by their traffickers. If found by Chinese authorities, victims are deported back to North Korea where they may face harsh punishment, and may be subject to forced labor in DPRK labor camps.

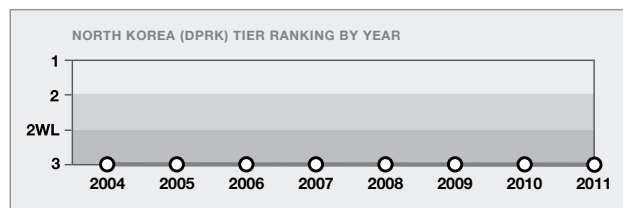
NGOs and researchers estimate that thousands of undocumented North Koreans currently live in northeast China, and as many as 70 percent of them are women. There is no reliable information on how many of these North Koreans have been trafficked, but their status in China as illegal economic migrants who may be deported to North Korea makes them particularly vulnerable to trafficking. Reports indicate corruption exists involving North Korean border guards facilitating cross-border movement, particularly involving traffickers and professional border crossers.

Within North Korea, forced labor is part of an established system of political repression. North Koreans do not have a choice in the work the government assigns them and are not free to change jobs at will. The North Korean government is directly involved in subjecting North Koreans to forced labor in prison camps. An estimated 150,000 to 200,000 persons are held in political prison camps in remote areas of the country; many of these prisoners were not duly convicted of a criminal offense. In prison camps, all prisoners, including children, are subject to forced labor, including logging, mining, and farming for long hours under harsh conditions. Reports indicate that political prisoners endure severe conditions, including little food or medical care, and brutal punishments; many are not expected to survive. Many prisoners fell ill or died, due to harsh labor conditions, inadequate food, beatings, lack of medical care, and unhygienic conditions.

The North Korean government recruits workers for work abroad under bilateral contracts with foreign governments, including in Russia; countries in Africa; Central and Eastern Europe; and East and Southeast Asia, including Mongolia; and the Middle East. There are credible reports that many North Korean workers sent abroad by the government under these contracts are subjected to forced labor, with their movement and communications constantly under surveillance and restricted by North Korean government "minders." Credible reports state that they face threats of government reprisals against them or their relatives in North Korea if they attempt to escape or complain to outside parties. Workers' salaries are deposited into accounts controlled by the North Korean government, which keeps most of the money, claiming fees for various "voluntary" contributions to government endeavors. Workers reportedly only receive a fraction of the money paid to the North Korean government for their work. Tens of thousands of North Korean workers are estimated to be employed in logging camps in Russia's Far East, where they reportedly have only two days of rest per year and face punishments if they fail to meet production targets. Wages of some North Korean workers employed in Russia reportedly were withheld until the laborers returned home, in a coercive tactic by North Korean authorities to compel their labor. North Korean workers at joint ventures with foreign investors within the DPRK are employed under arrangements similar to those that apply to overseas contract workers.

The North Korean government does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government has denied explicitly that human trafficking

is a problem. Authorities do not differentiate between trafficking and illegal border crossing, and victims are punished for violation of migration laws. The government contributes to the problem of trafficking through its harsh restrictions on emigration, its poor economic and food situation, and through its forced labor prison camps, where North Koreans live in conditions of servitude, receiving little food and little, if any, medical care.



**Recommendations for the Democratic People's Republic of Korea:** Improve the poor economic, social, political, and human rights conditions in North Korea that create an enabling environment for human trafficking; recognize human trafficking as a problem in North Korea, and one that is distinct from human smuggling; cease the practice of forced labor in prison and detention facilities; institute systematic victim identification procedures to identify and protect victims of trafficking; provide assistance to victims of trafficking and forge partnerships with international organizations and NGOs to aid in this effort; and cease the systematic punishment of trafficking victims in forced labor camps.

### Prosecution

The North Korean government made no discernible law enforcement efforts to combat trafficking in persons during the reporting period. The government continues to deny the existence of trafficking as a problem. The country's penal code prohibits crossing the border without permission; this provision, however, is used against both traffickers and trafficking victims. Article 233 of the Penal Code criminalizes border crossing and Article 234 prohibits border guards from assisting border crossers; both articles carry a penalty of up to two to five years of labor correction. Other provisions of North Korean law could be used to prosecute trafficking offenses, such as prohibitions on abduction; for example, Article 289 of the Penal Code criminalizes the abduction of children and Article 290 criminalizes the abduction of individuals or groups; both articles carry a penalty of up to three to 10 years of labor correction. Article 7 of the 1946 Law on Equality of the Sexes forbids trafficking in women. However, fair trials did not occur in North Korea and the government was not transparent with its law enforcement data, so it remained unclear under what provisions of the law, if any, traffickers were prosecuted. There were no known prosecutions or convictions during the reporting period against trafficking offenders. Nonetheless, there was evidence that DPRK authorities enforced laws that seek to limit all cross-border migration, including refugee outflows, which often end up harming trafficking victims and perpetrators alike. Reports indicate that more restrictions were imposed on leaving North Korea during the last year, and there are reports of more severe punishments being imposed on

those who seek to leave the country and those who are forcibly returned after having successfully left illegally. Reports by North Korean defectors include instances of the government punishing traffickers, including execution; however, NGO reports indicate that the "traffickers" may include activists or professional border crossers who assist North Koreans voluntarily leaving for China.

### Protection

The North Korean government did not make any known attempts to protect trafficking victims during the reporting period. The government reported no efforts to identify individuals as victims of trafficking or to assist trafficking victims. The government did not ensure that trafficking victims were not penalized for unlawful acts committed as a direct result of being trafficked. On the contrary, victims undergo severe punishment by the authorities if caught attempting to cross the border or if deported back to North Korea by Chinese officials. While authorities screened repatriated North Koreans for contacts with South Koreans and exposure to South Korean cultural influences, they did not make a distinction between trafficking victims and illegal migrants. North Koreans forcibly repatriated by Chinese authorities, including a significant number of women believed to be trafficking victims, were sent to prison camps, where they may have been subjected to forced labor, torture, sexual abuse by prison guards, or other severe punishment. Sentences in these prison camps may range from one month to several years, and victims may continue to face discrimination once released. Repatriated victims who were suspected of having become pregnant with a child of possible Chinese paternity may be subject to forced abortions and infanticide; reports indicate that prison authorities may brutally kill infants born to repatriated victims while in prison. Government authorities provided no discernible protection services to victims of trafficking and did not permit indigenous NGOs to operate in North Korea; the few international NGOs allowed in the DPRK were not permitted to assist trafficking victims. The government neither encouraged victims to assist in investigations against their traffickers nor provided legal alternatives to removal to countries in which the victim may face severe hardship or retribution.

### Prevention

North Korean authorities made no efforts to prevent human trafficking during the reporting period. Internal conditions in the DPRK prompted many North Koreans to flee the country, making them particularly vulnerable to human trafficking. Although press reports indicated that border security increased during the reporting period, there was no evidence that the government attempted to prevent human trafficking by screening migrants along the border, nor did the government differentiate between trafficking and illegal migration or defection. The government may have cracked down on official corruption that facilitates cross-border trafficking, however there are reports that corruption among border officials continued to facilitate trafficking. DPRK authorities made no discernible efforts to reduce the demand for commercial sex acts. North Korea is not a party to the 2000 UN TIP Protocol.



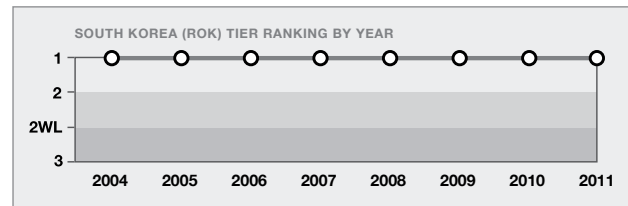
## KOREA, REPUBLIC OF (Tier 1)

The Republic of Korea (ROK or South Korea) is a source, transit, and destination country for men and women subjected to forced prostitution and forced labor. Some men and women from Russia, Uzbekistan, Kazakhstan, Morocco, Colombia, Mongolia, China, the Philippines, Thailand, Cambodia, North Korea, Vietnam, Japan, and other Southeast Asian countries are recruited for employment or marriage in the ROK, and subjected to forced prostitution or forced labor. Some foreign women who entered the country on entertainment visas, were trafficked for forced prostitution. Some women from less developed countries recruited for marriage with South Korean men through international marriage brokers are subjected to forced prostitution or forced labor upon arrival in the ROK or when running away from abusive spouses; some brokers reportedly charged up to \$20,000 from Korean clients. The use of debt bondage was common among sex trafficking victims, and employers and brokers often found ways to compound victims' debt. Many of these women also faced nonpayment of earnings, withholding of their passports, and restrictions on their movements. South Korean women were subjected to forced prostitution domestically and abroad in destinations including the United States, Canada, Japan, and Australia, many coerced by traffickers to whom they owed debts. According to government authorities, South Korean teenagers are increasingly exploited in prostitution; particularly runaways, more than 95 percent of commercial sexual exploitation of children in South Korea is arranged over the Internet.

Migrant workers who travel to the ROK for employment may incur thousands of dollars in debts, contributing to their vulnerability to debt bondage. There are approximately 500,000 low-skilled migrant workers in the ROK from elsewhere in Asia, many of whom were working under the Employment Permit System (EPS). While protections were implemented for EPS workers, observers claimed the EPS assigns excessive power to employers over workers' mobility and legal status, making them vulnerable to trafficking. Migrant workers commonly face conditions indicative of forced labor, including nonpayment of wages, withholding of passports, and work upon arrival in the ROK that differs from the job description offered to them in their country of origin. Korean men remain a source of demand for child sex tourism in Southeast Asia and the Pacific Islands.

The Government of the Republic of Korea fully complies with the minimum standards for the elimination of trafficking. The government reported significant efforts to prevent trafficking during the reporting period, including through anti-trafficking public awareness campaigns targeting vulnerable groups, such as teenagers at risk of commercial sexual exploitation and foreign wives in South Korea. South Korea also maintains an extensive network of victim protection services throughout the country, and works in cooperation with NGOs to provide care to identified victims of trafficking. In addition, South Korea allocated significant resources to protecting victims of trafficking and continued to train law enforcement and other government officials on trafficking in persons.

The government's efforts to investigate labor trafficking remained relatively weak, however, and the government did not institute formal procedures to proactively identify victims of trafficking.



**Recommendations for the Republic of Korea:** Enact drafted comprehensive anti-trafficking legislation that defines and prohibits trafficking in persons; increase efforts to investigate, prosecute, and convict trafficking offenders, including those involved in labor trafficking; ensure that convicted traffickers receive jail sentences for trafficking offenses; develop and implement formal victim identification procedures to proactively identify trafficking victims among vulnerable populations, including women arrested for prostitution and illegal immigrants; make greater efforts to identify victims of forced labor among migrant workers, such as those who file complaints of unpaid wages; proactively grant victims permission to work pending investigations and prosecutions against their traffickers; and take steps to increase awareness of child sex tourism and enforce laws against South Koreans engaging in such acts.

### Prosecution

The ROK government took adequate steps to prosecute trafficking offenses during the reporting period, but its efforts were hampered by the lack of a clear law prohibiting all forms of trafficking. South Korea prohibits most aspects of trafficking through its 2004 Act on the Punishment of Acts of Arranging Sexual Traffic and its Labor Standards Act, which prescribe up to 10 years' and five years' imprisonment, respectively; these penalties are sufficiently stringent and commensurate with those prescribed penalties for other serious crimes. The government also reports using other criminal statutes related to kidnapping and juvenile protection to prosecute and punish trafficking offenses. During the reporting period, government authorities reported investigating 40 cases under the Act on the Punishment of Acts of Arranging Sexual Traffic; however, this resulted in only six convictions – a significant decrease from the 17 convictions reported last year – with only four traffickers serving prison sentences ranging from 18 months to two years; two trafficking offenders received only fines as punishment. Authorities investigated 43 cases under the Labor Standards Act, but reported only one indictment and no convictions or sentences for forced labor. The government reported 338 investigations under other statutes related to trafficking, resulting in 110 indictments, 68 convictions, and 37 prison sentences. The Ministry of Employment and Labor (MOEL) received over 9,000 complaints from migrant workers of \$19 million in unpaid wages and reported helping resolve 96 percent of these cases; the ROK did not, however, report investigating any of these complaints for forced labor. During July and

August 2010, ROK police authorities conducted a special crackdown on illegal international marriage brokers, arresting 761 for illegal operations and indicting 399 of them. Korean authorities also continued to train law enforcement and other government officials on trafficking and created a standardized training program on sex trafficking prevention. There were some reports police officers took bribes from brothel owners in exchange for prior notice about police raids; the government did not, however, report any law enforcement efforts against official complicity in trafficking offenses. During the reporting period, the government upgraded its data collection system to provide more detailed information on human trafficking prosecutions.

### Protection

The Government of the Republic of Korea sustained robust efforts to protect trafficking victims during the reporting period, but its victim protection efforts were weakened by its lack of formal proactive victim identification procedures across the government. In 2010, the government spent approximately \$16.8 million to protect sex trafficking victims, mainly by providing financial support to NGOs offering shelter, counseling, medical and legal assistance, and rehabilitation services. The government also operates one shelter for foreign victims of sex trafficking, but did not report the number of victims assisted at this facility during the reporting period. The government expanded its extensive network of support centers for foreign wives and runaway teenagers, which offer support such as counseling in various languages, legal advice, and referral to medical services and shelters. Although the government continues to lack a formal system to proactively identify victims of trafficking among vulnerable groups, there were 76 victims identified in 2010, 26 of whom were identified by government authorities and all of whom were victims of sex trafficking. Foreign sex trafficking victims may receive temporary relief from deportation under the G-1 visa system, which allows them to remain in South Korea for up to one year to participate in investigations against their traffickers. Victims reportedly may apply for employment authorization under the G-1 visa, but NGO and other sources report that, in practice, the government has not authorized any existing G-1 visa holder to work pending an investigation or prosecution. The government did not report issuing a G-1 visa to any victim during the reporting period. Foreign victims of trafficking are offered legal alternatives to removal to countries in which they may face hardship or retribution. North Korean victims of trafficking may receive refugee settlement services. MOEL operated seven Migrant Workers' Centers nationwide to assist foreign workers in 15 different languages and the Seoul Metropolitan City Government maintained six similar centers; during the reporting period, the Seoul City Government opened its first migrant center with shelter facilities that would appear to be accessible to male victims of trafficking. However, the ROK government did not report efforts to proactively identify victims of trafficking during large crackdowns on illegal immigrants during the reporting period. As a result of the government's lack of proactive victim identification procedures and relatively less awareness of labor trafficking than of sex trafficking, victims of forced labor may have been arrested and

deported for crimes including illegal immigration without receiving any protection services.

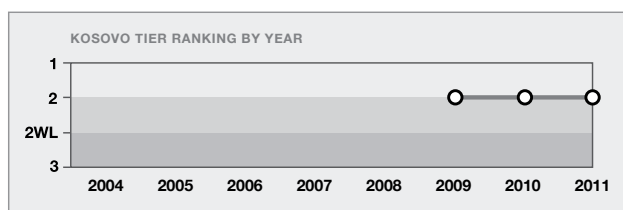
### Prevention

The ROK government took steps to prevent trafficking during the reporting period, though these efforts focused primarily on sex trafficking. The government continued to conduct a wide variety of campaigns to raise awareness of trafficking in South Korea, targeting particularly vulnerable groups such as teenagers and foreign wives. In December 2010, the Ministry of Gender Equality and Family (MOGEF) developed training materials on sex trafficking for juveniles for distribution in schools and to public officials. MOGEF also launched the "Youth Keeper" program to notify police authorities when Internet sites were being used to arrange the prostitution of children and operated 77 shelters for runaway teenagers to reduce their vulnerability to commercial sexual exploitation. In addition, MOGEF ran specific campaigns to raise trafficking awareness among foreign wives, including messages publicizing the Emergency Support Center for Migrant Women on buses, electronic billboards, subways, and in foreign language publications. The Ministry of Foreign Affairs and Trade (MOFAT) also hosted pre-departure trainings for Koreans participating in working-holiday programs in Australia on their vulnerability to sex trafficking. In an effort to reduce demand for commercial sex acts, the Ministry of Justice continued to run 39 "Johns Schools," requiring convicted male "clients" of prostitution to attend one-day seminars on the risks of prostitution and sex trafficking in lieu of criminal punishment. According to reports from destination countries, South Korean men continue to be a source of demand for child sex tourism in Southeast Asia and the Pacific Islands. In response to reports in recent years that South Korean men engage in sex tourism, MOFAT continued to run public awareness campaigns against prostitution overseas, but during the reporting period, the government did not prosecute any Korean nationals for engaging in child sex tourism abroad or make other efforts to reduce the demand for this practice. The ROK government provided anti-trafficking training to troops prior to their deployment abroad on international peacekeeping missions. The Republic of Korea is not a party to the 2000 UN TIP Protocol.

## KOSOVO (Tier 2)

Kosovo is a source, destination, and possibly a transit country for women and children who are subjected to sex trafficking, and children subjected to forced begging. Most foreign victims of forced prostitution are young women from Eastern Europe including Moldova, Albania, Poland, and Serbia. Kosovar women and children are subjected to forced prostitution within Kosovo and also in countries throughout Europe. NGOs reported that child beggars were vulnerable to forced labor in Kosovo. Police continue to report that internal trafficking involving Kosovar Serbs may also occur in north Kosovo. IOM reported that for the fifth year in a row, it had assisted more victims of internal trafficking than victims of transnational trafficking.

The Government of Kosovo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government elevated its anti-trafficking police section to directorate status and more than tripled the number of anti-trafficking investigations. It identified more trafficking victims than in prior years and offered a comprehensive range of government-funded services to those victims. All certified victims of trafficking participated in criminal investigations this year. The government's prevention efforts were very strong; it conducted a diverse and innovative trafficking awareness raising campaign in the fall of 2010. Trafficking cases were slow to resolve, however, and the rate of conviction was lower than in prior years. Challenges in victim identification persisted this year, as the government identified an average of one victim for every 10 raids conducted, and few victims of trafficking were identified among a highly vulnerable population of child beggars. Finally, there were investigations and prosecutions of public officials for complicity in trafficking, but there were no convictions.



**Recommendations for Kosovo:** Proactively prosecute, convict, and sentence sex and labor trafficking offenders, including officials complicit in trafficking; enhance effectiveness of victim identification during the raid procedures by thoroughly and consistently employing the standard operating procedures; enhance investigation of forced labor offenses; increase detection and protection for victims of forced begging in Kosovo; ensure that illegal migrants are screened for potential victims of trafficking prior to deportation; and continue public awareness campaigns, including campaigns about the risks of begging.

### Prosecution

The Government of Kosovo demonstrated clear progress in law enforcement efforts in 2010, despite continuing problems with the resolution of cases through the judiciary. Kosovo prohibits all forms of trafficking in persons in Articles 137 and 139 of the 2004 criminal code, and prescribes a maximum sentence of 12 years' imprisonment, with a sentence of 20 years' imprisonment available for organizers of trafficking crimes. These punishments are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. During the reporting period, Kosovo authorities elevated the anti-trafficking section to a directorate, improving the specialized section's access to resources for combating trafficking. The section's elevated status included an approximate 50 percent increase in law enforcement officers assigned to investigate trafficking. Nonetheless, the police reported continued difficulties in staffing available positions with minority, ethnic Serbian law enforcement officers, which would enable the police to conduct more

effective outreach in North Kosovo. The Kosovo Special Prosecutor's Office's specialized task force on organized crime, corruption, and trafficking reached full staffing in February 2010.

In 2010, Kosovo authorities conducted 194 investigations, a significant increase from 63 investigations in 2009. Kosovo's judiciary, however, faced challenges at all levels and those limitations affected convictions and sentences. In 2010, authorities began prosecutions of 81 offenders in 28 new cases, in contrast to 25 trafficking offenders prosecuted in 2009. The government reported 11 convictions of sex trafficking offenders, in contrast to 22 convictions the prior year. No labor trafficking offenders were convicted this year. All trafficking offenders received jail terms this year; two received sentences of three years' imprisonment, five received sentences of two years, one received a sentence of more than one year, two received sentences of six months, and one received a sentence of three months. In a marked improvement over the prior year, all officially identified trafficking victims cooperated with investigations and gave statements to the police. Although victims were able to file civil suits against traffickers, no victims did so this year. The government continued to provide anti-trafficking training to law enforcement and border police, including 155 new police recruits. In December, the authorities trained 323 customs and border officials to identify potential victims of trafficking.

There were internal police investigations of four officers for complicity in trafficking in persons. Prosecution proceedings continued against four border police and one municipal official for involvement in trafficking. The government, however, reported no convictions or sentencing of government officials complicit in human trafficking.

### Protection

The Kosovo government demonstrated mixed efforts on victim protection, providing a comprehensive range of services for victims but still facing challenges in victim identification. During the reporting period, the government drafted and adopted the Minimum Standards of Care for Victims of Trafficking, strengthening ties between the victim shelters, unifying standards for services, and establishing common reporting forms. The Kosovo government supported nine shelters that accommodated trafficking victims, including a specialized shelter for children and a high security trafficking-specific shelter. Through these shelters, the government provided care such as housing, medical care, clothing, counseling, and legal and educational assistance. The Kosovo police identified and assisted 39 victims of trafficking, including several children, and referred them for services in the shelters, an increase from the 27 victims it identified in 2009. The government reported that trafficking victims were permitted to leave the shelters at will. In total, the government of Kosovo provided \$216,234 for victim care this year. The Kosovo authorities developed programs for the long-term reintegration and rehabilitation of trafficking victims. For example, the government provided tax incentives for businesses that provided employment for victims of trafficking; two trafficking victims were



employed under the program. Nevertheless, international experts expressed concerns that there were insufficient care and rehabilitation options for child victims of trafficking who did not want to return to their families, members of which had often contributed to their initial trafficking.

In 2009, international experts reported problems with the government's victim identification procedures. This year, in conducting raids of over 300 bars and cafes, the government officially identified only 39 victims. The government justified the high number of raids as, in part, a prevention tool, claiming the large number of raids ensured that trafficking victims understood that law enforcement officials were available to help in cases of exploitation. In these raids, the government reported that police officers followed established standard operating procedures. Under these procedures, Kosovo officers enlisted the support of victims' advocates and social workers at the interview of any trafficking victim. NGOs reported that the implementation of the referral mechanism improved during the year. Nevertheless, according to one NGO, the government did little to identify children in begging as victims of trafficking, despite reports that they were highly vulnerable to exploitation. Instead, vulnerable children from outside of Kosovo were deported prior to formal victim identification and care. The Kosovo Police Anti-Trafficking Directorate and social workers from the Ministry of Labor and Social Welfare conducted a pilot project during the reporting period to assess whether there were victims of trafficking among the vulnerable population of child beggars. The project initially catalogued nearly one hundred child beggars in a database with photos and family details, but did not identify any victims of trafficking among the group of children formally assessed.

### Prevention

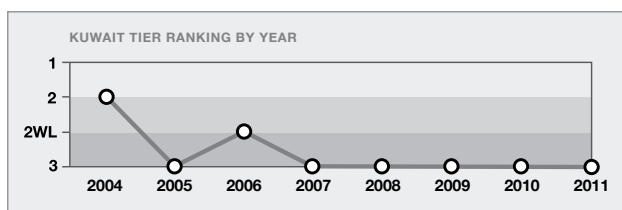
The Government of Kosovo demonstrated strong prevention efforts this year, including creative, broad-impact public awareness raising campaigns and strengthened national coordination activities. During September and October 2010, the Government of Kosovo funded and implemented a multi-faceted awareness raising campaign, including televised public debates on trafficking trends and challenges, anti-trafficking SMS messages sent to more than one million mobile phone subscribers, anti-trafficking television and radio broadcasts, a national billboard campaign, anti-trafficking artistic shows in schools, and anti-trafficking leaflets and posters distributed at all border points. From March to May 2010, the Ministry of Education, Science, and Technology conducted anti-trafficking trainings for 125 elementary and secondary school teachers on victim identification and preventing trafficking. The Government of Kosovo's inter-ministerial working group met monthly to coordinate government efforts to combat trafficking; sub-working groups addressing prevention, protection, prosecution, and the trafficking of children also met regularly. The Government of Kosovo's National Anti-Trafficking Secretariat implemented a database during the reporting period to monitor information from government sources, NGOs, and international organizations on human trafficking. The system enabled the government to track both victims of trafficking through rehabilitation or repatriation and trafficking offenders

throughout the criminal process. The government produced and broadcast a television spot and a radio campaign aimed at reducing demand for commercial sex.

## KUWAIT (Tier 3)

Kuwait is a destination country for men and women who are subjected to forced labor and to a lesser degree forced prostitution. Men and women migrate from India, Egypt, Bangladesh, Syria, Pakistan, the Philippines, Sri Lanka, Indonesia, Nepal, Iran, Jordan, Ethiopia, and Iraq to work in Kuwait, most of them in the domestic service, construction, and sanitation sectors. Although most of these migrants enter Kuwait voluntarily, upon arrival some are subjected to conditions of forced labor by their sponsors and labor agents, including nonpayment of wages, long working hours without rest, deprivation of food, threats, physical or sexual abuse, and restrictions on movement, such as the withholding of passports or confinement to the workplace. Although Kuwait has a standard contract for domestic workers delineating their rights, many workers report work conditions that are substantially different from those described in the contract; some workers never see the contract at all. Many of the migrant workers arriving for work in Kuwait have paid exorbitant fees to recruiters in their home countries or are coerced into paying recruitment fees in Kuwait that, by Kuwaiti law, should be paid for by the employer – a practice that makes workers highly vulnerable to forced labor once in Kuwait. Due to provisions of Kuwait's sponsorship law that restrict workers' movements and penalize workers for running away from abusive workplaces, domestic workers are particularly vulnerable to forced labor inside private homes. In addition, media sources report that runaway domestic workers fall prey to forced prostitution by agents who exploit their illegal status.

The Government of Kuwait does not fully comply with the minimum standards for the elimination of trafficking and is not making sufficient efforts to do so. The government did not enact its draft comprehensive anti-trafficking law, though a subcommittee-approved bill has been on the parliament's agenda since November 2009 without being debated. Kuwait's victim protection measures remain weak, particularly due to its lack of proactive victim identification procedure and continued reliance on the sponsorship system, which causes victims of trafficking to be punished for immigration violations rather than protected. However, government officials participated in training on trafficking issues. The government also did not make significant progress in fulfilling other commitments made since 2007, such as enacting the draft domestic workers' bill to provide domestic workers with the same rights as other workers or establishing a large-capacity permanent shelter for victims of trafficking. The government similarly made only minimal efforts to prevent trafficking in persons during the reporting period. For these reasons, Kuwait is placed on Tier 3 for a fifth consecutive year.



**Recommendations for Kuwait:** Enact the draft anti-trafficking bill to specifically prohibit and punish all human trafficking offenses; significantly increase efforts to prosecute, punish, and stringently sentence traffickers, particularly sponsors who force domestic workers into involuntary servitude; enact and enforce the draft domestic workers bill to provide domestic workers with the same rights as other workers; establish procedures to proactively identify victims of human trafficking, especially among the female domestic worker population; revise sponsorship provisions that make workers vulnerable to abuse, including domestic workers; enforce existing laws against sponsors and employers who illegally hold migrant workers' passports; and continue to expand on existing anti-trafficking training to law enforcement and judicial officials.

### Prosecution

The Government of Kuwait made few discernible efforts to significantly improve its law enforcement efforts against trafficking during the reporting period. The government still has not enacted a comprehensive anti-trafficking bill that has been on the parliament agenda since November 2009. Despite the continued absence of a comprehensive anti-trafficking law, other provisions of the Kuwaiti Criminal Code could be used to punish trafficking offenses. Limited forms of transnational slavery are prohibited through Article 185, which prescribes a maximum penalty of five years' imprisonment. Article 201, which prohibits forced prostitution, prescribes a maximum sentence of five years' imprisonment if the victim is an adult and seven years' if the victim is under the age of 18. These prescribed penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses. Nonetheless, the government did not report any arrests, prosecutions, convictions, or sentences of traffickers during the reporting period for either forced labor or forced prostitution. Media sources report that one man was sentenced to death for kidnapping, raping, and selling a girl for sex against her will in December 2010. In February, a media source highlighted the arrest of the owner of an apartment where eight runaway domestic workers were forced into prostitution. The case has been referred to the attorney general, but the disposition was not final at the end of the reporting period. Although withholding workers' passports is prohibited under Kuwaiti law, this practice reportedly remains common as a means of obtaining foreign workers' forced labor, yet the Government of Kuwait has demonstrated no genuine efforts to enforce this prohibition. The government remains reluctant to prosecute Kuwaiti citizens for trafficking offenses despite allegations that trafficking in Kuwait largely involved Kuwaiti employers in private residences. When Kuwaiti nationals are investigated for trafficking offenses, they tend to receive less scrutiny than foreigners.

Kuwaiti law enforcement generally takes an administrative or civil approach in addressing cases of forced labor, such as assessing fines, shutting down employment firms, issuing orders for employers to return withheld passports, or requiring employers to pay back-wages. Kuwait also made minimal efforts to address government complicity in trafficking offenses; during the reporting period, media sources report that four government officials were arrested for an unknown period of time for illegally importing workers and one Kuwaiti police officer was arrested for raping a runaway domestic worker in a detention center. The Ministry of Interior and IOM trained ministry officials, police officers, and judges on trafficking in persons during the reporting period. Kuwait should significantly increase its efforts to prosecute and criminally punish trafficking offenses, including forced labor and forced prostitution.

### Protection

During the year, Kuwait made inadequate efforts to protect victims of trafficking. The government continued to lack formal procedures for the proactive identification of trafficking victims among vulnerable populations, such as foreign domestic workers and women in prostitution. Kuwait's sponsorship law effectively dissuades workers from reporting abuse by their sponsors to government authorities; workers who abscond from their sponsors face criminal and financial penalties of up to six months' imprisonment, over \$2,000 in fines, and deportation for leaving without their employers' permission, even if they ran away due to abuse by the sponsor. NGO sources describe this as a "race to the police station" since victims may be punished for absconding if their employers report them missing before the victims have an opportunity to report abuses to the police. The threat of these consequences discouraged workers from appealing to police or other government authorities for protection and obtaining adequate legal redress for their exploitation.

In January 2011, the Ministry of Interior revised its rules to refer non-domestic worker labor cases to the Ministry of Social Affairs and Labor for investigation prior to deportation. However, domestic workers are excluded from this reform and remained in detention facilities pending resolution of their investigations. Women arrested for prostitution offenses also were not screened for evidence of trafficking, and faced prosecution and deportation regardless of whether they were sex trafficking victims. The Ministry of Social Affairs and Labor continued to operate a short-term shelter with a maximum capacity of 40 intended to provide medical, psychological, and legal services; the government, however, did not report the actual number of trafficking victims assisted at this shelter during the reporting period and NGO sources report that this shelter remained underutilized. Some sources report that the shelter turns away cases that are not "simple" and does not accept trafficking victims whose employers have filed cases against them, some of which are false allegations of theft. The shelter does not allow victims to leave freely, so they are essentially detained within the shelter until their case is resolved. In September, shelter staff received training on shelter management and victim assistance. In 2007, the government announced it would open a 700-person shelter for both men and women, but this shelter has yet

to be established. There continued to be no shelter or other protection services afforded for male victims of trafficking, and it is unclear whether victims of forced prostitution can access the government's temporary shelter. Some sending countries have expressed a preference for handling these cases through their embassies and the Government of Kuwait provided source-country embassies with funds to pay for the repatriation of some runaway domestic workers sheltered at their embassies. Government authorities, however, did not encourage victims to participate in the investigation or prosecution of their traffickers or offer legal alternatives to victims' removal to countries in which they may face hardship or retribution. The Ministry of Interior and Ministry of Justice continued to offer training in trafficking issues for government employees, including IOM-sponsored training courses on protecting trafficking victims to increase police officer's awareness of and sensitivity toward trafficking issues and for judges, prosecutors, and legal consultants in ways to protect expatriate workers' contractual rights more effectively.

### Prevention

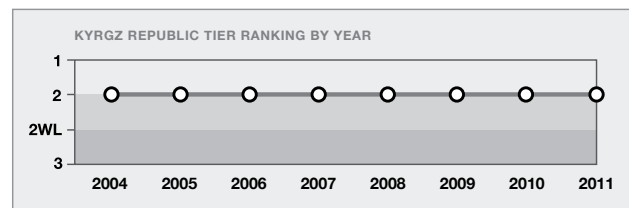
The Government of Kuwait made minimal progress in preventing trafficking in persons this year. Although transparency in the government's anti-trafficking efforts was lacking, with no public reporting on these efforts apparent, the government consulted closely with the two officially recognized human rights organizations in drafting anti-trafficking legislation. While the government increased the minimum wage for workers in the private sector to \$210 per month in April 2010, this new provision excludes Kuwait's half-million domestic workers – the group most vulnerable to human trafficking – and does not establish mechanisms to monitor implementation of this rule. During the reporting period, the Ministry of the Interior took steps to shut down fraudulent labor recruiting agencies and terminated licenses for recruiting companies that did not meet more stringent regulations set in the February 2010 Private Sector Labor Law. Domestic workers also remain excluded from a new decree establishing maximum allowable work hours per week. As in past years, the Ministry of *Auqaf* and Islamic Affairs made a nationwide effort to reduce overseas child sex tourism by requiring some Sunni mosques to deliver Friday sermons on the danger of sex abroad and Islam's strict teachings against improper sexual relations.

## KYRGYZ REPUBLIC (Tier 2)

The Kyrgyz Republic (or Kyrgyzstan) is a source, transit and, to a lesser extent, a destination country for men, women, and children subjected to conditions of forced labor, and for women subjected to forced prostitution. Kyrgyz men, women, and children are subjected to bonded labor in China and to conditions of forced labor in the Czech Republic, Turkey, Kazakhstan, and Russia, specifically in the agricultural, forestry, construction, and textile industries. Women from the Kyrgyz Republic are subjected to forced prostitution in the United Arab Emirates (UAE), Kazakhstan, China, South Korea, Turkey, Greece, Cyprus, Thailand, Germany, and Syria. Some men and women from Uzbekistan, Tajikistan, and Turkmenistan

transit the Kyrgyz Republic as they migrate to Russia, the UAE, and Turkey, where they are subsequently subjected to forced labor and forced prostitution. A recent NGO study estimated that over 60,000 Kyrgyz citizens are victims of trafficking, both within the country and abroad.

The Government of the Kyrgyz Republic does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite widespread civil unrest during much of the reporting period. The government continued to provide in-kind assistance to two NGO-run trafficking shelters which helped significantly more victims than in previous years. The Kyrgyz government also monitored migration and foreign employment data to better understand its trafficking problem. The government also increased the number of trafficking prosecutions, although fewer convicted offenders received time in prison. However, despite continued reports of corruption, the government did not investigate or prosecute any officials suspected of being complicit in human trafficking offenses, nor did they convict or criminally punish any complicit government officials.



**Recommendations for the Kyrgyz Republic:** Increase efforts to investigate and prosecute suspected trafficking offenses and convict and punish trafficking offenders, ensuring that a majority of those convicted of trafficking offenses serve time in prison; vigorously investigate and prosecute government officials suspected of being complicit in trafficking and convict and punish complicit government officials; continue to improve the collection of trafficking law enforcement data; continue trafficking sensitivity and awareness training for police, prosecutors, and judges; work to ensure that identified victims of trafficking are not punished for unlawful acts committed as a direct result of being trafficked; create a new multi-year anti-trafficking action plan; and strengthen oversight and enforcement of labor recruiting companies.

### Prosecution

The Kyrgyz government demonstrated uneven progress in its anti-trafficking law enforcement efforts during the reporting period. However, the government's ability to prosecute trafficking offenders and report on prosecution data was hampered by political unrest. The 2005 Law on Prevention and Combating Trafficking in Persons criminalizes both sex and labor trafficking and prescribes penalties of three to 20 years' imprisonment, which are sufficiently stringent and commensurate with prescribed penalties for other serious crimes, such as rape. Due in part to the burning of the prosecutor general's office during the civil unrest in 2010, significant concerns existed regarding the ability of the government to accurately report



statistics. In 2010, the government reported conducting 11 trafficking investigations – including nine for forced labor and two for sex trafficking – compared with the same number of labor and sex trafficking investigations in 2009. The government prosecuted eight suspected trafficking offenders and convicted three in 2010, compared with four prosecutions and three convictions in 2009. Only one convicted trafficking offender was sentenced to time in prison in 2010, a decrease from all three convicted trafficking offenders sentenced to time in prison in 2009; that one offender was sentenced to 10 years' imprisonment and the confiscation of property. Members of the judiciary, law enforcement, and other government officials received trafficking-specific training provided by IOM and NGOs. NGOs contended that some low-level law enforcement officials are complicit in human trafficking and accept bribes from traffickers; other low-level police failed to investigate potential trafficking offenses due to a lack of awareness. The government reported no efforts to investigate or prosecute any government officials suspected of being complicit in trafficking or convict or punish any complicit officials.

### Protection

The Kyrgyz government sustained its limited efforts to assist victims, although it was hampered by the civil unrest, during the reporting period. Together with NGOs, the government identified at least 266 victims of trafficking, including two foreign victims in 2010, an increase compared with 113 victims and no foreign victims, identified in 2009. Of the 266 victims identified, IOM and NGOs report that government officials referred 15 victims of trafficking to them for assistance, and consular officials at Kyrgyz embassies in destination countries referred five victims to IOM for assistance with safe repatriation in 2010 compared with 21 victims referred by government officials and 18 victims referred by consular officials in 2009. Although the government did not provide financial assistance to any NGO or organization that provided victim assistance in 2010, the government provided in-kind assistance to anti-trafficking NGOs, including facilities for two NGO-run shelters for victims of trafficking. These shelters assisted 60 victims of trafficking, a notable increase from only 22 victims of trafficking assisted by shelters with facilities provided by the government in 2009; victims were able to freely leave the shelters. Victims who are citizens of Commonwealth of Independent States (CIS) did not need special permission to stay in the country. Victims of trafficking who were citizens of non-CIS countries were permitted to remain in the country pending investigation and prosecution of their trafficking cases, contingent on a prosecutor or investigator making such a request to immigration authorities. The government encouraged victims to participate in trafficking investigations and prosecutions; no victims assisted law enforcement during the reporting period. There were no reports of identified victims penalized for unlawful acts committed as a direct result of being trafficked during the reporting period.

### Prevention

The Kyrgyz government demonstrated limited progress in trafficking prevention efforts, despite the political turmoil

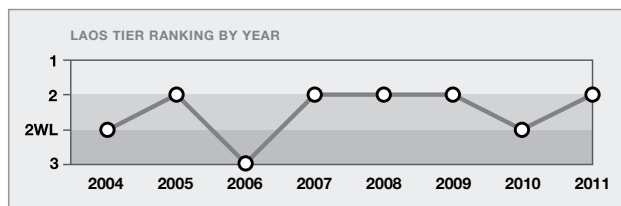
during much of the reporting period. The border guards provided travelers leaving the country with fliers and other trafficking awareness materials prepared by IOM. The government continued to provide in-kind assistance to an NGO-run labor migration hotline which provided legal advice and assistance to potential victims of trafficking. The Ministry of Education provided anti-trafficking awareness training to students as part of a program to educate students about potential dangers when working abroad. The Kyrgyz government had a national anti-trafficking action plan for 2008-2011. The government also worked to improve efficiency and collaboration with anti-trafficking NGOs. The Kyrgyz government monitored migration and foreign employment data to estimate the scope of human trafficking within its borders and inform its anti-trafficking activities. In the previous reporting period, the government began digitizing passport records, which would make Kyrgyz nationals traveling abroad less vulnerable to trafficking. Although they continued this effort, the government had not yet expanded this program to include birth records. The government did not undertake efforts to reduce the demand for commercial sex acts.

## LAOS (Tier 2)

Laos is a source, and to a much lesser extent, a transit and destination country for women and girls subjected to sex trafficking, and men, women, and children in conditions of forced labor in factory work, domestic labor, agriculture, and the fishing industry. Lao men, women, and children are found in conditions of forced labor in Thailand, Malaysia, and China. Many Laotian migrants, particularly women, pay broker fees to obtain jobs in Thailand, normally ranging from \$70 to \$200, but are subsequently subjected to conditions of sexual servitude and forced labor in Thailand's commercial sex trade or in domestic service, garment factories, or agricultural industries subsequent to their arrival. Lao men are subjected to conditions of forced labor in the Thai fishing and construction industry. Many Lao nationals formally identified as victims trafficked in Thailand choose to take the risk of attempting migration to Thailand again after being repatriated to Laos. A small number of Lao women and girls reportedly are subjected to conditions of trafficking in China, where some are forced to marry Chinese men. Ethnic minority populations are particularly vulnerable to trafficking in Thailand, due to their lack of Thai language skills and unfamiliarity with Thai society. Laos is increasingly a transit country for Vietnamese, Chinese, and Burmese women who are subjected to sex trafficking and forced labor in Thailand. Some Vietnamese women are subjected to forced prostitution in Laos. Although there are fewer reported instances, trafficking within Laos also remains a problem, affecting young women and girls forced into prostitution. Lao men and boys are victims of forced labor in the country on agricultural plantations, including rubber plantations. Laos may be increasingly a destination for sex tourists from Asia.

The Government of Laos does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government reported investigating

20 trafficking cases and convicting 33 trafficking offenders, a dramatic increase from zero convictions during the previous reporting period. However, the government has never administratively or criminally punished any public official for complicity in trafficking in persons. The government also began efforts to identify and assist trafficking victims who were deported by Thai authorities for immigration violations. The government continued to rely almost completely on NGOs and international organizations to provide victim assistance.



**Recommendations for Laos:** Increase efforts to investigate and prosecute both sex and labor trafficking offenders, including through cooperation with Thai authorities on cross-border trafficking cases; make efforts to address internal trafficking, including by identifying and assisting Lao citizens trafficked within the country and prosecuting their traffickers; increase efforts to combat trafficking complicity of public officials, including through the criminal prosecution of officials involved in trafficking crimes; regulate labor recruitment agencies tasked with processing work permits and contracts to prevent the trafficking of migrant workers; create and implement formal victim identification procedures and train police and border officials to systematically identify trafficking victims, particularly victims returning from Thailand; improve coordination between Thai authorities and the central government regarding victim assistance and between the Vientiane transit center and local communities regarding victims' return and reintegration; make greater efforts to conduct family assessments to determine whether it is in the best interest of victims to return to their families; consider opening a transit center in Savannakhet for victims repatriated from Thailand; increase resources to support victims in reintegration after returning to their home communities; expedite the processing of NGO memoranda of understanding (MOUs) to implement anti-trafficking projects; implement and support a visible anti-trafficking awareness campaign directed at clients of the sex trade; and increase collaboration with international organizations and civil society to build capacity to combat trafficking in persons.

### Prosecution

The Lao government made progress in its anti-trafficking law enforcement efforts during the year. Laos prohibits all forms of human trafficking through its 2006 revision of Penal Code Article 134, which prescribes penalties ranging from five years' to life imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Authorities reported investigating 20 trafficking cases involving 47 alleged offenders, and convicting 33 trafficking offenders in 2010, compared with zero convictions during the previous

year. However, court proceedings lacked due process and transparency, the Lao judicial sector remained weak and inefficient, and prison conditions raised serious human rights concerns. The general public's reluctance to use the court system hampers the government's ability to effectively pursue trafficking cases; most Lao prefer to rely on village mediation to resolve conflicts. In at least seven of the 33 convictions, sentences ranged from six years' to over 16 years' imprisonment. International organizations and NGOs were not able to verify data provided by the government. The government did not report prosecuting any cases of internal trafficking. Impunity of corrupt government officials remained a problem throughout the Lao justice system. Corruption is endemic in Laos, and observers of trafficking in Laos believe that some public officials – particularly at local levels – are involved in facilitating human trafficking, sometimes in collusion with their Thai counterparts. Nevertheless, the government has never reported any officials investigated, prosecuted, or punished for involvement in trafficking in persons. The government continued to partner with international organizations and NGOs on law enforcement capacity building.

### Protection

The Government of Laos made increased efforts to identify and assist trafficking victims during the reporting period. While the government did not create or implement formal victim identification procedures to proactively identify victims of trafficking among vulnerable groups, such as migrants returning from Thailand and girls and women detained for involvement in prostitution, authorities reported efforts to identify trafficking victims among the tens of thousands of Lao citizens deported by Thai authorities during the year. Victims were provided with medical care and some were referred to shelters. The government was unable to provide the number of victims identified among deported migrants, but reported that in some groups of deportees, 50 to 100 sex and labor trafficking victims were identified and referred to the police for investigations. The government continued to rely almost completely on NGOs and international organizations to provide victim services. Lao authorities did not report identifying any foreign victims of trafficking during the year. In 2010, Thai authorities identified and repatriated approximately 145 Lao victims under an official repatriation mechanism, almost all of whom were underage girls. The Lao Embassy in Bangkok assisted in coordinating repatriation of Lao nationals who were identified as trafficking victims in Thailand. The Lao Ministry of Labor and Social Welfare (MLSW), with support from an international organization, continued to operate a small transit center in Vientiane for victims identified and repatriated by Thai authorities; the victims remained in the shelter for one week while authorities conducted medical check-ups and family tracing. However, while most repatriated victims were from southern Laos, all victims were required to be processed through the Vientiane transit center in central Laos. Female victims who were interested in receiving greater assistance were referred to one of three NGO shelters or a Lao Women's Union (LWU) shelter that assists victims of domestic violence or trafficking that provided longer term care and vocational training.

There were no such shelters available for male victims of trafficking. The transit center also received victims referred from local law enforcement officials, but authorities did not report how many domestic or foreign victims were referred to the transit center or shelters. The LWU operates counseling centers in six provinces to provide information about trafficking prevention and, with the assistance of international NGOs and foreign donors, helped to run a shelter in Vientiane to assist victims and help reintegrate them into society. Women and children who are identified as trafficking victims are exempted from criminal prosecution for unlawful acts committed as a direct result of trafficking, but the law does not protect men from prosecution. The government reported encouraging victims to cooperate with prosecutions, but did not provide witness protection to victims. While the government depended on NGOs to provide resources for many trafficking initiatives, inefficiency within the government in the signing of NGO MOUs has caused lengthy delays in implementing anti-trafficking efforts in Laos. The Law on Development and Protection of Women includes protection provisions for victims of trafficking, but these provisions do not apply to men. Victim protection guidelines were drafted with support from the UN and NGOs, but are awaiting government approval. Victim access to legal redress is hampered by a lack of resources on the part of victims and the legal community. Trafficking victims are allowed to file civil suits against their traffickers, though this has never been done in practice. Victims are not made aware of legal resources available, even if local officials in their areas received training on human trafficking. Laos does not provide legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship.

## Prevention

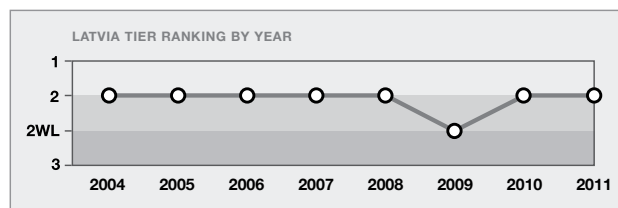
The Lao government continued limited efforts to prevent trafficking in persons with assistance from international organizations and NGOs. The MLSW continued work with UNICEF and NGOs on public awareness efforts on the risks of child trafficking. Government-controlled media continued to report on human trafficking in newspapers. Authorities continued to publicize warnings about child sex tourism during the year. In September 2010, the Lao Youth Union hosted a seminar on human trafficking prevention. During the year, the Ministerial Committee on Trafficking continued to meet on a quarterly basis. The National Assembly approved a National Plan of Action on human trafficking in 2007 that has yet to be approved by the Prime Minister's Office. In April 2010, the government signed an MOU on victim repatriation with the Government of Vietnam. Authorities did not employ screening procedures to identify trafficking victims among persons found in prostitution during raids of nightclubs used as fronts for commercial sex. The government did not make efforts during the year to reduce the demand for commercial sex.

## LATVIA (Tier 2)

Latvia is a source country for women, men, and children subjected to sex trafficking and forced labor. Latvian women are forced into prostitution in Italy, Spain, Ireland, Greece, Cyprus, the Netherlands, and Germany. Latvian men and

women have been subjected to conditions of forced labor in the United Kingdom and there were anecdotal reports that Latvian men may have been subjected to conditions of forced labor in Sweden. In prior years, there were unofficial reports that some Latvian teenage girls were subjected to sex trafficking within the country.

The Government of Latvia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government established an intra-governmental coordination mechanism and began to develop policies to combat labor trafficking. The government also sustained funding for victim assistance despite government-wide budget cuts and developed improved procedures to identify victims of trafficking. The government demonstrated progress in prosecuting and convicting trafficking offenders, though the majority of convicted trafficking offenders continued to avoid punishment that included jail time. Moreover, none of the investigations opened in the last year involved suspected labor trafficking. In the coming year, the government should improve its response to labor trafficking, use its intra-governmental mechanism to further strengthen and clarify victim identification procedures, and empower all anti-trafficking actors to share information with each other and the public.



**Recommendations for Latvia:** Increase efforts to identify victims, particularly victims of labor trafficking and domestic victims; refer all potential victims of trafficking for victim certification in order to qualify for government-funded victim assistance; improve identification of victims of labor trafficking, including possibly through the development of regulations governing identification procedures and identification criteria; increase investigations and prosecutions of suspected domestic and labor trafficking offenses; impose criminal penalties on convicted trafficking offenders commensurate with the gravity of the crime committed; consider enhancing internal and external monitoring and reporting functions to ensure that all victims identified by government actors, including victims identified abroad by Latvian officials, are given access to government-funded assistance, and that national anti-trafficking policy development considers and enhances monitoring and reporting functions; continue efforts to ensure that all victims of trafficking are provided appropriate protections throughout the investigation and prosecution of trafficking offenses; continue implementing the 2009-2013 National Anti-Trafficking Program; consider centralizing anti-trafficking hotlines to enhance trafficking prevention and identification of trafficking victims; continue efforts to systematically monitor trafficking trends; and increase efforts to raise awareness about both sex and labor trafficking.



## Prosecution

The Latvian government demonstrated improvement in its law enforcement efforts to combat trafficking in persons, despite the fact that it did not initiate new prosecutions of labor trafficking offenses in 2010. Latvia prohibits all forms of trafficking through Sections 154-1 and 165-1 of its Criminal Law, which prescribe penalties ranging from a fine up to 15 years' imprisonment. These prescribed penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government used Section 165-1 – a non-trafficking law prohibiting the transfer of individuals for the purpose of sexual exploitation of persons – to investigate, prosecute, and achieve convictions in most trafficking cases during the reporting period. Use of this statute allowed prosecutors more flexibility to pursue cases in which the element of force, fraud, or coercion was more difficult to establish. Both the police and the prosecutors' offices have specialized anti-trafficking units. In general, the government's investigation and prosecution of criminal trafficking cases increased in 2010. The government reported investigating 38 suspected offenders in 33 criminal cases, in contrast to 34 cases investigated in 2009. None of the new investigations in 2010 involved suspected labor trafficking, despite continuing international reports that Latvian citizens were potentially subjected to forced labor abroad and reports that there were potential victims of trafficking in the domestic grey market economy. Latvian authorities in 2010, however, continued the prosecution of two major cases started in previous years; these cases involved alleged labor trafficking. Latvian authorities prosecuted 39 suspected trafficking offenders in 2010, a 50 percent increase from 26 offenders prosecuted in 2009. In 2010, 21 trafficking offenders received final convictions from the Courts of First Instance, an increase from the 15 offenders who received final convictions in 2009. These figures do not include appealed convictions. Nevertheless, sentencing rates for final convictions remained low. Only five of the 21 convicted trafficking offenders were sentenced to time in prison. Of those five offenders, one received a sentence of less than one year; three offenders were sentenced to terms of one to five years and one was sentenced to a term of five to 10 years in prison. This is roughly the same sentencing rate that Latvia displayed in 2009, when four out of 15 convicted trafficking offenders received time in prison.

This year, more convicted trafficking offenders filed appeals with the Supreme Court than in previous years. In 2010, the Supreme Court reviewed cases against a total of 10 offenders. Most of these offenders were convicted by a Court of First Instance in 2010. Two of these offenders had received conditional sentences with three years' probation from the Court of First Instance; three had been sentenced to prison terms of two to five years; five offenders had been sentenced to terms of 10 years or more.

The Latvian state police developed new regulations to improve trafficking investigations during the reporting period. Since September 2010, the regional police departments were obliged to provide monthly reports to the state police's anti-trafficking unit on any crimes potentially involving trafficking in persons, pimping, and other prostitution laws to enable specialists to screen the

criminal cases for potential trafficking violations. The government participated in a wide range of anti-trafficking training activities in 2010. The Ministry of Foreign Affairs provided three separate trainings for its consular officials and representatives of foreign missions in November and May on identification of trafficking victims. The government of Latvia collaborated with law enforcement officials in several countries, including Germany, Greece, Italy, and the United Kingdom, on anti-trafficking investigations.

## Protection

The government sustained its victim protection efforts. The Ministry of Welfare provided approximately \$70,000 to a designated NGO to provide comprehensive services for victims of trafficking, in contrast to approximately \$78,000 provided in 2009. Each trafficking victim could receive up to six months of rehabilitative care, including psychological care, medical aid, legal representation, and housing, if necessary. The government certified nine new victims for the state-funded victim assistance program in 2010, in contrast to 10 new victims certified in 2009. Seven of the victims certified in 2009 continued receiving state-funded services in 2010. Local NGOs identified and assisted a further five victims of trafficking, none of whom participated in the state-funded program. The NGOs attributed the lack of participation in the government program to distrust of the police or concerns about confidentiality. Government officials also reported that many trafficking victims declined cooperation with criminal trafficking proceedings, in part because many individuals did not wish to identify themselves as trafficking victims. All victims certified were female, despite reports that Latvian men were subject to potential labor trafficking. This year, the government did not identify either foreign or domestic victims within Latvia. The government implemented a panel system of certifying victims of trafficking, including psychologist and NGO participation. Nevertheless, the Latvian government faced challenges in providing state-funded assistance, including for repatriation, to potential victims identified outside of Latvia. The Government of Latvia had no formal government-wide system to report suspected victims identified by Latvian government actors, both domestically and abroad, to ensure continuity of their care. The Government of Latvia adopted flexible efforts to protect victims during trial, by enabling some substitutes for testimony in cases of trauma, although implementation of these procedures remained somewhat inconsistent. There were no reports that identified victims were penalized for unlawful acts committed as a direct result of their being trafficked during the reporting period.

## Prevention

The Latvian government demonstrated clear improvement in its prevention efforts in 2010, particularly by enhancing intra-governmental cooperation and leadership on trafficking in persons. In March 2010, the government launched a new working group on trafficking in persons, headed by the national anti-trafficking coordinator at the Ministry of Interior. The working group designated an official to improve the Latvian government's labor

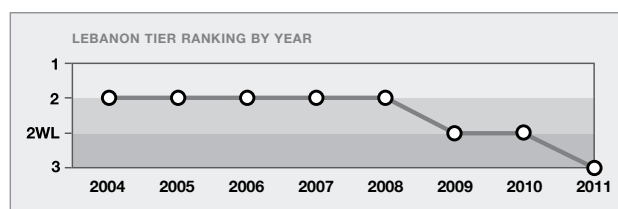
trafficking response, to develop victim identification criteria for labor trafficking, and to enhance intra-governmental communication on labor trafficking. NGOs reported, however, that the government's system of coordination needed to be formalized and publicized so that it was clear to all actors which agencies were responsible for anti-trafficking activities and victim identification. The Government of Latvia began participation in an EU project on human trafficking risk assessments for women in prostitution, analyzing risk factors for potential victims of trafficking. In January 2011, it began a separate project involving the use of innovative software to access extensive information about victims in criminal cases. In March 2011, the Latvian government released a public report on the implementation of its national action plan, describing its anti-trafficking activities and publishing its data on prosecution and victim protection. In 2010, the Ministry of Education provided trafficking awareness training to 215 school teachers. The Government of Latvia also supported a campaign to raise awareness about the vulnerabilities to human trafficking inherent in brokered marriages abroad, which put women at risk for forced prostitution and other forms of exploitation. The government continued to maintain various hotlines for the exchange of trafficking information with the general public, but it did not have a centralized trafficking hotline. Despite these prevention efforts, there were anecdotal reports that there was low public awareness or minimal public disapproval of trafficking, particularly following the economic crisis.

## LEBANON (Tier 3)

Lebanon is a source and destination country for women and children who are subjected to forced labor and sex trafficking. The country may also be a transit point for Eastern European women and children destined for sex trafficking in other Middle Eastern countries. Women from Sri Lanka, the Philippines, Ethiopia, Bangladesh, Nepal, and Madagascar who travel to Lebanon voluntarily with the assistance of recruitment agencies to work in domestic service often find themselves in conditions of forced labor, including through the use of such practices as withholding of passports, nonpayment of wages, restrictions on movement, verbal abuse, and physical assault. Workers who leave their employer's house without permission automatically lose their legal status unless a change in their sponsorship is pre-arranged and approved by the General Directorate for General Security (SG), the government agency responsible for the entry, residency, and departure of foreign workers. Some employers threaten workers with the loss of this legal status in order to keep them in forced labor and, in some cases, have kept foreign domestic workers confined in houses for years. The government's *artiste* visa program, which in 2010 facilitated the entry of 5,595 women from Eastern Europe, Morocco, Tunisia, and Algeria on three-month visas to work as dancers in the adult entertainment industry, serves to sustain a significant sex trade and enables forced prostitution through such practices as withholding of passports and restrictions on movement. Some Syrian women in street prostitution may be forced to engage in the sex trade and Syrian girls

are reportedly brought to Lebanon for the purpose of prostitution, including through the guise of early marriage. Anecdotal information indicates that Lebanese children are subjected to situations of forced labor, particularly street begging, within the country, as well as commercial sexual exploitation facilitated by male pimps, husbands, and "boyfriends," at times through early marriage. Small numbers of Lebanese girls may be taken to other Arab countries for forced prostitution.

The Government of Lebanon does not fully comply with the minimum standards for the elimination of trafficking and has been placed on Tier 2 Watch List for the last three consecutive years. Therefore, pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, Lebanon is deemed not to be making significant efforts to comply with the minimum standards and is placed on Tier 3. The government neither made combating human trafficking a national priority during the reporting period nor allocated resources to protecting victims. It also made no concerted efforts to educate the Lebanese public regarding the issue and failed to show substantial progress in identifying foreign victims of trafficking – particularly victims of domestic servitude and commercial sexual exploitation. It failed to bring specific charges of forced labor or forced prostitution in cases involving abuses against migrant workers and did not provide stringent punishments that would deter such crimes. The government did, however, draft legislation providing increased protection to migrant domestic workers, transmit a draft anti-trafficking law to parliament for review, establish an office and hotline to receive workers' complaints, and improve through training the SG's recognition of trafficking indicators, investigation of abuse allegations, and referral of victims to assistance. The Lebanese government collapsed in January 2011; the current "caretaker" government cannot pass or enact new legislation.



**Recommendations for Lebanon:** Enact draft anti-trafficking amendments to the criminal code, the Labor Law amendment extending legal protections to foreign workers, and the draft law providing increased labor protections to domestic workers; investigate and prosecute trafficking offenses using existing laws – particularly laws prohibiting forced labor, forced prostitution, and the confiscation of domestic workers' passports – and convict and punish trafficking offenders; provide services to migrant workers and Lebanese nationals who are victims of forced labor and forced prostitution, such as shelter, access to legal aid and interpretation, and counseling; develop and institute formal procedures to identify victims of trafficking among vulnerable populations, such as women holding "artiste" visas and domestic workers who have escaped abusive employers; ensure that identified victims of trafficking are promptly referred to protection services rather than detained for unlawful acts committed as a direct

result of being trafficked, such as immigration violations or prostitution; raise awareness about the existence and uses of the Ministry of Labor's complaints office and hotline, and enhance the quality of services provided; and amend the unified employment contract for domestic workers to recognize the worker's right to leave her employer's house during her time off and retain her passport.

### Prosecution

While the government took steps to improve labor rights and protections for domestic workers during the reporting period, it failed to investigate or prosecute trafficking offenses committed against migrant workers, or convict and sentence trafficking offenders. Although Lebanon lacks a comprehensive anti-trafficking statute, its current criminal code prohibits all forms of human trafficking. The prescribed penalties of a minimum of one year's imprisonment for forced prostitution (Article 524) or a maximum of two years' imprisonment for inducing children into prostitution (Article 73) are neither sufficiently stringent nor commensurate with those prescribed for other serious crimes, such as rape. Penalties of temporary hard labor for deprivation of freedom (Article 569) and one year's imprisonment for forced labor or involuntary servitude (Article 649) are not sufficiently stringent. In the few occasions when Lebanese courts addressed trafficking offenses, they usually used Article 554 (Personal Injuries). In July 2010, the cabinet approved draft amendments to Lebanon's criminal code prohibiting human trafficking and sent them to Parliament for review by the relevant committees. These amendments would categorize human trafficking as a felony and prescribe penalties of five to seven years' imprisonment, with higher punishments available for aggravating circumstances. They would also permit victims to remain in Lebanon during the investigation and prosecution of their cases. A labor law amendment that would extend legal protections to foreign workers has been awaiting submission to the cabinet by the Ministry of Labor for more than two years; this amendment does not cover foreign domestic workers, who constitute the majority of foreign migrant workers in Lebanon. To remedy this, the Minister of Labor convened several meetings of the National Steering Committee on the Rights of Migrant Workers to draft a law extending labor protections to both Lebanese and foreign domestic workers; at a February 2011 press conference, the caretaker labor minister acknowledged the existence of human trafficking in Lebanon and indicated that the draft law was awaiting presentation to the new cabinet, once appointed.

There is no evidence that a sex trafficking case has ever been prosecuted in Lebanon, and the government has yet to prosecute a case of forced labor against an employer under Article 649. Pursuit of such cases was hampered by bureaucratic indifference and inefficiency, difficulty proving cases of alleged abuse, victims' lack of adequate legal representation and knowledge of their rights, court backlogs, immediate deportation of *artistes* who complain of abuse, and cultural biases, particularly against foreign domestic workers. Lack of sufficient anti-trafficking training also hindered prosecutors' and judges' recognition of potential cases. Given the significant hurdles to pursuing criminal complaints in the Lebanese court system,

many foreign victims opted for quick administrative settlements followed by mandatory deportation rather than long, complicated criminal prosecutions. Evidence suggests, however, that many cases were not resolved, and trafficking victims were deported without receiving even their wages due. The Ministries of Labor and Justice and the SG provided information on their anti-trafficking efforts, but they did not automate most recordkeeping, so data was incomplete and may be inaccurate. During the year, some civil and criminal courts heard cases brought by domestic workers, primarily concerning the nonpayment of wages and physical abuse, which are indicative of trafficking offenses, though it is not clear if the underlying abuse rose to the level of trafficking. The government reported that it prosecuted two cases involving potential trafficking offenses in 2010 and overturned an earlier conviction. However, the courts failed to consider whether forced labor offenses were perpetrated against the victims. Pursuant to Article 554, the Penal Judge of Jbeil convicted an employer of physically abusing a Sri Lankan domestic worker in June 2010. The employer was sentenced to one month's imprisonment, barred from entering any employment contract with a domestic worker for five years, and required to pay legal costs and damages of \$6,666. Pursuant to Article 624 Section 1 of the Obligations and Contracts Law, a Filipina domestic worker brought charges of unpaid wages against her employer in January 2010. Although in March 2010 the Labor Court in Beirut ordered the employer to repay the \$1,200 in back-wages sought by the worker, it failed to address the physical abuse alleged by the victim and required the victim to share court fees with the employer. As reported previously, an employer was sentenced in December 2009 to 15 days' imprisonment and \$7,200 in damages for regularly beating her Filipina domestic worker. In October 2010, the appeal court overturned the sentence of imprisonment and reduced damages to \$666 without providing its reasoning for overturning the conviction. The government did not provide specialized training for its officials to recognize, investigate, or prosecute cases of trafficking; all issue-specific training received by SG and Internal Security Forces (ISF) staff in 2010 was provided by NGOs.

### Protection

The government neither made sufficient efforts to ensure that trafficking victims received access to protective services nor allocated resources to provide for their care during the reporting period. Its continued lack of systematic guidelines for proactively identifying trafficking victims among high risk populations led to the deportation of most runaway domestic workers and *artistes* without determining if they were trafficking victims. Illegal workers were generally not prosecuted or fined, but they were typically arrested and detained for between one and 10 months before being deported without being screened for indicators of trafficking. The SG operated a prison-style detention center in Beirut for up to 500 migrant workers in violation of their visa status or illegally present and awaiting disposition of their cases. In April 2010, a joint government-NGO working committee on victim protection issued standard operating procedures to guide the SG in the handling of irregular migrants held at its detention center, many of whom are foreign domestic



workers, to enable more efficient and timely processing. The procedures became effective in June 2010, but they lack specific guidance for identifying victims of trafficking among administrative detainees. Some SG guards, however, began to refer more systematically and objectively women suspected of being trafficking victims directly to an NGO for screening and care upon their arrival at the detention center; the determination of victim status was made by the NGO. In 2010, the SG and ISF referred only seven victims of trafficking to the NGO, which provided a variety of services to 136 victims of both labor and sex trafficking in 2010, including shelter for 102 victims at its safe house. The government did not provide victims with services and relied on this NGO and shelters operated by source country embassies to do so. In some cases, ISF staff interviewed trafficking victims at this safe house, rather than taking them to the police station. During the year, embassy shelters provided care to over 750 out-of-status domestic workers, some of whom may have been trafficking victims.

The government continued some policies and practices that rendered migrant women vulnerable to trafficking. For example, authorities required that women recruited under its *artiste* visa program be confined in hotels for most of the day and summarily deported them if they complained of mistreatment; cases involving the exploitation of *artistes* were rarely referred to the NGO for assistance. Victims were neither encouraged to bring their cases to the attention of public prosecutors nor offered residency status or other legal alternatives to removal to countries where they might face hardship or retribution.

### Prevention

Lebanon made limited efforts to prevent trafficking over the last year. The National Steering Committee for Trafficking in Persons, which advises the government on draft laws and decrees, met 12 times during the year to discuss the draft law on domestic workers, as well as the unified employment contract for migrant workers. This standard contract, in use since February 2009, is still not available in the 12 most common languages of migrant laborers; domestic workers must sign the contract in Arabic, a language that most cannot read. The government made no effort during the reporting period to enforce its law prohibiting the confiscation of passports belonging to foreign migrants arriving in Lebanon. The standard SG procedure of surrendering arriving domestic workers' passports to their sponsors upon arrival limits those workers' freedom of movement and makes them vulnerable to situations of human trafficking. In March 2010, the Higher Council for Childhood (HCC), part of the Ministry of Social Affairs, hosted, in partnership with an international and a local NGO, a training program for 30 ISF officers on child trafficking; HCC staff presented a session on human rights during this event. Training provided by NGOs reportedly led to SG officers' increased recognition that nonpayment of wages and physical abuse of domestic workers are indicators of human trafficking. The SG raided the house of and issued an arrest warrant for a domestic worker's employer after he failed three times to appear to face allegations of nonpayment of wages. In another case, a recruitment agent was arrested and jailed on charges of physically abusing a migrant domestic

worker; his case is pending in court. During the year, SG participated in the resolution of 55 cases involving domestic workers through administrative arrangements and granted 14 foreign trafficking victims release papers from their abusive employers, enabling them legally to seek alternate employment.

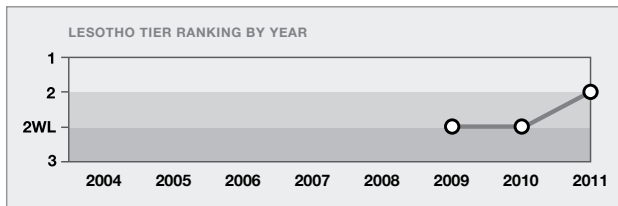
In April 2010, the Labor Minister established an office and hotline to receive labor complaints from foreign workers. Between April and January 2011, the hotline operated between the hours of 8 am and 2 pm and the two contracted staff members could not speak the languages most commonly spoken by migrant workers. The hotline reportedly received few trafficking-related complaints, presumably due to the targeted population's limited awareness of its existence, and it lacked an established protocol for following up on information received. Since the collapse of the government, the hotline cannot operate because its staff is considered to be employed by the minister, who is now in caretaker status. The Ministry of Labor provided no statistics documenting the work of its 130 inspectors charged with investigating situations of forced adult or child labor, and the 501 licensed employment agencies received little state supervision by the ministry. The SG continued implementation of its pilot program that distributed brochures to an unknown number of departing Moldovan *artistes* containing information on NGO resources available to trafficking victims in Moldova. Lebanese authorities provided no services, however, to Moldovan victims of sex trafficking. The government did not take any steps to reduce the demand for forced labor or commercial sex acts during the year.

## LESOTHO (Tier 2)

Lesotho is a source and transit country for women and children subjected to conditions of forced labor and sex trafficking, and for men in conditions of forced labor. Within Lesotho, women and children are subjected to domestic servitude and children, to a lesser extent, to commercial sexual exploitation. Basotho women and children are exploited in South Africa in domestic servitude and some girls brought to South Africa for forced marriages in remote villages may subsequently encounter situations of domestic servitude or commercial sexual exploitation. Long-distance truck drivers offer to transport women and girls looking for legitimate employment. *En route*, the drivers rape some of these women and girls, before forcing them into prostitution in South Africa. Others voluntarily migrate to South Africa seeking work in domestic service and are detained in prison-like conditions and forced to engage in prostitution. Some Basotho men who migrate voluntarily, though illegally, to South Africa to work in agriculture and mining become victims of forced labor; many work for weeks or months without pay, with their employer turning them over to authorities to be deported for immigration violations just before their promised pay day. There is evidence that Basotho residents in South Africa return to Lesotho as labor recruiters for farms in South Africa. Basotho are also coerced into committing crimes, including theft, drug dealing, and drug smuggling under threats of violence, through forced drug use, or with promises of food. Most traffickers operate in informal

associations and acquire victims from their families or neighbors. Chinese and, reportedly, Nigerian organized crime rings, however, acquire some Basotho victims while transporting foreign victims through Lesotho to Johannesburg.

The Government of Lesotho does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government enacted comprehensive anti-trafficking legislation that prohibits and punishes all forms of trafficking and requires protection measures for victims of trafficking. It also convicted and punished at least one trafficking offender. The government's anti-trafficking efforts, however, continue to lack inter-ministerial coordination, as well as a mechanism to ensure formal identification and protection of victims. By enacting an anti-trafficking statute and continuing to draft a national action plan, the government has demonstrated political will to combat trafficking in persons, build capacity to undertake stronger anti-trafficking law enforcement efforts, and improve victim protection measures in the coming year.



**Recommendations for Lesotho:** Complete implementing regulations for the 2011 anti-trafficking act; finalize and implement the national anti-trafficking action plan; investigate and prosecute trafficking offenses under the 2011 act; provide care to victims of trafficking via government centers or in partnerships with international organizations or NGOs, and develop a formal mechanism, in line with the 2011 act, to refer victims to such care; develop a formal system to proactively identify trafficking victims among vulnerable populations; increase training for law enforcement officers in victim identification, particularly at border points; forge a partnership with South African police to investigate reports of Basotho forced to labor on farms in South Africa and prosecute exploitative farm owners; establish a system to collect and analyze data on victims identified and assisted, trafficking offenses investigated and prosecuted, and trafficking offenders convicted and punished; and launch a national anti-trafficking awareness campaign.

### Prosecution

The government increased its capacity to conduct law enforcement efforts by enacting anti-trafficking legislation and investigating suspected trafficking cases. In December 2010, the Parliament passed the Anti-Trafficking in Persons Act, which comprehensively prohibits and punishes all forms of trafficking in persons. Becoming effective in January 2011, the act prescribes penalties of 25 years' imprisonment or a fine of \$142,857 under Section 5(1) for the trafficking of adults and life imprisonment or a fine of \$285,714 under Section 5(2) for the trafficking of children;

these penalties are sufficiently stringent and commensurate with other serious crimes. Labor recruiters who knowingly recruit workers for forced labor are liable for the same penalties as traffickers. However, the government has yet to draft implementing regulations necessary to enforce the legislation. In the absence of anti-trafficking legislation prior to passing the act, the government reported its investigation in 2010 of 84 cases nationwide under the Sexual Offenses Act; however, due to the government's continued lack of a law enforcement data collection mechanism, specific case details were unavailable for the majority of these prosecutions at the close of the reporting period. In Maseru District, the government convicted at least one trafficking offender under the Sexual Offenses Act, sentencing him to 15 years' imprisonment for raping his domestic worker, whom he had also assaulted with a pick axe and failed to pay during her eight months' employment. Seven of these cases led to joint investigations between the Child and Gender Protection Unit (CGPU) of the Lesotho Mounted Police Service (LMPS) and the South African Police Service (SAPS), which remain ongoing. During the reporting period, the LMPS and SAPS began meeting periodically to discuss cross-border crimes, including human trafficking. The government did not provide data on investigations, prosecutions, convictions, or sentences of public officials complicit in human trafficking, though there was no evidence of government involvement in or tolerance of trafficking on a local or institutional level. In 2010, the LMPS provided training on trafficking definitions and basic victim identification to some of its officers.

### Protection

Through its passage of the 2011 anti-trafficking act, the government increased its capacity to protect victims of trafficking over the last year by requiring the establishment of care centers throughout the country and granting new rights to trafficking victims. The act requires such centers to offer accommodation, health care, counseling, and rehabilitation services, as well as temporary basic material support for the care of child victims and reintegration of adult victims into their families. Still without such centers, the government partnered with NGO-run care centers to provide victims with assistance; of the seven victims NGOs provided services to during the reporting period, the CGPU referred four. In March 2011, the Department of Social Welfare trained 21 officials from each of four districts on trafficking definitions and basic victim identification. Medical services were provided to victims free of charge at government hospitals and clinics. In August 2010, the government opened a one-stop drop-in center in Maseru, for the protection of victims of gender-based violence, including specialized services for both male and female victims of trafficking; the centers' staff are primarily privately funded, though include some government employees. Due to financial constraints, the center is unable to provide accommodation, life skills, and other services. No visitors to the center were identified as trafficking victims during the reporting period. In 2010, the government allocated \$171,428 to the Department of Gender for administrative costs, outreach, and sensitization campaigns to combat gender-based violence, including trafficking in persons.

Law enforcement officers did not proactively identify victims among other vulnerable populations, such as women and children in prostitution. While the act requires police to begin investigation of trafficking cases within 24 hours and refer victims to a place of safety, the current lack of a victim referral system is a significant gap in Lesotho's anti-trafficking efforts. The act protects victims from prosecution for unlawful acts committed as a direct result of being trafficked, provides foreign victims with permanent residency as a legal alternative to their removal, and encourages victims to assist in the investigation of traffickers. It is unknown whether victims assisted in investigations or prosecutions during the year. There is no evidence that victims were prosecuted for acts committed as a result of being trafficked.

### Prevention

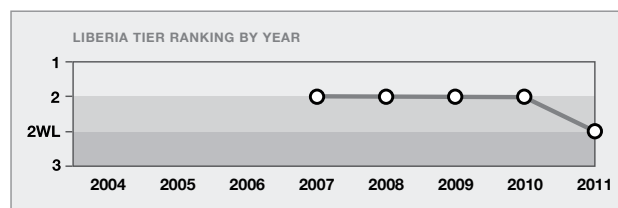
The Government of Lesotho continued strong efforts to prevent trafficking. The Multi-Sectoral Committee on Trafficking drafted the anti-trafficking act and a national plan of action; the committee has not, however, formally met since June 2010 and the plan has not been finalized. In June 2010, the government released a Rapid Assessment of Trafficking in Persons in Lesotho, the first formal assessment of trafficking in Lesotho, conducted by a consultant with support from UNDP, the Ministry of Home Affairs, and NGOs. Authorities also conducted several high-visibility information campaigns. In June 2010, the Ministry of Home Affairs sponsored a workshop to sensitize 70 parliamentarians on trafficking in persons. In December, the ministry issued a public service announcement warning people to be wary of offers of job and educational opportunities, recommending that such offers be verified with the Ministry of Foreign Affairs. In December, the ministry also screened a film on human trafficking at the main cinema in Maseru, reaching a total of 150 people. Three weekly radio programs focus on trafficking in persons; the head of the CGPU participates in these programs. The Ministry of Home Affairs, in partnership with the Government of South Africa, ran sensitization campaigns on gender-based violence, including a portion on trafficking in persons, which targeted border regions where trafficking is more prevalent. The government did not take action to reduce the demand for commercial sex acts.

## LIBERIA (Tier 2 Watch List)

Liberia is a source, transit, and destination country, principally for young women and children subjected to forced labor and sex trafficking. Most trafficking victims originate from within the country's borders and are subjected to domestic servitude, forced begging to support religious instructors, forced labor in street vending, on rubber plantations, and alluvial diamond sites, or sex trafficking. Traffickers operate independently and are commonly family members who may promise poorer relatives a better life for their children. Children sent to work as domestic servants for wealthier relatives are vulnerable to forced labor or to a lesser extent, commercial sexual exploitation. Victims of cross-border trafficking come to Liberia from Sierra Leone, Guinea,

Cote d'Ivoire, and Nigeria and are subjected to the same types of exploitation as internally trafficked victims. A small number of men, women, and children from Liberia are trafficked to Cote d'Ivoire, Guinea, Sierra Leone, and Nigeria.

The Government of Liberia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these modest efforts, however, the government has not shown evidence of increasing efforts to prosecute and punish trafficking offenders and protect trafficking victims; therefore, Liberia is placed on Tier 2 Watch List. The Liberian government has never convicted a trafficking offender using its 2005 anti-trafficking law; it reported conducting two investigations of trafficking cases during the year, but did not initiate any prosecutions or convict any traffickers. The government did not provide training to law enforcement officials or magistrates, and many members of the government conflate kidnapping and smuggling offenses with human trafficking crimes. The Anti-Human Trafficking Taskforce held a workshop in November 2010 to establish a formal system for referring victims to legal services and protective care, and the draft is being circulated among the relevant government ministries for final adoption. The government did not allocate funds to the taskforce, which suspended its regular meetings between May 2010 and January 2011. The government undertook limited prevention measures.



**Recommendations for Liberia:** Increase efforts to investigate and prosecute trafficking offenses and punish trafficking offenders; train law enforcement officials and magistrates to use the anti-trafficking law and to distinguish trafficking crimes from cases of human smuggling or kidnapping; allocate government resources or secure donor funding to support the operations of the Anti-Human Trafficking Taskforce, and ensure that this body meets on a regular basis; complete efforts to develop a formal referral system to connect victims to legal services and protective care; investigate possible collusion of government personnel in human trafficking; and increase efforts to educate the public about the dangers of human trafficking.

### Prosecution

The Government of Liberia did not increase its minimal law enforcement efforts to combat trafficking during the reporting period. Liberia's 2005 Act to Ban Trafficking in Persons specifically prohibits all forms of transnational as well as internal trafficking. This law prescribes a minimum sentence of one year's imprisonment for the trafficking of adults and six years' imprisonment for the trafficking of children. The penalty for the trafficking of children is



sufficiently stringent, but the penalty for the trafficking of adults is not, and the prescribed penalties for sex trafficking are not commensurate with the prescribed penalty for rape. If a child is or at least two women are being transported for the purpose of prostitution, or if such transport results in injury to the victim, the maximum sentence for these aggravating circumstances is 20 years' imprisonment. The Women and Children Protection Section of the Liberian National Police reported it investigated two cases of trafficking during the year; however, it did not prosecute, convict, or sentence any trafficking offenders this year and has yet to convict a trafficker under the Act to Ban Trafficking in Persons. Four suspected trafficking offenders, arrested in 2009, were acquitted on charges of extortion, and five cases from the same year remained pending at the close of the reporting period. All new Liberian national police officers received training to report suspected trafficking cases to the Women and Children Protection Section, and 293 of these officers received this training during the reporting period. The government provided specialized training on the provision of services to victims and the investigation of trafficking offenses to the anti-trafficking units of the Women and Children Protection Section and the Bureau of Immigration and Naturalization. There were no allegations of law enforcement complicity in trafficking cases during the reporting period and as such, no law enforcement officials were investigated, prosecuted, or convicted for involvement in human trafficking, though allegations of law enforcement and judicial officials' complicity in trafficking existed in previous years.

### Protection

During the past year, the government did not provide protective services to victims though it coordinated with NGOs and international organizations to provide care to two victims, one of whom had been repatriated from Sierra Leone. No specialized services existed for trafficking victims in Liberia. Although the majority of trafficking cases occur within the country, no victims of internal trafficking were identified during the year, indicating that law enforcement officials did not adequately screen vulnerable populations, such as children in street vending or individuals in prostitution, to identify and assist trafficking victims. In November 2010, the government's Anti-Human Trafficking Taskforce conducted a workshop to develop a referral committee and to establish a formal process for referring victims to legal services and protective care. Documents produced from this workshop are still in draft form and have not been made public. During the reporting year, the government repatriated one boy from Sierra Leone and reunited him with his mother, and allowed one Nigerian woman who had been forced into prostitution to remain in Liberia. Her application for residency is currently being processed. The 2005 Act to Ban Trafficking in Persons absolves victims from responsibility for unlawful acts committed as a result of their being trafficked, and there were no reports that this practice occurred. The government claimed to encourage victims to assist with the investigation and prosecution of traffickers; however, no prosecutions were initiated during the year.

### Prevention

The Liberian government took modest efforts to prevent trafficking in persons throughout the reporting period. The Ministry of Labor ran a weekly radio show, which reached limited regions of the country and sometimes featured anti-trafficking actors from the community, in order to raise awareness issues related to labor trafficking. The Anti-Human Trafficking Task Force, the government's coordinating body to fight trafficking, met in May 2010 and January 2011, but suspended meetings in the interim due to a lack of government funding and internal issues. Since July, the government has registered approximately 62,000 children as part of a pilot birth registration and certification program in three counties, in an effort to reestablish many of the records that were lost in the country's civil war. In 2010, the government took modest efforts to reduce the demand for commercial sex with the president's delivery of an anti-prostitution message on the radio.

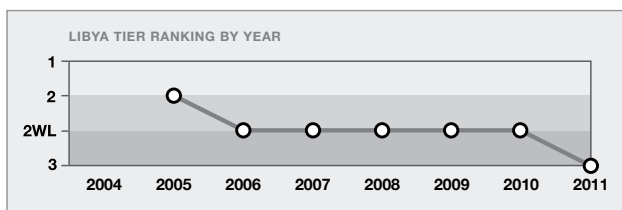
## LIBYA (Tier 3)

Libya is a destination and transit country for men and women from sub-Saharan Africa and Asia subjected to forced labor and forced prostitution. Migrants typically seek employment in Libya as laborers and domestic workers or transit Libya *en route* to Europe. Although precise figures are unavailable, there were an estimated 1.5 to 2 million foreigners in Libya at the end of 2010. Increasingly, an unknown number of migrant workers in the construction sector – particularly Filipinos, Nepalis, Indians, Bangladeshis, and sub-Saharan Africans – faced fraudulent recruitment practices, confiscation of identity and travel documents, withholding or nonpayment of wages, or debt bondage. Since February 2011, Libya has experienced internal unrest, stranding many foreign workers in the country under harsh and unsafe conditions which, in some cases, resulted in death. Some of those workers may be trafficking victims. Trafficking victims are likely to be particularly vulnerable to being trapped in Libya as a result of the confiscation of their travel and identification documents. As of March 2011, international relief organizations were unable to operate in some parts of Libya, exacerbating relief efforts. Some migrant workers were robbed by pro-regime Libyan soldiers, and a Red Crescent official said that soldiers have blocked about 30,000 migrant workers from fleeing into Tunisia and forced many to return to work in Tripoli. A media report asserted that some sub-Saharan African migrants were forced to fight with pro-government groups.

The number of migrants, including trafficking victims, who were smuggled to or through Malta and Italy were considerably smaller than in previous years due to Libyan and Italian joint naval patrols; however, migrants complained of very poor treatment and no efforts to identify trafficking victims among them. Migration to Europe has increased considerably since the onset of the civil disturbance. In many cases, smuggling debts and illegal status leave migrants vulnerable to coercion, resulting in cases of forced prostitution and forced labor. As in previous years, there were isolated reports that

women from sub-Saharan Africa were forced into prostitution in Libya.

The Government of Libya does not fully comply with the minimum standards for the elimination of trafficking and Libya is placed on Tier 2 Watch List for a sixth consecutive year. Therefore, pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, Libya is deemed not to be making significant efforts to comply with the minimum standards and is placed on Tier 3. In the first 11 months of the reporting period, the Libyan government failed to demonstrate significant efforts to investigate and prosecute trafficking offenses or to protect trafficking victims. Moreover, the government's policies and practices with respect to undocumented migrant workers resulted in Libyan authorities also punishing trafficking victims for unlawful acts that were committed as a result of their being trafficked. Following the outbreak of civil unrest in February 2011, accurate information regarding the situation in Libya has become very limited.



**Recommendations for Libya:** Pass and enact legislation that prohibits all forms of trafficking; increase law enforcement efforts to investigate and prosecute trafficking offenses; implement standard procedures on identifying trafficking victims and provide victims with protection; investigate and prosecute officials who are complicit in human trafficking; ensure that victims are not susceptible to deportation or punishment for their unlawful presence in Libya; and undertake an information campaign to raise public awareness of the problem of human trafficking.

### Prosecution

The Government of Libya demonstrated negligible law enforcement efforts over the past year. Libyan law does not prohibit all forms of trafficking. In November 2010, the General People's Committee for Justice drafted amendments to Articles 336-339 of the Libyan Criminal Code, which would criminalize trafficking in persons, although some of the definitions, as drafted, appear overly broad. The draft amendments were reportedly submitted to the General People's Congress for review and approval. While articles in the criminal code prohibit prostitution, sexual exploitation, slavery, and trafficking in women, there was no indication that the government used these statutes to prosecute trafficking offenses during the reporting period. A 2009 Human Rights Watch (HRW) publication included interviews indicating that some police were complicit in human trafficking activities.

### Protection

The Libyan government took minimal steps to improve the protection of trafficking victims during the reporting period. The government did not develop or implement procedures for authorities' proactive identification of trafficking victims, nor did it demonstrate efforts to refer victims detained by authorities to protective facilities. In the first 11 months of the reporting period, the government continued to refer vulnerable migrants on an *ad hoc* basis to international organizations or relief workers; some of these were likely trafficking victims. During parts of the reporting period, the government continued to provide office space in some detention centers where relief workers provided medical and psychological care for an unknown number of detainees, which likely included trafficking victims. The government forced some employers to fund costs of repatriation of some foreign migrant workers who were abused; some of the workers may have been trafficking victims.

International organizations reported that conditions in detention centers worsened significantly since the launch of the Libyan-Italian joint naval patrols in May 2009 and, along with rights groups, expressed concern that the joint patrols return all interdicted migrants to the country without screening for victims of trafficking. The government did not actively encourage victims to participate in the investigation and prosecution of trafficking offenders. The government did not have procedures to identify trafficking victims among undocumented migrants, and thus trafficking victims were often subject to deportation or punishment for their unlawful presence in Libya as result of being trafficked. A 2009 HRW report quoted an observer as saying that migrants can be detained "from a few weeks to 20 years." The same report noted that Libyan authorities regularly beat groups of undocumented African migrants who were returned to Libya by Italian law enforcement officials after the migrants' failed attempt to sail from Libya to Italy, and recent Amnesty International research indicates that Libya subjects detained undocumented migrants to torture. The government also did not provide foreign victims of trafficking with legal alternatives to their removal to countries where they faced hardship or retribution.

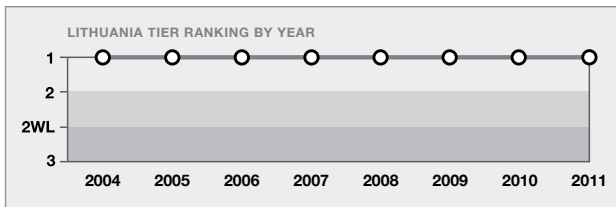
### Prevention

The Government of Libya made minimal efforts to prevent human trafficking. Public awareness of human trafficking – as a phenomenon distinct from illegal immigration and smuggling – remained low in Libya, including among government officials. During the reporting period, the government did not conduct any anti-trafficking public information campaigns. However, the government-funded World Islamic Call Society undertook some information campaigns to raise public awareness of the problem of human trafficking. The government provided translation services and meeting venues to support some IOM anti-trafficking programs. The government did not display transparency in its anti-trafficking efforts as it did not publicly report on its policies or activities to combat human trafficking. Libya did not take actions to reduce demand for commercial sex acts or to prevent child sex tourism committed abroad by Libyan nationals.

## LITHUANIA (Tier 1)

Lithuania is a source, transit, and destination country for women and girls subjected to sex trafficking. There were also government reports that Lithuanian boys and girls were subjected to forced theft in foreign countries. Forty percent of identified Lithuanian trafficking victims are women and girls who are sex trafficking victims exploited within Lithuania. Lithuanian women are also the victims of sex trafficking in the United Kingdom (UK), Germany, Spain, the Netherlands, Greece, Italy, France, and the Czech Republic. A small number of women from Russia and Belarus are transported through Lithuania *en route* to Western Europe, where they are subsequently subjected to forced prostitution.

The Government of Lithuania fully complies with the minimum standards for the elimination of trafficking. The government ensured that all trafficking offenders convicted this year were sentenced to prison terms commensurate with the gravity of crime committed. In prevention activities, the government reinstated its national working group and adopted innovative new software to enhance its ability to investigate human trafficking offenses. However, the Lithuanian government struggled to investigate and prosecute labor trafficking offenses. The number of victims identified by the government decreased by approximately 50 percent. The government's funding of victim assistance programs increased modestly over the previous year, though it remained inadequate.



**Recommendations for Lithuania:** Improve efforts to investigate and prosecute suspected trafficking offenses, including forced labor offenses; increase funding or provide in-kind support to NGOs that provide victim protection services; continue to proactively identify victims of trafficking and refer them to NGO service providers; and increase public awareness efforts targeted at potential adult victims of trafficking.

### Prosecution

The Government of Lithuania demonstrated mixed anti-trafficking law enforcement efforts during the reporting period. Lithuania prohibits human trafficking through Articles 147 and 157 of its criminal code, which prescribe penalties ranging from a fine up to 12 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. This year, the government amended sections of its criminal law covering trafficking to harmonize them with international law. Prosecution of human trafficking cases remained a challenge for the Lithuanian government, as there were reports that law enforcement officers and investigators, especially in rural areas, lacked experience in

investigating trafficking cases and identifying trafficking victims. Prosecutions were also hampered by victims' reluctance to seek help or participate in the criminal process.

Lithuanian authorities initiated seven sex trafficking investigations in 2010, compared with 11 investigations initiated in 2009. Two labor trafficking investigations pending from 2008 were closed due to insufficient evidence; no new labor trafficking investigations were initiated. Authorities prosecuted 20 offenders in 2010, an increase from the 14 offenders prosecuted in 2009. Nine trafficking offenders were convicted in 2010, in contrast to 14 trafficking offenders convicted in 2009. However, the Government of Lithuania improved its sentencing practices in trafficking cases; in 2010, all convicted trafficking offenders received time in prison for their offenses, with sentences ranging from seven to 11 years in prison. In 2009, 12 of the 14 convicted traffickers were issued sentences ranging from two to nine years' imprisonment, while two traffickers served no time in prison. During the reporting period, the Lithuanian government collaborated with several governments on international investigations of trafficking, including the UK, Germany, Spain, the Czech Republic, Latvia, Belgium, Belarus, and the Netherlands. In 2010, an Albanian citizen who was suspected of human trafficking in Lithuania was extradited to Lithuania to face prosecution. The government did not report the investigation, prosecution, conviction, or sentencing of any public official complicit in human trafficking.

### Protection

The Lithuanian government demonstrated mixed efforts to assist victims of human trafficking during the reporting period. The government allocated \$35,000 to NGOs for trafficking victim assistance in 2010, an increase from 2009, in which it allocated no funding to victim assistance; nevertheless, this represented a decrease from \$150,000 provided in 2008. The financial support for victim assistance is the lowest in the Baltic region. The Lithuanian government identified 22 trafficking victims during the reporting period, including three child victims. All trafficking victims were referred to NGOs for care. The rate of identification was significantly lower than in 2009, when government officials identified and referred 57 trafficking victims for assistance. During the reporting period, NGOs reported assisting approximately 150 victims of trafficking. Female trafficking victims were housed and cared for in mostly mixed-use facilities throughout the country. These victims were not detained involuntarily in these shelters. NGOs reported that there were no shelters available for men or boys, although the Men's Crisis Center was available to provide various victim services, except shelter, for abused men, including any trafficking victims. Although the government employed formal procedures to guide officials in identifying trafficking victims among vulnerable populations – such as women in prostitution, street children, and undocumented migrants – NGOs reported that these procedures were generally ineffective. NGOs suggested that the absence of a single government agency delegated to identify victims of trafficking contributed to problems in victim identification. Although the "Law on the legal status of aliens," Article 49(1),



allowed the government to grant foreign trafficking victims a six month temporary residency permit if they agreed to participate in criminal proceedings, no trafficking victims took advantage of the residency provisions. Nevertheless, the Lithuanian government and NGOs reported that victims were encouraged to participate in the investigation and prosecution of traffickers; 22 victims assisted in investigations in 2010. There were reports that victim protection requested by NGOs was not provided by police forces. However, there were no reports that any identified trafficking victims were detained, fined, or jailed for unlawful acts committed as a result of their being trafficked.

## Prevention

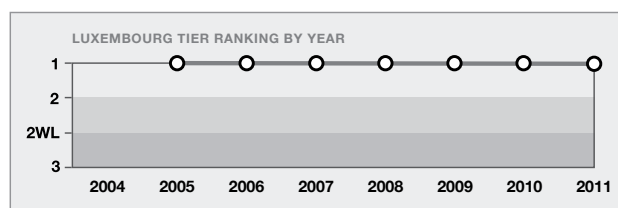
The Lithuanian government demonstrated some new prevention efforts during the reporting period. In April 2010, the government reconvened its multi-agency working group on trafficking in persons, bringing together relevant government actors on human trafficking. The government did not include NGOs in the working group. The Government of Lithuania had a national program to combat trafficking in the years 2009-2012, but NGOs reported that the national plan was not effectively implemented in 2009 and 2010. The government publicly reported on its national anti-trafficking activities through the national coordinator at the Ministry of Interior. In 2010, the Lithuanian government implemented a project to enhance its data collection and analysis capabilities. The project links the Lithuanian police force's data with that of INTERPOL and Europol, enabling the government to better conduct systematic analysis of trafficking within and from Lithuania. Lithuanian law enforcement officers continued their outreach to schools to educate children on trafficking.

## LUXEMBOURG (Tier 1)

Luxembourg is a destination country for women from Africa (primarily Nigeria) as well as Kazakhstan, Bulgaria, Russia, Ukraine, Brazil, France, and Belgium who are subjected to forced prostitution. Authorities report that forced labor among foreign migrants is likely also a hidden problem. According to local experts, unaccompanied children who are asylum seekers or refugees and without legal status are particularly vulnerable to sexual exploitation. Adult victims of sex trafficking in Luxembourg are sometimes recruited by agents in their home countries for work in Luxembourg's cabarets, and subsequently forced into prostitution. According to a 2010 media report, women in prostitution in Luxembourg are often controlled by pimps and some of these women are likely trafficking victims; the majority of women in street prostitution are Nigerian. According to a 2010 ECPAT report, exploitation of children in Luxembourg primarily involves prostitution through illegal escort services, and in hotels, parked cars, private houses, and in illegal private clubs in the country.

The Government of Luxembourg fully complies with the minimum standards for the elimination of trafficking. During the year, the government prosecuted and convicted four trafficking offenders and referred identified trafficking victims for basic services. The government, however,

failed to fully implement a March 2009 law to formalize specialized and comprehensive assistance for trafficking victims and it did not implement proactive identification and referral procedures, a standing deficiency in Luxembourg.



**Recommendations for Luxembourg:** Vigorously prosecute, convict, and punish trafficking offenders; establish formal procedures to proactively identify victims among vulnerable groups, such as women in the commercial sex trade and undocumented migrants; finalize the subordinate legislation for the March 2009 protection law to codify and improve assistance to victims to move towards a more victim-centered approach; formalize the role of NGOs and others in the identification process and continue to fund them to provide comprehensive assistance to all trafficking victims, including victims of forced labor, as well as child and male victims; and re-launch an awareness campaign similar to the 2008 campaign by the Ministry of Equal Opportunity to educate authorities and the general public about trafficking.

## Prosecution

The Luxembourg government sustained its anti-trafficking law enforcement efforts in 2010. Luxembourg prohibits all forms of trafficking through Article 382 of the 2009 Law on Trafficking in Human Beings, which prescribes penalties for convicted offenders ranging from three to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Under this article, courts can sentence offenders below the prescribed minimum sentence of three years' imprisonment. The government prosecuted and convicted four trafficking offenders in 2010, compared with six from the previous year. Sentences imposed on these traffickers were prison terms of nine months, 15 months, three years, and four years; two Albanian men received the latter three and four year sentences. Between April 2010 and February 2011, the government convicted and sentenced a Belgian trafficking offender to nine months' imprisonment after finding him guilty of subjecting five victims of Belgian and French origin to forced prostitution in a massage parlor. Also, a Luxembourg court sentenced a French trafficking offender to 15 months' imprisonment for the forced prostitution of 14 Brazilian women. The government reported four ongoing international anti-trafficking investigations in 2011. There were no reports of the government investigating, prosecuting, convicting, or sentencing public officials for trafficking complicity in 2010.

## Protection

The Government of Luxembourg demonstrated sustained efforts to identify and protect trafficking victims and made some tangible improvements in 2010. Although the government adopted a law to codify victim identification and referral procedures and comprehensive assistance for trafficking victims in March 2009, it has yet to pass subordinate legislation to begin implementing a formalized referral process. The government did not adopt formal procedures for government personnel to use in the proactive identification of victims; this remained a problem. Although law enforcement officials reported strict controls over the prostitution sector in the country, the vice-squad responsible for these controls assisted police in identifying 21 victims of sex trafficking in 2010, the same number it identified in 2009.

The government reported three out of 21 identified victims took advantage of a government-offered reflection period – during which they could decide whether to cooperate with authorities – and three were granted temporary residency permits. One victim was imprisoned for drug trafficking. According to a recent NGO report, police were the only authorities permitted to carry out formal victim identification. Also, the police relied primarily on self-identification by the victims rather than their own proactive measures. The government continued to fund two NGOs providing services for women in distress, including adult female trafficking victims. However, during the reporting period, NGOs could not benefit from the assistance system established by the March 2009 protection law to provide specialized care for potential and identified trafficking victims, which first requires parliamentary approval of the government's implementing regulation of the 2009 law. According to a 2010 ECPAT report, Luxembourg did not have a concrete set of measures in place to deal with trafficked children in Luxembourg. There were no specialized services or shelters available specifically for child victims. The government reported, however, that it identified a planned response to provide child victims with appropriate care. Authorities have yet to identify a child victim of trafficking in Luxembourg.

The government reportedly encouraged victims to participate in the investigation and prosecution of trafficking offenders; however, no victims assisted in the prosecution of their traffickers in 2010, the same as in 2009. The government has a stated policy of ensuring that victims are not punished for unlawful acts committed as a direct result of their being trafficked; it was unclear whether all women in prostitution who were detained for being in the country illegally were checked for trafficking indicators. In January 2010, the government signed an agreement with IOM to ensure the responsible repatriation of victims; three victims were reported to be repatriated under this agreement.

## Prevention

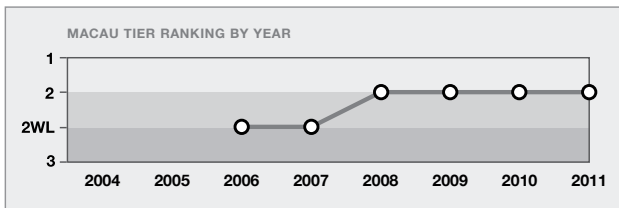
The government made limited progress in its anti-trafficking prevention efforts in 2010. According to a local expert, authorities in Luxembourg have only recently begun acknowledging the problem of human trafficking within the country, and the general public is not aware of its existence as an issue of importance. The government has

not adopted a national action plan on trafficking, and it did not transparently report on its anti-trafficking efforts during the year. The government did not develop or implement a nation-wide campaign to raise general awareness about trafficking, or to reduce demand for forced labor, though it included trafficking in a national gender equality plan which aimed to implement a human trafficking monitoring system. ECPAT continued to implement a campaign to raise awareness about child sex tourism and child prostitution that targeted potential abusers as well as to raise general awareness about these issues. The government did not report any child sex tourism prosecutions or prevention efforts during the reporting period.

## MACAU (Tier 2)

The Macau Special Administrative Region (MSAR) of the People's Republic of China is primarily a destination and, to a much lesser extent, a source territory for women and children subjected to sex trafficking. Victims originate primarily from the Chinese mainland, with many of them from inland Chinese provinces who travel to the border province of Guangdong in search of better employment. In the past there have also been victims from Mongolia, Vietnam, Russia, and Southeast Asia. Many trafficking victims fall prey to false advertisements for jobs in casinos and other legitimate employment in Macau, but upon arrival, are forced into prostitution. Foreign and mainland Chinese women are sometimes passed to local organized crime groups upon arrival, held captive, and forced into sexual servitude. Chinese, Russian, and Thai criminal syndicates are believed to sometimes be involved in recruiting women for Macau's commercial sex industry. Victims are sometimes confined in massage parlors and illegal brothels, where they are closely monitored, forced to work long hours, have their identity documents confiscated, and are threatened with violence; all factors that make it particularly difficult for them to seek help. Macau also has been a source territory for some women and girls who are subjected to sex trafficking elsewhere in Asia. In addition, new immigration regulations, which bar migrant workers who have been fired or quit early from obtaining another work permit for six months and impose fines on workers who overstay cancelled work permits, as well as the lack of a minimum wage for foreign workers in domestic service, could create vulnerabilities for migrant labor in Macau to forced labor. In light of these consequences for leaving employers, male and female migrant workers may feel pressure to work for undesirable employers to avoid deportation or fines of approximately \$25 per day.

The MSAR does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Macau's government sustained law enforcement efforts against human trafficking and efforts to protect trafficking victims during the year. It also continued to train law enforcement and other officials in identifying and investigating trafficking in persons offenses. Nonetheless, Macau continues to lack sufficient judicial resources to investigate and prosecute a significant number of trafficking cases; as a result, many trafficking cases, including instances of forced labor, may go undetected or fail to be punished.



**Recommendations for Macau:** Significantly increase efforts to vigorously investigate and prosecute trafficking offenders; make efforts to assess whether forced labor is occurring in Macau, particularly of migrant workers; continue to use proactive victim identification procedures to increase the number of trafficking victims identified by authorities, such as among women arrested for prostitution offenses and migrant workers; continue efforts to investigate and prosecute official complicity in trafficking; make greater efforts to combat international organized crime syndicates involved in human trafficking in Macau; expand incentives for victims to assist authorities in the prosecution of their traffickers, such as the ability to work in Macau; take steps to reduce the vulnerability of migrant workers to forced labor by reexamining immigration laws that increase this vulnerability; and support a visible anti-trafficking awareness campaign directed at reducing the demand for commercial sex acts.

### Prosecution

Macau sustained its law enforcement efforts against trafficking during the reporting period. Macau's anti-trafficking law, Law Number 6/2008, prohibits all forms of trafficking in persons and prescribes penalties of three to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, authorities initiated 15 investigations against sex trafficking, which is an increase from the six investigations reported last year. The government prosecuted two trafficking cases during this reporting period under its 2008 anti-trafficking law, resulting in the conviction and sentencing of one offender to three years' imprisonment for sex trafficking and the acquittal of two suspected traffickers. Ten investigations initiated during the reporting period remained ongoing and three cases were "archived" or put on hold while investigators sought to compile further evidence. The government continued to train entry-level police officers on basic anti-trafficking awareness and provided specialized training to police officers, immigration officials, and others on anti-trafficking investigation skills. It acknowledged, however, that its judiciary is ill-equipped to address trafficking adequately, with only 11 prosecutors available to handle all criminal cases in Macau. Many cases investigated in 2010 were closed due to lack of evidence or witnesses who were unwilling to cooperate with government authorities. Despite its modest progress in law enforcement against sex trafficking, the government did not report any law enforcement efforts against forced labor offenses. A former police officer was dismissed from duty and is awaiting trial for allegedly blackmailing two women in prostitution in 2007 for "protection" fees. Nonetheless, the government did not report broader efforts to investigate whether government complicity in trafficking offenses is occurring.

There were no cases of joint investigations between Macau authorities and foreign governments during the reporting period; however, Macau authorities cooperated with mainland Chinese counterparts to conduct raids and repatriate victims during the reporting period.

### Protection

Macau authorities made moderate progress in their efforts to protect trafficking victims during the reporting period. The government reported using a formal system to identify victims of trafficking among those arrested for prostitution and immigration violations; in 2010, the government identified 17 victims using this system. A total of 29 victims of sex trafficking, all from mainland China of whom nine were children under the age of 18, were identified during the reporting period. The government continued to lack a dedicated shelter to assist victims of trafficking, though it funded shelters run by the Women's General Association of Macau (one of which is dedicated to assisting trafficking victims) and designated 21 beds for female trafficking victims in an existing shelter for abused women operated by the Social Welfare Bureau. At these shelters, trafficking victims received medical, psychological, and legal assistance, as well as a stipend. During the reporting period, the government assisted 10 victims in the government-funded shelters, provided seven victims with police protection, and referred one victim to an NGO shelter for care; 11 victims chose to return home without government assistance. Child trafficking victims were placed in an NGO-operated shelter for children. The government reportedly encourages all victims to participate voluntarily in investigations against their traffickers, and all 29 identified victims in 2010 initially assisted law enforcement authorities; nonetheless, foreign victims were not permitted to work during the investigation and prosecution. In September 2010, the government worked with an international NGO to train government officials on identifying and assisting child sex trafficking victims. The government also sustained an existing partnership with a local NGO in order to identify interpreters to assist in interviewing foreign trafficking victims. Although female victims of forced labor had access to the government's multi-purpose shelter, the government did not report providing protection to victims of forced labor – either male or female. Foreign victims are not offered legal alternatives to their removal to countries where they may face hardship or retribution, though the government did not report any such situations.

### Prevention

Macau continued to make efforts to prevent sex trafficking during the reporting period, but made fewer efforts to prevent forced labor. Starting in March 2010, the Legal Affairs Bureau began conducting seminars in secondary schools to enhance student awareness of trafficking. The Social Welfare Bureau, in conjunction with the Macau Women's General Association, continued to raise public awareness of trafficking through informational posters on buses and taxis. The Health Bureau distributed pamphlets at local clinics aimed at informing potential trafficking victims of their rights and resources, and the Public Security Police placed advertisements promoting the government's



anti-trafficking hotline. In addition, the Immigration Department broadcast commercials aimed at helping foreign workers in domestic service avoid conditions of forced labor. Macau's "Law for the employment of non-resident workers" took effect in April 2010 and bars migrant workers who have been fired or quit early from obtaining another work permit for six months; the threat of deportation or fines for staying in Macau beyond a cancelled work permit may create vulnerabilities for foreign workers. The government also did not take measures during the year to reduce the demand for commercial sex acts, such as conducting awareness campaigns targeting clients of Macau's prostitution industry.

## MACEDONIA (Tier 1)

Macedonia is a source, destination, and transit country for men, women, and children for sex trafficking and forced labor. Macedonian women and children are trafficked within the country. Foreign victims subjected to forced prostitution or forced labor in Macedonia can originate in Albania, Bulgaria, Serbia, and Kosovo. Macedonian victims and victims transiting through Macedonia are subjected to forced prostitution or forced labor in South Central and Western Europe. Children, including ethnic Roma, are subjected to forced begging in streets and public markets. Macedonian men are vulnerable to forced labor within the region. All trafficking victims identified by the government in 2010 were domestic citizens. According to the 2010 National Rapporteur's Anti-Trafficking and Smuggling Report, the current profile of trafficking defendants includes primarily owners of bars, night clubs, and small hotels as well as taxi drivers, club bouncers, and dancing recruiters.

The Government of Macedonia fully complies with the minimum standards for the elimination of trafficking. The government made significant strides in its law enforcement efforts to combat trafficking by convicting an increased number of trafficking offenders and prosecuting and convicting an official for trafficking complicity in 2010. The government identified an increased number of trafficking victims and opened a shelter for domestic trafficking victims in February 2011. However, the Government of Macedonia has yet to achieve a comprehensive victim-centered approach to trafficking. Implementation of proactive identification procedures among local-level police and other front-line responders remained an ongoing concern. Accurate identification of trafficking cases and conflation of human trafficking with other criminal activities continued to be problems, raising the risk that unidentified trafficking victims could face continued exploitation or deportation, and not benefit from assistance.



**Recommendations for Macedonia:** Ensure that shelter and reintegration services available to Macedonian and foreign victims are comprehensive; ensure that NGOs are funded and active partners in the provision of victim services and reintegration; provide more incentives for foreign trafficked children and adults to stay in Macedonia long enough to assist in bringing their traffickers to justice; develop specialized assistance for men and very young children who are trafficked; strengthen law enforcement partnerships with NGOs and others in civil society to help develop the trust of potential victims; demonstrate appreciable progress in the identification of foreign and domestic trafficking victims by ensuring proactive screening of unregistered workers in catering facilities, bars, nightclubs, construction and agricultural sectors for indications of forced labor and forced prostitution; continue the anti-trafficking unit's outreach outside of Skopje to increase identification of trafficked children and adults throughout the country; continue to build the anti-trafficking expertise of social workers; ensure law enforcement is properly trained on how to interact with child victims without exacerbating any emotional or psychological trauma; and continue to vigorously investigate, prosecute, convict and sentence traffickers, including any public officials complicit in trafficking, while ensuring the legal and human rights of victims.

### Prosecution

The Government of Macedonia made significant progress in its anti-trafficking law enforcement efforts during the reporting period. The government prohibits sex and labor trafficking through Article 418(a) and (d) of its 2004 criminal code. The minimum penalty prescribed for sex trafficking is four years' imprisonment, which is sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government completed a total of three trafficking investigations in 2010, arresting 25 suspects in connection with these cases. In 2010, Macedonian courts convicted 21 sex trafficking offenders, a commendable increase from zero convictions in 2009. Nine of these offenders were convicted under the government's anti-trafficking law. Sentences ranged from four to 8.5 years in prison. Macedonian law prevents sentences from beginning until the appeal process is complete; authorities confirmed that of the 21 convicted, seven are currently in jail and four are under house arrest. The government vigorously prosecuted trafficking complicity of public officials by sentencing a police officer to 8.5 years in prison for facilitating the sex trafficking of two children, setting a notable example in the region for addressing official complicity.

### Protection

The Government of Macedonia improved its capacity to protect domestic trafficking victims by opening and funding a shelter for domestic victims in February 2011. The government reported identifying 12 trafficking victims in 2010, an increase from seven the previous year; though still a decrease from 15 identified victims in 2008. The government employed proactive identification techniques via its Standard Operating Procedures (SOP), but regional experts noted continued gaps in their implementation in practice, partly

due to frequent changes in the positions of public servants and police who deal with trafficking cases and victims. Local experts noted ongoing problems with victim identification, especially among local police who fail to identify trafficking victims when investigating and detecting other crimes like prostitution or sexual abuse, risking the possible punishment of victims in Macedonia for crimes committed as a direct result of being trafficked or victims not receiving the care and rehabilitation they are entitled to under anti-trafficking laws. However, the government took steps to establish sub-National Commissions to improve SOP implementation on a local level.

The government continued to fully fund a National Referral Mechanism office responsible for referral and protection of victims; one NGO report noted its effective coordination and cooperation on identified trafficking cases. The government continued its good practice of assigning a guardian to each identified child trafficking victim to help ensure a continuum of care and establish trust. The government, though, did not provide sustainable funding for this service.

The government continued to operate a reception center for foreign migrants and trafficking victims; migrants and trafficking victims were physically separated from each other and potential foreign trafficking victims received the same care and counseling as Macedonian victims. Potential foreign trafficking victims were not allowed to leave the shelter, though they were offered temporary residency permits to cooperate in the prosecution of their traffickers, which, if accepted, would allow them unrestricted movement as well as welfare and employment benefits and a transfer to the new domestic shelter. Authorities referred 15 presumed foreign victims from Albania, Bulgaria, and Serbia to its reception center in 2010, and provided them with care and assistance during their stay. However, the majority of victims did not stay in the reception center longer than 10 days, preferring to return to their home countries. Since the 2007 creation of a temporary residency permit for foreign trafficking victims, not one permit has been issued, indicating a weakness in the current implementation and regulations regarding the use of temporary residency permits.

The government had more success in convincing domestic victims to assist in bringing their traffickers to justice: 10 trafficking victims from Macedonia assisted law enforcement investigations in 2010. Macedonian authorities offered legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship through both a two-month reflection period and a six-month residency permit; however, as stated above, no potential foreign victims have chosen to accept a residency permit in Macedonia.

### Prevention

The Government of Macedonia sustained its anti-trafficking prevention efforts during the reporting period. The National Commission continued implementation of its 2009-2012 national action plan on human trafficking with an overall budget of \$550,000; the plan contains detailed funding directives for each responsible ministry.

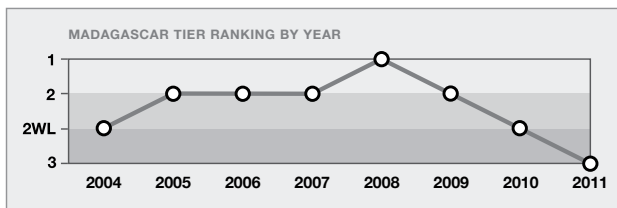
It continued to conduct public awareness campaigns on trafficking in conjunction with NGOs, including in high schools in the city of Bitola, which was identified as particularly high risk for trafficking. The government also funded an NGO in the city of Struga to target vulnerable students from the villages in south western Macedonia near the Albanian border. The National Commission continued broadcasting IOM's "Buy Responsibly" campaign over state television as part of a campaign to target client demand for products produced by forced labor. In December 2010, the government's National Rapporteur published Macedonia's second annual report on trafficking and human smuggling. The report contained more comprehensive recommendations than the previous year's report, but lacked the rigorous self-critical analysis that could serve as a leading example in the region.

## MADAGASCAR (Tier 3)

Madagascar is a source country for women and children subjected to forced labor and sex trafficking. Reports indicate that sex and labor trafficking have increased, particularly due to a lack of economic development and a decline in the rule of law during the current political crisis, which began in March 2009. An estimated 7,000 Malagasy women are currently employed as domestic workers in Lebanon, with a smaller number in Kuwait. Many of these women are single mothers, come from rural areas, and are illiterate or poorly educated, making them more vulnerable to deception and abuse at the hands of recruitment agencies and employers. Numerous trafficking victims returning to Madagascar from Lebanon reported rape, psychological abuse, physical torture and violence, sexual harassment and assault, harsh working conditions, confinement to the home, confiscation of travel documents, and withholding of salaries. At least 11 deaths were reported among this population in 2010. Of the 777 Malagasy returnees since 2009, 85 percent ended their contracts early because of mistreatment.

Children, mostly from rural areas, are subjected to domestic servitude, commercial sexual exploitation, and forced labor in mining, fishing, and agriculture within the country. Most child trafficking occurs with the involvement of family members, but friends, transport operators, tour guides, and hotel workers also facilitate the enslavement of children. A child sex tourism problem exists in coastal cities, including Tamatave, Nosy Be, Diego Suarez, and Majunga, as well as the capital city of Antananarivo. Some children are recruited for work in the capital using fraudulent offers of employment as waitresses and maids before being coerced into prostitution on the coast. The main nationalities of child sex tourists seen in Madagascar are French, German, and Swiss. In Antananarivo and Nosy Be, child sex tourists hire local taxi drivers to procure children in prostitution or virgins. Parents sell young women into marriages, some of which are short-term and involve foreigners, and often for significant sums of money, and leave the women vulnerable to sex trafficking or domestic servitude. The main clients of prostituted children in Madagascar, however, are Malagasy men. There are reports that boys are also in prostitution in Madagascar, though it is hidden as it is culturally taboo.

The *de facto* Government of Madagascar does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Since the March 2009 coup, combating human trafficking has not been a priority of the *de facto* government, despite the growing size of the problem both internally and transnationally. The authorities' anti-trafficking efforts were negligible during the year; they failed to prosecute or convict trafficking offenders, identify and refer repatriated victims to necessary services, and prevent the increased trafficking of Malagasy citizens. Lack of awareness on the coverage and application of the anti-trafficking law, and the continued arrest and punishment of potential underage children in prostitution by local law enforcement, contributes to the dismal state of anti-trafficking law enforcement efforts in Madagascar. Efforts to repatriate victims from Lebanon, though necessary, have often been poorly managed, and reveal a minimal and wholly reactive approach to addressing the problem.



**Recommendations for Madagascar:** Issue a presidential decree codifying and mandating use of the anti-trafficking law at the provincial level; utilize the anti-trafficking law to investigate and prosecute trafficking offenses, including those involving forced labor and public officials suspected of trafficking-related complicity; consider amending the anti-trafficking law to provide sufficiently stringent penalties for labor trafficking; make efforts to foster a dialogue with the Government of Lebanon on improving protections for Malagasy workers and jointly addressing cases of abuse; consider establishing a Malagasy consulate or embassy in Lebanon to provide consular and, when needed, protective services to Malagasy workers; institute a process for law enforcement officials to document trafficking cases, interview potential victims, and refer trafficking victims for assistance; increase efforts to raise public awareness of labor trafficking; provide anti-trafficking training to law enforcement, labor, and social welfare officials; and make efforts to improve the level of coordination between government ministries on trafficking issues.

### Prosecution

The Malagasy *de facto* government's anti-trafficking law enforcement efforts diminished over the year, as it reported no investigations or prosecutions of trafficking offenders. Anti-Trafficking Law No. 2007-038 prohibits all forms of human trafficking, though it only prescribes punishments for sex trafficking; penalties range from two years' to life imprisonment and are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 262 of the labor code criminalizes labor trafficking, for which it prescribes inadequate penalties of one to three years' imprisonment. Decree 2007-563 prohibits and prescribes inadequate

punishments of up to two years' imprisonment for various forms of child trafficking, including prostitution, domestic servitude, and forced labor. The *de facto* government has yet to use its anti-trafficking law to punish traffickers. The authorities did not investigate or prosecute cases of forced labor during the reporting period; however, there were two prosecutions of child sex tourists, though no accused offenders are currently in jail.

Anecdotal evidence indicates that public officials' complicity in human trafficking remains a significant problem. Corrupt police permit organized child prostitution rings to operate, particularly in Nosy Be. Local police learn of cases of child sex tourism and commercial sexual exploitation of children when underage victims file complaints, seeking police intervention to demand payment from clients. However, the work of law enforcement was misdirected in these instances, as police assisted victims in retrieving payment, and often victims withdrew their complaints out of fear that they may later be prosecuted. Generally, local police remained hesitant to pursue child sex trafficking and child sex tourism offenses because of deep-rooted corruption, pressures from the local community, or lack of knowledge on the anti-trafficking law. In addition, local police cite parents as an obstacle; they encourage their children to engage in prostitution and, in turn, discourage law enforcement action due to the dire economic situation within their families. The regime reported no efforts to investigate, prosecute, convict, or sentence public officials complicit in human trafficking during the reporting period.

### Protection

The *de facto* Malagasy government made weak efforts to ensure that victims were provided access to necessary services and it did not operate specific victim assistance programs. The minister of Population and Social Affairs, working in Madagascar, coordinated the repatriation of victims from Lebanon, though her work was of a personal nature and did not involve her technical staff or official responsibilities. During 2010, there were 606 Malagasy repatriated from Lebanon; by March 2011, an additional 194 had been repatriated. The regime lacks procedures to proactively identify trafficking victims among vulnerable populations and did not provide services or refer victims for care in a systematic way; NGOs provided counseling, legal services, and medical care, or referred victims to government hospitals. During the reporting period, the *de facto* government provided medical and psychiatric care at no cost to 109 repatriated victims at public hospitals under the Ministry of Health. However, such care provisions are not systematic; some hospitals did not provide free care or care at a reduced charge to victims, while others worked with NGOs, on a case-by-case basis, to ensure costs remained low for victims. The authorities ended the practice of immediately detaining trafficking victims returned from Lebanon in a psychiatric institution, as it was too costly; however, the need remains to allow trafficking victims systematic access to care. Services and facilities are insufficient and usually non-existent in areas beyond Antananarivo. However, the Ministry of Health's local-level Child Rights Protection Networks, supported by UNICEF, brought together *de facto* government institutions,



law enforcement, and NGOs to partially fill this role, by coordinating child protection activities, identifying and reporting abuse cases, and assisting some trafficking victims in accessing social and legal services. UNICEF trained a team of facilitators made up of technical staff from the Ministries of Population, Justice, and Public Function; in December 2010, UNICEF organized a series of trainings for 25 to 30 participants in each of four regions on exploitation of children led by the team of facilitators for local authorities, police, *Fokontany* staff, and local NGO representatives, as a means to build the capacity of networks. Due to both a lack of understanding of trafficking and related laws, as well as a lack of recognition of the crime committed, the *de facto* government may arrest and punish internal trafficking victims for unlawful acts committed as a direct result of being trafficked. The *de facto* government did not show evidence that it encouraged victims to assist in the investigation and prosecution of their exploiters, and did not provide legal alternatives to the removal of victims to countries where they would face hardship or retribution.

The Malagasy honorary consul and the *chargé d'affaires* of the Malagasy embassy in Paris, working in Lebanon, began identifying workers to be repatriated to Madagascar, establishing a termination date with their employers, and negotiating with the Lebanese government regarding those in detention due to their illegal status. Officials from the Ministries of Population, Civil Service, Justice, and Foreign Affairs, and the Air and Border Police met in Antananarivo in March 2011 to coordinate efforts in preparation for this repatriation; however, the process for identifying and registering those to be repatriated, led by the honorary consul, was flawed, leaving the most vulnerable victims with their employers. In March 2011, 85 potential victims were repatriated from Lebanon; upon their return, these victims received medical care at public hospitals and psychological support from social workers at a local NGO. Over 600 Malagasy await repatriation from Lebanon and of these 140 vulnerable victims are in need of emergency repatriation, as determined by NGOs. The authorities have no known plans to address the needs of these 600 workers. These repatriations, though mismanaged and inadequate at times, have been the only bilateral actions taken to address the needs of victims in Lebanon. For a second year, the *de facto* government did not initiate bilateral engagement with the Government of Lebanon regarding protection of and legal remedies for exploited workers. Madagascar's honorary consul in Beirut was ineffective in addressing the needs of Malagasy trafficking victims, often encouraging victims to return to their employment agencies, and not advocating for victim protection or investigations into allegations of abuse. There are reports that the honorary consul stood by as a Malagasy domestic worker was physically abused by her employer in his presence.

### Prevention

The *de facto* government has made little effort to prevent trafficking during the reporting period. It maintained the suspension of several employment agencies implicated in human trafficking and continued the November 2009 ban on sending workers to Lebanon. However, unofficial networks now reportedly send Malagasy through Mauritius,

South Africa, Kuwait, Egypt, France, or the Seychelles to circumvent this ban; at least 300 Malagasy arrived in Lebanon via Mauritius since the ban began. Malagasy officials also reportedly assisted unlicensed recruitment agencies in obtaining fraudulent travel or identification documents, including for underage aspirants, and the Ministry of Civil Service and Labor provided permits for some workers to travel to Lebanon. The ministry reportedly has close ties with labor recruitment agencies, hindering its oversight role in monitoring the agencies' practices. However, the Ministries of Foreign Affairs, Public Service, Population, and Social Affairs created an inter-ministerial committee in December 2009 to address the situation in Lebanon and establish a safe migration program, with support from UNICEF, including a new contract template, pre-departure preparation for women, and the establishment of rules and regulations for recruitment agencies.

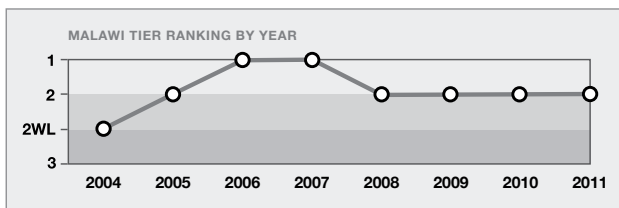
Local NGOs and local law enforcement have identified child sex tourists, though there have not been any successful prosecutions in these cases. According to NGO reports, the regime brought one child sex tourist from Luxembourg to trial in Tamatave, though the accused was not convicted; there are reports that all witnesses have either been threatened or paid off. In March 2010, the National Gendarmerie in Nosy Be arrested a hotel receptionist and an alleged Seychellois sex tourist for the trafficking of a 17-year-old girl. Although there was a trial, the suspected offenders have been released for unknown reasons.

## MALAWI (Tier 2)

Malawi is primarily a source country for men, women, and children subjected to forced labor and sex trafficking. Most Malawian trafficking victims are exploited within the country, though Malawian victims of sex and labor trafficking have also been identified in South Africa, Zambia, Mozambique, Tanzania, and parts of Europe. To a lesser extent, Malawi is a transit point for foreign victims and a destination country for men, women, and children from Zambia, Mozambique, Tanzania, and Zimbabwe. Within the country, children are subjected to domestic servitude and other forms of forced labor, including in cattle herding, agricultural labor, and menial work in small businesses. At local bars and rest houses, owners coerce girls and women, who work at the establishments, to have sex with customers in exchange for room and board. Forced labor is often found on tobacco plantations. Labor traffickers are often individuals who have moved to urban areas and subsequently recruit children from their home villages with offers of good jobs, and later withhold pay and subject children to sexual and physical abuse. Brothel owners or other facilitators lure girls from rural areas with promises of nice clothing and lodging. Upon arrival, the girls are charged high fees for these items and coerced into prostitution in order to pay off these debts. South African and Tanzanian long-distance truck drivers and mini-bus operators transport victims across porous borders by avoiding immigration checkpoints. Some local businesswomen who travel regularly to neighboring countries to buy clothing for import have been identified as

traffickers. Reports of European tourists paying for sex with teenage boys and girls continue.

The Government of Malawi does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government maintained its efforts to ensure forced labor victims' access to protective services and it prosecuted and convicted labor trafficking offenders; however, adults in forced prostitution or forced labor and children exploited in domestic service and prostitution still did not receive adequate attention and the government prosecuted no such offenses during the reporting period. While one trafficking offender received a short prison sentence, most convictions resulted in sentences of fines or out-of-court settlements with compensation to victims, both of which failed to provide an adequate deterrent. The government continued to depend heavily on international organizations and multi-national NGOs for funding most anti-trafficking programs and took no action to prevent trafficking during the reporting period.



**Recommendations for Malawi:** Pass and enact comprehensive anti-trafficking legislation; expand training programs for judges, prosecutors, and police on how to identify, investigate, and prosecute trafficking offenses using existing laws; continue to manually compile basic trafficking law enforcement data until it is possible to improve data collection capabilities on cases investigated and prosecuted, as well as victims assisted; expand the existing focus on protecting victims of child labor trafficking to include children exploited in domestic servitude and prostitution; develop a formal system to identify trafficking victims among vulnerable populations, including women and children in prostitution, and to refer them to available government and NGO services; and launch a nationwide anti-trafficking public awareness campaign.

### Prosecution

The Government of Malawi increased its anti-trafficking law enforcement efforts during the last year by enacting legislation that specifically prohibits child trafficking. Malawi prohibits all forms of trafficking through various laws, including the Employment Act and Articles 135 through 147 and 257 through 269 of the penal code, though the country lacks specific anti-trafficking laws. The penalties prescribed under these various statutes range from small fines to 14 years' imprisonment; these penalties are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. In June 2010, the national assembly passed the Child Care, Protection and Justice Bill, which was immediately signed into law by the president; this is the

first legislation to define child trafficking in Malawi, imposing a penalty of life imprisonment for convicted traffickers. During the reporting period, the Malawi Law Commission completed draft comprehensive anti-trafficking legislation, which specifically prohibits all forms of human trafficking; this legislation is expected to be introduced to the parliament in 2011. In December 2010, the government amended penal code Section 147 to specifically prohibit sex trafficking. The government did not make available comprehensive anti-trafficking law enforcement statistics, though some individual districts provided data on their actions, totaling 18 prosecutions, 11 of which have concluded with convictions, and the remaining seven prosecutions remain pending. Districts also reported the arrest of alleged trafficking offenders, including that of one Malawian and two Mozambican nationals, in Phalombe District, for the alleged labor trafficking of five boys, from 12 to 15 years old. Although the government prosecuted and convicted offenders using existing legislation, only one of nine convicted offenders served jail time and sentences varied widely across district courts. Additionally, labor inspectors and child protection officers were trained to seek remuneration for workers in labor dispute cases – including forced labor – rather than to refer to law enforcement for prosecution; the government's continued failure to seek criminal prosecution of forced labor offenses, with significant prison sentences, hinders an effective response to Malawi's trafficking problem. Police, child protection, social welfare, and other officials received training in how to recognize, investigate, and prosecute instances of trafficking either directly from the government or in partnership with NGOs during the year. For example, in March 2011, the government trained 20 officers from the Ministry of Local Government and Rural Development, the Ministry of Gender, Children and Community Development, and several NGOs in a trainer-of-trainers program on child protection and human trafficking. The government continued to train police recruits at the Malawi Police Training School in identifying and combating human trafficking, as part of their standard training curriculum; at least 525 recruits were trained during the reporting period through this program. The Ministry of Labor continued to train labor inspectors in child protection. Requests for law enforcement cooperation with neighboring governments continued to be made on an *ad hoc*, informal basis. The government did not prosecute or convict officials for trafficking-related complicity during the reporting period; the Anti-Corruption Bureau's investigation, begun in 2007, into two complaints of trafficking-related corruption remained ongoing at the end of the reporting period.

### Protection

The government maintained its efforts to ensure victims' access to appropriate services during the reporting period. The government has not yet established systematic procedures for proactively identifying victims of trafficking among vulnerable populations, especially women and girls in prostitution. The government funded one rehabilitation drop-in center in Lilongwe for victims of trafficking and gender-based violence; it is unknown how many trafficking victims the center assisted during the reporting period. Over 100 police stations throughout the country housed

victim support units to respond to gender-based violence, including trafficking crimes; these units continued to provide limited counseling and, in some places, temporary shelter to victims. Government-run hospitals provided trafficking victims with limited access to medical and psychological services. The government, at the district level, also referred victims to various NGO-run shelters, which catered largely to vulnerable children and youth, with some providing specialized care for women, though not for men. These shelters offer rehabilitation and skills training. The government supported NGOs by assigning labor inspectors, child protection officers, district social welfare officers, and police to assist in their anti-trafficking projects; national and district budgets allocated resources for these government officials, though they were not itemized for anti-trafficking efforts specifically. There were no aggregate data available for the number of victims identified, referred, or assisted by the government and NGOs during the reporting period; from the two districts that reported protection data, 253 male trafficking victims and 52 female victims were identified. In Kasungu District, police and labor officers referred 38 child labor trafficking victims to care facilities before they were reunited with their families. In Mchinji District, an NGO transit center cared for 266 child trafficking victims; the District Social Welfare Office partnered with the center to assist in the reintegration of 254 victims into schools. The government continued to provide child trafficking victims with school supplies and funding to assist in their reintegration, and provided training to trafficking victims' families on income-generating activities to reduce the likelihood of victims' re-trafficking. The government did not provide foreign victims with temporary residency or legal alternatives to their removal to countries where they would face hardship or retribution; in some cases the Immigration Department suspended deportation for short periods. The government provided limited assistance to repatriated Malawian trafficking victims; during the reporting period four Malawian nationals were repatriated from Zambia and the Social Welfare Office provided transportation to Zambia. Overall, the government encouraged victims' participation in the investigation and prosecution of trafficking crimes and did not penalize identified victims for unlawful acts committed as a direct result of being trafficked; however, trafficking victims may have been detained for a short period during the initial investigation of their cases.

### Prevention

The government made minimal efforts to prevent human trafficking and did not coordinate anti-trafficking public awareness campaigns during the reporting period. It did not complete a national plan of action, the drafting of which started during the previous reporting period. Three inter-agency groups have responsibility – and possible overlapping jurisdiction – for trafficking issues: the Inter-Ministerial Task Force on Human Trafficking, led by the Ministry of Gender, Child Development and Community Development; the National Steering Committee on Orphans and Vulnerable Children; and the National Steering Committee on Child Labor. These committees did not organize any awareness campaigns or training activities, though they reportedly met during the year. In November 2010, in partnership with IOM and INTERPOL,

the government hosted an anti-trafficking training session for senior police officers from other African nations, with a focus on building communication strategies between law enforcement entities in each country. The government did not make efforts to reduce the demand for commercial sex acts during the year. Military officers and enlisted soldiers received training on human rights, child protection, and sexual exploitation from a foreign donor before their deployment abroad as part of peacekeeping missions.

## MALAYSIA (Tier 2 Watch List)

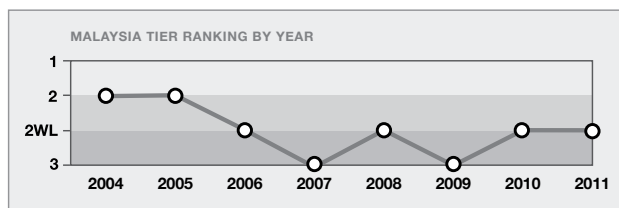
Malaysia is a destination, and to a lesser extent, a source and transit country for men, women, and children who are subjected to conditions of forced labor, and women and children subjected to sex trafficking. The overwhelming majority of trafficking victims are among the two million documented and 1.9 million undocumented foreign workers in Malaysia. They migrate willingly to Malaysia from countries including Indonesia, Nepal, India, Thailand, China, the Philippines, Burma, Cambodia, Bangladesh, Pakistan, and Vietnam in search of greater economic opportunities. Some of them subsequently encounter forced labor or debt bondage at the hands of their employers, employment agents, or informal labor recruiters. While many of Malaysia's trafficking offenders are individual business people, large organized crime syndicates are also behind trafficking. A significant number of young foreign women are recruited for work in Malaysian restaurants and hotels, some of whom migrate through the use of "Guest Relations Officer" visas, but subsequently are coerced into Malaysia's commercial sex trade. Many Malaysian labor outsourcing companies recruit excess workers from Bangladesh, Vietnam, and other countries, who are then often held in warehouses or other locations and handed over to unscrupulous employers, who subject them to conditions of forced labor. Many migrant workers in plantations, construction sites, textile factories, and employed as domestic workers throughout Malaysia are subject to practices indicative of trafficking such as restrictions on movement, deceit and fraud in wages, passport confiscation, or debt bondage at the hands of agents or employers. Passport confiscation is widespread, and there were reports that employers also opened joint bank accounts as a form of control on workers. Some employees reported that their employers exercised control over them by threatening to take the workers' passports to immigration authorities where the employer would allege that the worker had breached the terms of their labor contract, which could result in the revocation of the worker's visa and their subsequent deportation. Some Malaysian employers reportedly did not pay their foreign domestic workers three to six months' wages in order to recoup recruitment agency fees and other debt-bonds charged to employers. In some cases, employers illegally withheld employee wages in escrow until completion of the contract, resulting in workers continuing to work for fear of not receiving financial compensation if they did not continue to do so.

Refugees, particularly from Burma, were especially vulnerable to trafficking, and Malaysians from rural communities and indigenous groups were also vulnerable.



The People's Volunteer Corps (RELA) continued to conduct raids targeting illegal migrant communities and detained refugees, asylum seekers, and trafficking victims along with allegedly illegal migrants, though this practice has reportedly decreased compared to previous years. Although they did sign an Letter of Intent (LOI) to amend their Memorandum of Understanding (MOU), the Indonesian and Malaysian governments have not amended or replaced a 2006 MOU covering the employment of Indonesian domestic workers in Malaysia, which authorizes Malaysian employers to confiscate and hold the passports of domestic employees. The government reports that there are approximately 300,000 female domestic servants employed in the country, many of which may be trafficking victims. According to NGOs, the number of domestic servants legally employed in Malaysia has fallen from 300,000 to 230,000 during the past year. These NGOs estimate that for every domestic servant legally employed in Malaysia there is one working in the country illegally. Ninety percent of these domestic servants are from Indonesia. A small number of Malaysian citizens were reportedly trafficked internally and abroad to Singapore, China, and Japan for commercial sexual exploitation.

The Government of Malaysia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Because the assessment that the government had made significant efforts is based in part on its commitments to undertake actions over the coming year – notably, far more effective and even implementation of Malaysia's anti-trafficking law and improved victim protection efforts – Malaysia is placed on Tier 2 Watch List for a second consecutive year. While the government increased the number of convictions obtained under the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act during the year and continued public awareness efforts on trafficking, it did not effectively investigate and prosecute labor trafficking cases, and failed to address problems of government complicity in trafficking and lack of effective victim care and counseling by authorities. There remain many serious concerns regarding trafficking in Malaysia, including the detention of trafficking victims in government facilities.



**Recommendations for Malaysia:** Increase law enforcement actions under the anti-trafficking law, particularly labor trafficking cases; apply stringent criminal penalties to those involved in fraudulent labor recruitment or forced labor; increase efforts to prosecute and convict public officials who profit from or are involved in trafficking, or who exploit victims; develop and implement procedures to identify labor trafficking victims among vulnerable groups such as migrant workers and refer them to available protection services; improve victim protection in government facilities by providing victims

legal assistance, and providing effective counseling and care to the victims of trafficking; develop and implement mechanisms to allow adult foreign trafficking victims to travel, work, and reside outside of government shelters; provide legal alternatives to the removal of trafficking victims to countries in which they would face retribution or hardship; ensure that victims of trafficking are not threatened or punished for crimes committed as a result of being trafficked; make greater efforts to educate migrant workers on their rights, legal recourses available, and how to seek remedies against traffickers or employers who fail to meet their legal obligations; re-negotiate MOUs with source countries to incorporate victim protection and remove authorizations for employers to confiscate passports or travel documents; continue to train officials on the effective handling of sex and labor trafficking cases, with a particular emphasis on victim protection and the identification of labor trafficking victims; make efforts to reduce the demand for both sex and labor trafficking; and expand the anti-trafficking awareness campaign to encompass both labor and sex trafficking.

### Prosecution

The Government of Malaysia made some progress in law enforcement efforts against sex trafficking during the reporting period, but did not make significant efforts to prosecute and convict labor trafficking offenders. Malaysian law prohibits all forms of human trafficking through its 2010 Anti-Trafficking in Persons Act (Amended), which prescribes penalties that are commensurate with those of other serious offenses, such as rape. In November 2010, the government enacted new amendments to this that broadened the definition of trafficking to include all actions involved in acquiring or maintaining the labour or services of a person through coercion. The application and public presentation of the amendments to the trafficking law, however, threatens to further conflate human trafficking and human smuggling. During the reporting period, the government convicted 11 sex trafficking offenders and three individuals involved in labor trafficking, sentencing them to three to eight years' imprisonment; this was compared to seven trafficking offenders convicted during the previous reporting period. Two of the three individuals convicted of labor trafficking offenses were drivers who were involved in the transporting of Burmese refugees from a government immigration detention center to the border with Thailand where they were handed over to trafficking syndicates. While the network involved in the trafficking of Burmese to Thailand was believed to be substantial, the government has yet to conclude the prosecution of the only other individual arrested in July 2009 – a Malaysian immigration official – for the trafficking of Burmese refugees to Thailand, cited in the previous reported period as a pending case. The case still remains pending. Authorities report initiating 174 charges against 51 individuals under the anti-trafficking law, though a small number of these cases were for non-trafficking-related crimes such as illegal baby adoptions. The government reports that 141 trafficking cases remained pending in Malaysian courts. Poor government treatment of identified trafficking victims and the lack of victim protection or incentives for victim assistance in investigations and prosecutions remained a significant

impediment to successful prosecutions. The acquittal rate of alleged trafficking offenders was 68 percent during the year, a rate attributed by observers to the lack of adequate victim-witness protection and poor judicial training on human trafficking. During the year, NGOs referred several cases of alleged labor trafficking to the government, but authorities did not report any related arrests or investigations. NGOs reported that the police often failed or refused to investigate complaints of confiscation of passports and travel documents or withholding of wages – especially with regards to domestic workers – as possible trafficking offenses. The government did not report any criminal prosecutions of employers who subjected workers to conditions of forced labor or labor recruiters who used deceptive practices and debt bondage to compel migrant workers into involuntary servitude. The January 2010 case of forced labor identified on Thai fishing boats off the coast of Sarawak, in which the government arrested five Thai alleged trafficking offenders, resulted in the acquittal of one alleged trafficker; the government has filed an appeal in this case.

Observers reported that corruption continued to play a role in the trafficking of foreign migrant workers, particularly with regard to officials' authorizing excess recruitment by Malaysian "outsourcing" companies, which recruit laborers abroad. Reports also indicated that collusion between police and trafficking offenders sometimes led to offenders escaping arrest and punishment. Nevertheless, there were no officials convicted of trafficking-related complicity during the reporting period. Authorities did not take criminal action against RELA volunteers who used the threat of immigration detention to extort money from migrant workers despite continued but decreased reports of this practice.

### Protection

The government made only limited progress in protecting victims of trafficking during the reporting period, and victim protection efforts remained inadequate. Victims identified by Malaysian authorities are adjudicated under a "protective order" that triggers their forcible detention in "shelters," where some are even isolated, unable to work or earn income, and have little or no access to legal or psychological assistance provided by the government or NGOs. The government reported that it provided some victims with courses in arts, aerobics, and English language skills. Nevertheless, government "shelters" still denied victims basic freedoms, and these facilities did not employ medical officers or trained psychologists. The government reported employing two counselors who visit the "shelters" on a weekly basis but their level of expertise and training was unclear. The government invited IOM to conduct an assessment of its victim care at the "shelters," which occurred during the year. The government treated victims of trafficking as illegal aliens and turned them over to immigration authorities for deportation after they provided evidence to prosecutors, usually after a 90-day stay at a trafficking in persons "shelter." Victims were at times locked in their rooms, handcuffed to and from court appearances, and reported being subjected to body patdowns and searches prior to entering the facilities. Victims were typically uninformed about the legal processes to which they were subjected, and the government did not make efforts

to inform the victims of why or for how long they were being detained. As reported during the previous reporting period, the government's policy of detaining trafficking victims against their will continued to provide a disincentive for victims and their advocates to bringing cases to the government's attention or cooperating with authorities; the government did not make any efforts to address this serious deficiency in its anti-trafficking response.

The Ministry of Women, Family, and Community Development continued to operate three "shelters" for women and children victims of trafficking, which resemble detention centers. These "shelters" detained suspected and confirmed foreign trafficking victims for 90 days (but often much longer) until they were deported to their home countries, per Malaysian law. The Ministry of Home Affairs ran a similar "shelter" for male victims of trafficking, which also detained suspected and confirmed trafficking victims. During the reporting period, there was at least one victim in government custody who attempted suicide while in a government "shelter." The government announced that the Women's Ministry would assume responsibility for the female, children, and male "shelters" as of March 31, 2011.

In 2010, 206 foreign women, 172 foreign men, and five foreign children were certified as trafficking victims and detained in government facilities. The government reported seven Malaysian victims identified by authorities, but did not share information on these cases. While the government reports that it encourages victims to assist in the prosecution of their traffickers, it did not make available any alternatives to repatriation for victims who may face harm or retribution upon return to their home country, nor did it provide any incentives for victim cooperation in the prosecution of their traffickers, such as work permits or extended stay visas. Victims were deported once prosecutors were satisfied with their testimonies. There were reports that one group of male victims of trafficking was held in government facilities for as long as 11 months. Poor investigation procedures did not take into account the best interests of victims, as under the current system, victims could be asked to recount their trafficking experience on up to seven different occasions to different officials. During trial proceedings, authorities did not make adequate efforts to separate victims from their traffickers or recruitment agents, which may have resulted in threats or pressure exerted on victims and their families if they cooperated with police and prosecutors. Several NGOs who provided comprehensive services to trafficking victims reported that they no longer refer cases to the police, as it is clear that doing so was detrimental to the welfare of the victims. Additionally, the referral of victims to authorities led to the transfer of custody to government facilities, where NGOs were reportedly barred from additional contact with the victims.

NGO trafficking shelters provide services that government "shelters" did not, and the government did not provide financial assistance to NGOs providing such services. Furthermore, the government required all identified victims to be confined in government "shelters." The anti-trafficking law provided immunity to trafficking victims for immigration offenses such as illegal entry, unlawful presence, and possession of false travel documents, but

victims continued to be detained and deported, similar to the government's treatment of illegal immigration offenders. The Attorney General's Chambers reportedly created standard operating procedures for the identification and processing of suspected trafficking victims, but did not share these procedures outside of the government. The government did not develop or implement formal procedures to proactively identify victims of labor trafficking. Some unidentified victims were routinely processed as illegal migrants and held in prisons or immigration detention centers prior to deportation. RELA continued to serve as security at immigration detention facilities and as volunteers in indiscriminate raids to identify illegal migrants, some of whom were reportedly trafficking victims. Several foreign embassies reported that they were sometimes not informed by Malaysian authorities of the presence of their nationals in trafficking "shelters," and at times, authorities would deny these diplomatic missions access to their citizens once their presence was known.

### Prevention

The Malaysian government continued some efforts to prevent human trafficking during the reporting period. Authorities increased cooperation with NGOs to discuss ways to improve their anti-trafficking responses. For example, in January 2011, the state of Selangor created its own state level anti-trafficking council staffed with many leaders from the NGO community. The inclusion of several NGOs on the National Council for Anti-Trafficking in Persons (MAPO), has significantly improved the dialog between the government and NGO community on trafficking issues. The November 2010, amendments to the anti-trafficking law included the Labor Department within the Ministry of Human Resources as an enforcement agency. The Ministry of Human Resources reported that it now requires that foreign domestic workers and their employers attend a compulsory half-day seminar on workers' rights and receive a pamphlet on those rights prior to starting employment. The Ministry also reported that a portion of a domestic worker's salary must be placed into a bank account in the employee's name in order to provide a record of payment and help resolve the thousands of labor disputes based on allegations of unpaid wages. The Home Ministry reported investigating the 277 outsourcing companies that recruit foreign workers into Malaysia and placed 42 on a watchlist for engaging in suspicious activities, such as use of falsified documents or listing false employers. The government continued an anti-trafficking public awareness campaign in print media, on the radio, and on television. The Women's Ministry continued to produce pamphlets about indicators of trafficking, which were distributed at border checkpoints and Malaysia's Human Rights Commission (SUHAKAM) distributed similar pamphlets. During the year, the government again failed to amend or replace a 2006 MOU with the Indonesian government covering the employment of Indonesian domestic workers in Malaysia—which authorizes Malaysian employers to confiscate and hold the passports of domestic employees and does not mandate basic employment standards—although the countries did sign an LOI. The government continued in practice to allow for the confiscation of passports by employers of migrant workers, and did not prosecute any

employers who confiscated passports or travel documents of migrant workers or confined them to the workplace. While authorities continued some anti-trafficking training for officials with responsibilities to combat trafficking, including trainings conducted through cooperation with a foreign donor, international organizations, and NGOs, the lack of understanding of human trafficking by many Malaysian front-line officers, such as police and immigration, continues to hinder the identification and proper investigation of trafficking cases and identification and assistance to trafficking victims. The government provided a group of 125 women's organizations with \$64,500 in funding to promote capacity building and awareness programs related to human trafficking. The government did not take measures to reduce the demand for forced labor or commercial sex acts. The government provided anti-trafficking training to Malaysian troops prior to their deployment abroad on international peacekeeping missions.

## MALDIVES (Tier 2 Watch List)

The Maldives is primarily a destination country for migrant workers from Bangladesh and, to a lesser extent, India, some of whom are subjected to forced labor. Some women and girls also are subjected to sex trafficking. An unknown number of the 80,000 to 110,000 foreign workers currently working in the Maldives – primarily in the construction and service sectors – face conditions indicative of forced labor: fraudulent recruitment practices, confiscation of identity and travel documents, withholding or nonpayment of wages, or debt bondage. Thirty thousand of these workers do not have legal status in the country, though both legal and illegal workers were vulnerable to conditions of forced labor. Diplomatic sources estimate that half of the 35,000 Bangladeshi workers in the Maldives went there illegally and that a number of these workers are victims of trafficking. Migrant workers pay \$1,000 to \$4,000 in recruitment fees in order to migrate to the Maldives; such high recruitment costs increase workers' vulnerability to forced labor, as concluded in an ILO report. In addition to Bangladeshi and Indians, some migrants from Sri Lanka, Pakistan, and Nepal reportedly experienced recruitment fraud before arriving in the Maldives.

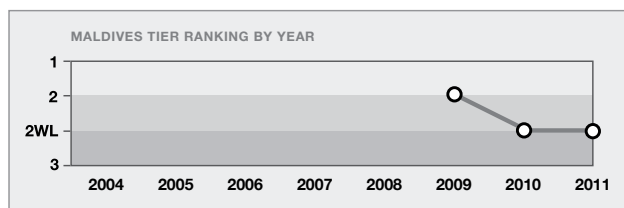
A small number of women from Sri Lanka, Thailand, India, China, the Philippines, Eastern Europe, and former Soviet Union countries, as well as some girls from Bangladesh, are subjected to sex trafficking in Male, the capital. Some reports indicate that the prostitution of local girls is also a problem in the Maldives. The Human Rights Commission of the Maldives reported that some migrant female domestic workers were trapped in circumstances in which employers used threats and intimidation to prevent them from leaving. Some underage Maldivian children are transported to Male from other islands for forced domestic service, and a small number were reportedly sexually abused by the families with whom they stayed. This is a corruption of the widely acknowledged practice where families send Maldivian children to live with a host family in Male for educational purposes.

Trafficking offenders in the Maldives usually fall into three groups: families that subject domestic servants to



forced labor; employment agents who bring low-skilled migrant workers to the Maldives under false terms of employment and upon payment of high fees for purposes of forced labor; and employers who subject the migrants to conditions of forced labor upon arrival. Recruitment agents in source countries generally collude with employers and agents in the Maldives to facilitate fraudulent recruitment and forced labor of migrant workers.

The Government of the Maldives does not comply with the minimum standards for the elimination of trafficking in persons; however, it is making significant efforts to do so, including ratifying a counter-trafficking action plan. Despite these efforts, the government has not demonstrated increased efforts to address human trafficking over the previous reporting period; therefore, the Maldives is placed on Tier 2 Watch List for a second consecutive year. The government lacks systematic procedures for identifying victims of trafficking among vulnerable populations, and during the reporting period it did not investigate or prosecute trafficking-related offenses or take concrete actions to protect trafficking victims and prevent trafficking in the Maldives. Counter-trafficking efforts are impeded by a lack of understanding of the issue; a lack of legal structure; and a lack of a legal definition of trafficking.



**Recommendations for the Maldives:** Enact legislation prohibiting and punishing all forms of trafficking in persons; distinguish between human trafficking and human smuggling in legislation, policies and programs; develop and implement systematic procedures for government officials to proactively identify victims of trafficking among vulnerable groups, such as undocumented migrants and women in prostitution; work to ensure that identified victims of trafficking are provided access to victim services; increase efforts to investigate and prosecute suspected trafficking offenses; raise public awareness of human trafficking through media campaigns; empower the Labor Tribunal by giving it legal authority to enforce its decisions, and by providing translators so it is more accessible to foreign workers; and take steps to ensure that employers and labor brokers are not abusing labor recruitment or sponsorship processes in order to subject migrant workers to forced labor.

### Prosecution

The Government of the Maldives undertook minimal anti-human trafficking law enforcement efforts during the year. Although the Maldives does not have laws prohibiting human trafficking offenses, its constitution prohibits forced labor and slavery. The Child Sex Abuse Act (2009) criminalizes the prostitution of children with a penalty of up to 25 years' imprisonment. Under Article 14 of the Act, however, if a person is legally married to a minor under Islamic Sharia, none of the offences specified

in the legislation, including child prostitution, would be considered a crime. The government is currently drafting an anti-trafficking law, though there are indications that it may not adequately differentiate between migrant smuggling and human trafficking. The government did not investigate or prosecute any labor trafficking cases, but is reportedly investigating two child prostitution cases.

### Protection

The Maldivian government did not ensure that victims of trafficking received access to necessary assistance during the reporting period. The government did not develop or implement formal procedures for proactively identifying victims, and did not identify any specific cases of trafficking. The Maldives did not provide access to services such as shelter, counseling, medical care, or legal aid to foreign or Maldivian victims of trafficking. The government's general policy for dealing with trafficking victims was to deport them, and it did not provide foreign victims with legal alternatives to their removal to countries where they might face hardship or retribution. Since 2010, the government reportedly deported three trafficking victims to their countries, and gave them permission to return to the Maldives in the future. Authorities did not encourage victims to participate in the investigation or prosecution of trafficking offenders. Due to a lack of comprehensive victim identification procedures, the Maldives may not have ensured that expatriates subjected to forced labor and prostitution were not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked.

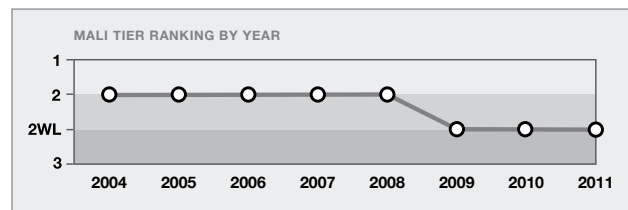
### Prevention

The Maldives made some progress in preventing human trafficking over the last year. The government did not conduct any anti-trafficking or educational campaigns, nor did it take any measures to reduce demand for forced labor within the country. In late 2010, the Department of Immigration and Emigration (DIE) was designated as a focal point for trafficking, and a Steering Committee was created to work on strengthening counter-trafficking coordination among relevant agencies. The committee developed a Human Trafficking Plan, which was ratified by the cabinet in February. The plan addresses key protection and prevention issues, but does not include a needed law enforcement component. The Human Rights Commission of the Maldives drafted a comprehensive rapid assessment of human trafficking in 2010, but the draft has not been finalized. The Labor Relations Authority (LRA) reported that 16 employment agencies and private companies were blacklisted for labor violations; some of these violations may reflect activities that have contributed to human trafficking. It is unclear if the blacklist was enforced. The LRA inspections found that there were many cases in which migrant workers were unpaid for months; it is unclear whether there was any investigation for human trafficking resulting from these inspections. Birth registration in the Maldives is 73 percent; the government did not take any specific measures to establish the identity of local populations. The Maldives is not a party to the 2000 UN TIP Protocol.

## MALI (Tier 2 Watch List)

Mali is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Within Mali, women and girls are forced into domestic servitude, agricultural labor, and support roles in gold mines, as well as subjected to sex trafficking. Malian boys are found in conditions of forced labor in agricultural settings, gold mines, and the informal commercial sector, as well as forced begging both within Mali and neighboring countries. Reports indicate that Malian children are transported to Senegal and Guinea for forced labor in gold mines and on cotton and cocoa farms in Cote d'Ivoire. Boys from Mali, Guinea, Burkina Faso, Niger, and other countries are forced into begging and exploited for labor by religious instructors within Mali and across borders. Women and girls from other West African countries are subjected to prostitution in Mali. In December 2010, an INTERPOL operation rescued three Malian children being held in situations of forced labor in Gabon. Malians and other Africans who travel through Mali to Mauritania, Algeria, or Libya, in hopes of reaching Europe, are particularly at risk of becoming victims of human trafficking. Adult men and boys, primarily of Songhai ethnicity, are subjected to the longstanding practice of debt bondage in the salt mines of Taoudenni in northern Mali. Some members of Mali's black Tamachek community are subjected to traditional slavery-related practices rooted in hereditary master-slave relationships, and this involuntary servitude reportedly has extended to their children.

The Government of Mali does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government acknowledged that human trafficking is a problem in Mali, but it did not demonstrate significant efforts to prosecute and convict trafficking offenders. Although the government identified at least 198 trafficking victims during the year – 152 of whom were Malian children in prostitution – it prosecuted only three trafficking cases and convicted two trafficking offenders. Despite its ministerial approval in June 2010, a bill outlawing all forms of trafficking, including slavery, did not reach a vote in the National Assembly. Efforts to collect data on human trafficking prosecutions improved during the year, and in February 2011, the government took steps to streamline its anti-trafficking efforts when the prime minister signed a decree creating the National Coordinating Committee for the Fight Against Trafficking and Related Activities. The government prosecuted three trafficking offenses during the reporting period. The government has not prosecuted a case of traditional slavery since 1969, and it has not taken action on at least three pending cases of traditional slavery, which have been stalled in courts for more than two years. Therefore, Mali is placed on Tier 2 Watch List for a third consecutive year. Mali was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the government has a written plan that, if implemented, would constitute making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan.



**Recommendations for Mali:** Make efforts to distinguish between human trafficking and the separate crimes of abduction and child selling; improve efforts to investigate and prosecute trafficking offenses, including cases of traditional slavery and forced prostitution, and convict and punish trafficking offenders using existing laws; investigate and, as appropriate, prosecute alleged trafficking offenses involving women and girls smuggled into and through the country for forced or child prostitution; enact legislation that prohibits and punishes nonconsensual commercial sexual exploitation of adults and the forced labor of any person and adequately defines slavery as a form of exploitation; train law enforcement to identify trafficking victims among vulnerable populations, such as women in prostitution and those in traditional slavery, and refer them to protective services; develop an improved system for collecting data on trafficking crimes and the number of victims identified and referred by government authorities to service providers for care; and increase efforts to raise public awareness about trafficking and traditional hereditary slavery.

### Prosecution

The Government of Mali demonstrated limited law enforcement efforts to combat trafficking during the last year. Mali does not prohibit all forms of trafficking, though Article 244 of the criminal code prohibits all forms of child trafficking. Convicted child trafficking offenders face penalties of five to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with those for other serious crimes, such as rape. Article 229 of the criminal code criminalizes the sexual exploitation of children and forced prostitution of adult women, prescribing a penalty of six months' to three years' imprisonment, and pimping, which carries a penalty of one to three years' imprisonment. These penalties are neither sufficiently stringent nor commensurate with other serious crimes, such as rape. Under Malian law, it is possible for victims of some trafficking crimes to file a civil suit in addition to pursuing criminal charges. Malian law may not adequately criminalize other forms of trafficking. Slavery is outlawed, but no penalty is prescribed for its commission. Article 242 of the Criminal Code, passed in 1973, prohibits individuals from entering into agreements or contracts that deprive third parties of their liberty. NGOs argue that this law, which has sometimes been characterized as an anti-slavery law, is inadequate to prosecute cases of hereditary slavery, which are not predicated on agreements or contracts entered into after 1973. In June 2010, the Council of Ministers approved an anti-trafficking law, which, if enacted, would outlaw all forms of trafficking, though it would not provide a definition of slavery. The National Assembly commenced debate on the bill in November 2010 but adjourned without voting on the legislation.

Consideration of the bill is expected to resume in the April 2011 session of the National Assembly.

The government convicted two trafficking offenders during the reporting period. In one case, the trafficker was sentenced to two years' imprisonment for forcing a victim into domestic service; in the other, the convicted offender was prescribed an insufficient sentence of 20 days' imprisonment for prostituting children. One trafficking prosecution, for forced agricultural labor, resulted in an acquittal in March 2010. The government of Mali recognizes two pending cases of traditional slavery, both of which remain stalled in courts for a third year; the status of one additional case filed in the same year is unknown. In June 2010, as a result of efforts to improve data collection and reporting, the government released data on four trafficking convictions involving forced agricultural labor, which it obtained under Article 244 of the Criminal Code in 2008 and 2009. The government did not provide information about the status of three prosecutions pending from 2008. Malian officials often chose to mediate informal out-of-court settlements instead of pursuing criminal investigations of trafficking offenders.

In March 2011, through a partnership with an NGO, the government conducted a two-day training for magistrates on prosecuting trafficking cases. There was no evidence of government officials' involvement in human trafficking, though corruption is known to be pervasive throughout security forces and the judiciary, and evidence suggests that officials falsely denied knowledge of the existence of cases of trafficking. In 2010, a former slave was pressured by local authorities and the *gendarmerie* to withdraw a forced labor complaint from the courts.

### Protection

The Government of Mali demonstrated limited efforts to protect trafficking victims in the last year. Authorities reported the use of an informal system for identifying trafficking victims among vulnerable populations, such as child laborers and women in prostitution, or for referring victims to NGOs that provide protective services. Due to its limited resources, the government did not operate any shelters for trafficking victims or provide direct aid to trafficking victims. The government referred an unknown number of victims to NGOs and international organizations for assistance, and sometimes provided in-kind support to these organizations in the form of rice, oil, and other foodstuffs, as well as a financial contribution of \$2,000 to an organization helping domestic workers who may have been at risk of becoming trafficking victims. Authorities reported that the Ministry for the Advancement of Women, Children, and the Family rescued and repatriated 13 trafficking victims to Niger, Burkina Faso, Guinea, The Gambia, Senegal, and Cameroon during the reporting period. The same ministry helped repatriate 33 Malians who were identified as victims of trafficking in Niger, Burkina Faso, The Gambia, Cote d'Ivoire, and Togo. The Morals Brigade of the police department identified 152 children in prostitution and coordinated with international organizations and the Ministry for the Advancement of Women, Children, and the Family to reunite the children with their families. In March 2011, Malian police rescued

a Nigerian woman forced into prostitution in Bamako, extradited two alleged traffickers to face prosecution in Nigeria, and repatriated the woman with the assistance of the Nigerian National Agency for the Prohibition of Trafficking in Persons. An NGO reported that community surveillance committees, organized by the government and international organization partners, identified 1,500 suspected trafficking victims traveling without proper identity documents last year, who were subsequently returned to their villages. The government did not report identifying or assisting any victims of traditional slavery. Despite persistent reports of a significant number of Nigerian women held in forced prostitution in western Mali, law enforcement officials did not take efforts to investigate these reports or to identify and rescue suspected victims within this population. The Government of Mali did not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. There were no reports that identified victims were penalized for unlawful acts committed as a result of being trafficked.

### Prevention

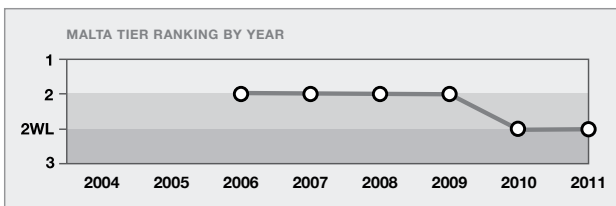
The Government of Mali made efforts to prevent trafficking during the last year. In December, the Ministry of Malians Abroad and African Integration launched a national awareness campaign to educate Malians about the dangers of illegal migration to Europe, including the possibility of becoming a victim of human trafficking, though to date there have been no reports of Malians subjected to human trafficking within Europe. In December 2010 and February 2011, the National Assembly and Interparliamentary Union sponsored workshops for government officials and community members to raise awareness about violence against women, including forced prostitution and forced marriage. In February 2011, the prime minister signed a decree creating the National Coordinating Committee for the Fight Against Trafficking and Related Activities and assigning specific anti-trafficking prevention responsibilities to it. The committee, chaired by the Ministry of Justice, met for the first time in February 2011, and was tasked with creating a national plan of action, mobilizing resources to implement the plan, establishing a common data collection system, publishing regular reports, conducting awareness campaigns, and promoting anti-trafficking partnerships. In a measure to prevent transnational child trafficking, Malian police provided travel passes for children – *titres de voyage* – which indicate parental permission for a child to travel with a non-guardian and assisted community surveillance committees to identify suspected trafficking victims. The government continued its implementation of a biometric civil registration program, for which it spent approximately \$4 million, that has the potential to assist police and border officials in the identification of trafficking victims. The government took no visible measures to decrease the demand for commercial sex acts or forced labor. The Government of Mali did not provide anti-trafficking training to Malian troops deployed abroad on international peacekeeping missions.



## MALTA (Tier 2 Watch List)

Malta is a source and destination country for European women and children subjected to sex trafficking. Malta is likely a destination country for men and women subjected to forced labor, including in restaurants, private households, and in unskilled or semi-skilled labor. The approximately 2,000 irregular African migrants currently residing in Malta may be vulnerable to human trafficking in Malta's informal labor market. There were anecdotal reports that Malta may be a transit country for African women subjected to sex trafficking in continental Europe.

The Government of Malta does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate overall increasing efforts to address human trafficking over the previous reporting period; therefore, Malta is placed on Tier 2 Watch List for a second consecutive year. The government demonstrated greater commitment to combat trafficking through national coordination by appointing the country's first anti-trafficking coordinator and anti-trafficking monitoring board. These measures, however, have not yet resulted in concrete improvements to victim identification procedures, victim care systems, effective investigations and prosecutions of trafficking offenders, or targeted prevention activities. Despite its efforts, the government did not identify any trafficking victims this year or begin investigations or prosecutions of any trafficking offenders. There were credible reports that victims of trafficking were punished for acts committed during the course of trafficking or deported without proper victim identification. In the only trafficking case resolved this year, the trafficking offender received a suspended sentence.



**Recommendations for Malta:** Intensify efforts to proactively identify trafficking victims among vulnerable populations, particularly migrants, women in prostitution, and foreign workers; develop formal procedures for the identification and care of victims of trafficking, including victims of forced labor and possible child victims; ensure that identified victims of trafficking are not punished for acts committed as a direct result of trafficking; ensure that potential trafficking victims are not deported prior to the investigation of their trafficking cases; increase efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders; ensure that convicted trafficking offenders, including any officials identified as complicit in trafficking, receive adequate punishment, including time in prison; continue to strengthen the national coordination structures to combat trafficking in persons, including by drafting a national action plan; attempt to establish partnerships with NGOs or religious organizations in Malta on anti-trafficking activities and

encourage NGOs or religious organizations to cooperate with the government in identifying and providing services to potential victims; consider allowing for the more robust participation of the attorney general's office in the investigation of potential trafficking cases; and establish partnerships with international organizations and NGOs in relevant source countries, as appropriate, to ensure safe and voluntary repatriation for victims.

### Prosecution

The Government of Malta demonstrated minimal progress in its efforts to prosecute and punish trafficking in persons offenders during the reporting period. Article 248A-E of Malta's criminal code prohibits all forms of trafficking in persons and prescribes punishments of two to nine years' imprisonment. These prescribed penalties are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. The government did not begin any trafficking investigations this year. The government convicted one sex trafficking offender during the reporting period, but the court failed to impose a sentence of jail time on the convicted offender; instead, it delivered a two-year suspended sentence and a fine. The prosecutor has appealed the length of the sentence awarded. The government did not investigate or initiate prosecutions of any suspected trafficking offenses and several trafficking cases remain unresolved. The government did not conduct any trafficking-specific training for police, prosecutors, or judges during the reporting period.

### Protection

The Government of Malta's efforts to protect trafficking victims decreased during the reporting period. The government did not have a formal referral mechanism with which to identify victims of trafficking and ensure their care. The lack of formal procedures to guide law enforcement responders in identifying victims of trafficking among vulnerable groups, such as foreign workers, women in prostitution, and irregular migrants, impaired the government's ability to ensure that trafficking victims were recognized and treated in accordance with international law. Accordingly, the government did not identify any victims of trafficking in 2010, despite credible reports that victims of trafficking had presented themselves to police. There were anecdotal reports that a Nigerian irregular migrant had been deported in 2010 after informing the police that she was a victim of trafficking; the police did not investigate her claim. Potential victims of trafficking were punished for unlawful acts committed in the course of trafficking. In July 2010, a Somali woman who was a possible victim of trafficking received a six-month suspended prison sentence after being found guilty of making a false declaration to immigration officials and being in possession of false documentation. The government allocated no funds to international organizations or NGOs for anti-trafficking protection work. The government continued to designate anti-trafficking victim care responsibility and funds to Appogg, a Government of Malta social services agency with some private participation. Under the terms of a rarely observed memorandum of understanding, Appogg was empowered

to provide shelter, psychological care, and other services to any identified victims of trafficking. Although Appogg has a 16-bed mixed-use shelter for women, only one trafficking victim was referred to this shelter; no trafficking victims were cared for at temporary shelters operated by NGOs and religious institutions. The Government of Malta did not establish any partnerships with international NGOs or organizations in relevant source countries to ensure the safe and voluntary return of victims. No victims reportedly received the 60-day reflection period provided for under Maltese law. Victims who agreed to testify could, in theory, receive resettlement to other countries under a new identity; however, the Maltese government did not offer this option or any other legal alternatives for identified trafficking victims to avoid removal to countries in which they would face retribution or hardship.

### Prevention

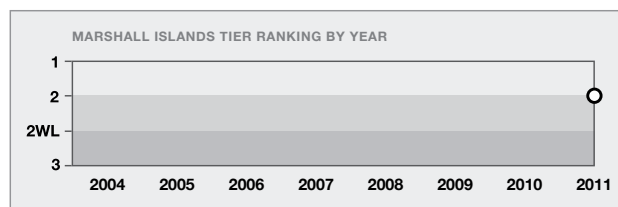
The government made some progress in advancing anti-trafficking prevention efforts during the reporting period by enhancing governmental anti-trafficking coordination. Senior government officials showed increased awareness of Malta's human trafficking problem. The government named a national coordinator to lead its efforts in combating trafficking and, in February 2011, appointed a Trafficking Monitoring Board to develop and implement a national trafficking action plan. The Monitoring Board will bring together key actors from relevant agencies, such as the Office of the Prime Minister, the Ministry of Finance, the Ministry of Justice and Home Affairs, and the Police Commissioner. This new structure should, when fully active, be able to set in place the necessary referral mechanism, victim identification protocols, and prosecution models to bring about change. However, the government's other prevention activities were minimal. The government continued to collaborate with an international cosmetics company in an agreement whereby the proceeds of products sold by the business would assist the government in developing an awareness campaign on child trafficking. Appogg, the social services agency, continued to run a social services hotline that could receive calls about human trafficking, but it was unclear whether they received any trafficking-related calls. The government did not report any specific measures to reduce the possible participation of Maltese nationals in child sex tourism abroad.

## MARSHALL ISLANDS (Tier 2)

The Republic of the Marshall Islands (RMI) is a destination country for women subjected to sex trafficking. Foreign women are reportedly forced into prostitution in bars frequented by crew members of Chinese and other foreign fishing vessels; some Chinese women have been recruited with the promise of legitimate work, and after having paid large sums of money in recruitment fees, were forced into prostitution in the Marshall Islands. Little data on human trafficking in the Marshall Islands are available, as the government has not made efforts to proactively identify victims, especially among vulnerable populations such as foreign and local women in prostitution and foreign men on fishing vessels in Marshallese waters. The government

has not conducted any inquiries, investigations, studies, or surveys on human trafficking.

The Government of the Marshall Islands does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government acknowledged for the first time that human trafficking occurs in the Marshall Islands, and began prosecution of a forced prostitution case during the reporting period. However, there have been reports of attempted political interference in the investigation and prosecution, and this remains a serious concern that has not been appropriately addressed. The government did not take steps to proactively identify or protect victims of sex trafficking, investigate or prosecute foreign crewmen for the commercial sexual exploitation of trafficking victims within its territory, or educate the public about human trafficking. The government devotes few resources to addressing human trafficking.



**Recommendations for the Marshall Islands:** Draft and enact comprehensive anti-trafficking legislation; publicly recognize and condemn incidences of trafficking; increase efforts to investigate, prosecute, and punish trafficking offenders; take steps to criminally investigate and prosecute officials complicit in trafficking activities or hindering ongoing trafficking prosecutions; work with NGOs and international organizations to provide protective services to victims; make efforts to study human trafficking in the country and identify victims among vulnerable populations, such as women in prostitution, and foreign workers, including foreign fishermen; adopt proactive procedures to identify victims of trafficking among vulnerable groups, such as foreign workers and women in prostitution; and develop and conduct anti-trafficking information and education campaigns.

### Prosecution

The Government of the Marshall Islands made limited efforts to investigate and prosecute trafficking offenders during the reporting period. The Marshall Islands has no specific laws addressing trafficking in persons. Various laws such as the criminal code and the anti-prostitution law, which prescribe punishments of up to 10 years' imprisonment, can be used to prosecute some, but not all, forms of trafficking. The anti-prostitution law prescribes a \$10,000 fine or imprisonment of up to five years for the crime of promoting prostitution. The lack of a legal definition of sex or labor trafficking that identify the essential elements of a trafficking crime prevents law enforcement officers from rescuing victims or arresting trafficking offenders on most trafficking-related charges. The lack of explicit labor rights afforded to all workers in the Marshall Islands' labor code increases the vulnerability

to forced labor. Marshall Islands authorities investigated and the Attorney General's Office began efforts to prosecute one sex trafficking offender during the reporting period for the forced prostitution of two Chinese women, the first such prosecution of its kind in the country. The case has been rescheduled after having been delayed several times, and there were reports that senior officials attempted to interfere with the ongoing prosecution of the defendant, who reportedly has ties to senior government officials. The government failed to investigate or prosecute the reports of interference or trafficking-related complicity. The government provided no training to law enforcement or court personnel on identifying trafficking victims and prosecuting trafficking offenders.

### Protection

The Government of the Marshall Islands made few efforts to ensure trafficking victims' access to protective services during the year. Law enforcement and social services personnel do not have a formal system of proactively identifying victims of trafficking among high-risk populations with whom they come in contact. They did not identify any victims during the reporting period. Two victims identified themselves to authorities, who extended their stay in the Marshall Islands for the duration of their trafficker's ongoing trial. The government does not provide legal alternatives to the removal of victims to countries where they may face hardship or retribution. The government does not have any mechanisms in place to ensure that trafficking victims receive access to legal, medical, or psychological services, and has no reported plans to develop the capacity to do so. The Marshall Islands government did not make efforts to identify or reach out to international organizations or community groups to provide assistance to victims of trafficking.

### Prevention

The government made no discernible efforts to prevent trafficking or raise public awareness of the dangers of trafficking. The government did not conduct any public awareness campaigns on trafficking. The government did not provide any training for government or law enforcement officials on how to recognize, investigate, and prosecute instances of trafficking. It took no action to reduce the demand for commercial sex acts during the reporting period. The Marshall Islands is not a party to the 2000 UN TIP Protocol.

## MAURITANIA (Tier 3)

Mauritania is a source and destination country for men, women, and children subjected to conditions of forced labor and sex trafficking. Women, men, and children from traditional slave castes are subjected to slavery-related practices rooted in ancestral master-slave relationships. Reliable data on the total number of slaves do not exist, but according to the estimate of a respected Mauritanian NGO, slavery may affect up to 20 percent of the population, in both rural and urban settings. Held for generations by slave-holding families, they are forced to work without pay as cattle herders and domestic servants. Boys from within

Mauritania and other West African countries – referred to as *talibes* – who are recruited to study at Koranic schools, are subsequently subjected to forced begging by some religious teachers, known as *marabouts*. Mauritanian girls, as well as girls from Mali, Senegal, The Gambia, and other West African countries, are forced into domestic servitude. Mauritanian women and girls are forced into prostitution in the country or transported to countries in the Middle East for the same purpose, and men from Middle Eastern countries used legally contracted “temporary marriages” as a means to sexually exploit young girls and women in Mauritania.

The Government of Mauritania does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government acknowledges that some forms of trafficking are a problem in the country, and during the year, it created a multi-stakeholder body to lead its efforts related to child trafficking, child smuggling, and child labor. Hereditary slavery was officially outlawed in 2007, but many officials do not recognize that the practice continues despite its prohibition, and instead apply the phrase “the consequences of slavery” to address the problem. There is no legal precedent to prove a case of slavery in court; civil society representatives believe the slavery law is nonoperational in practice. During the year, however, the government arrested – following significant pressure from civil society groups and a violent protest – an alleged slave-master and convicted her of the separate crime of child exploitation, signaling what some observers believe to be a new willingness, albeit tenuous, to punish trafficking offenders using other criminal statutes. The offender spent 12 days in prison before filing an appeal that led to her acquittal, while an anti-slavery activist spent one month in prison for his role in the events before receiving a presidential pardon. The government did not take proactive measures to identify trafficking victims or provide them with protective services, and it continued to jail individuals in prostitution and detain illegal migrants without screening either population for trafficking victims.



**Recommendations for Mauritania:** Increase efforts to investigate and prosecute trafficking offenses, including cases of traditional slavery, and convict and punish offenders using the 2003 Law Against Trafficking in Persons; ensure that efforts to hold parents criminally liable for their involvement in sending their children away from home are accompanied by efforts to prosecute and convict the traffickers who force children into servitude; train law enforcement to identify trafficking victims among vulnerable populations, such as women in prostitution and those in traditional slavery, and refer them to protective services; consider amending Law 2007-048, which outlaws slavery, to allow civil society organizations to file



complaints on behalf of slaves; provide support for and access to legal assistance for trafficking victims; increase efforts to coordinate with NGOs to arrange protective services for trafficking victims; formalize the structure of the multi-stakeholder group (TTTE) to coordinate anti-trafficking efforts related to children; with input from civil society representatives, develop a plan to provide economic resources — financial or property — to empower members of traditional slave castes to live independently; and increase efforts to raise public awareness about trafficking and traditional hereditary servitude.

### Prosecution

The government demonstrated modest progress in its anti-trafficking law enforcement efforts during the reporting period. All forms of trafficking except hereditary slavery are prohibited through Mauritania's 2003 Law Against Trafficking in Persons, which prescribes penalties of five to 10 years' imprisonment; these penalties are sufficiently stringent and exceed those prescribed for rape. Slavery is prohibited by Law 2007-048, which was enacted in September 2007. This law defines slavery and prescribes a sufficiently stringent penalty of five to 10 years' imprisonment. The law's effectiveness, however, is impaired by its requirement that slaves file a legal complaint before a prosecution can be pursued, as well as its barring of NGOs from filing complaints on behalf of slaves. Many slaves are illiterate and unable to complete the paperwork involved in filing a complaint.

The government provided no support for programs to assist victims to file complaints on slavery. In December 2010, the government initiated an investigation into an alleged case of slavery in which a woman in Nouakchott, an employee of a prominent government institution, was accused of enslaving two children as domestic servants. This arrest occurred after significant pressure from civil society groups and a violent protest, which led to the imprisonment of a prominent anti-slavery activist on charges of obstructing public order, assaulting law enforcement, and operating an unauthorized organization. The activist was pardoned after serving one month of a six month prison sentence. The government prosecuted the case of the alleged slave-master as a lesser crime of child exploitation, and in January 2011, it convicted and sentenced her to six months in prison. However, due to a technical error, the cause of which is not known, the necessary documentation to put her in jail — a *mandat de depot* — was not signed, and she was not sent directly to prison. The government succeeded in its initial appeal to have the *mandat de depot* signed and the offender spent 12 days in prison before being released. In March 2011, she was acquitted by the Court of Appeals of Nouakchott. NGOs report that this case represented the first time an alleged slave-master was prosecuted and convicted of exploitation in court. Additionally, the government convicted two women, the mothers of the two victims, who had received payment for their daughters' exploitation as domestic servants; each received a six-month suspended prison sentence. The government did not investigate or prosecute any additional cases during the reporting period, and NGOs report that slavery victims were often pressured to withdraw legal complaints. There is no evidence of government officials' complicity

in trafficking, though civil society representatives argue that judicial failure to pay due attention to slavery cases brought to their attention amounts to tacit complicity. No investigations were initiated or administrative sanctions applied to any government officials accused of complicity in trafficking. The government did not provide specialized training for law enforcement and immigration officials on identifying trafficking victims.

### Protection

The Government of Mauritania demonstrated negligible efforts to protect victims of human trafficking, including traditional slavery. It continued to run two National Centers for the Protection and Social Integration of Children, which provided services to trafficking victims in previous years, but it is not known whether any received care from these shelters during the reporting period. Victim services, if any, were provided by NGOs, and the government did not play a role in coordinating these efforts. One NGO reported identifying 77 victims of traditional slavery and 277 other victims of trafficking during the year. The government did not employ a process of referring identified trafficking victims to institutions that provided short- or long-term care. The government also did not take steps to identify trafficking victims among vulnerable populations; illegal migrants were detained and placed in the Migrant Detention Center at Nouadhibou until their expulsion from the country, and women suspected of prostitution were often jailed without the government making any attempt to identify trafficking victims among either population. The government did not encourage victims to assist in the investigation and prosecution of human trafficking cases, and there were no precedents of victims filing civil suits against trafficking offenders.

### Prevention

The Government of Mauritania made limited efforts to raise awareness of trafficking during the last year. It took steps to coordinate anti-trafficking efforts by creating a multi-stakeholder group, TTTE, composed of representatives from government, NGOs, and international organizations, to lead the government's efforts related to child trafficking, child smuggling, and child labor. The group reportedly held informal meetings during the year and drafted a document to formalize its structure. In 2010, the government, in conjunction with civil society, conducted a campaign using television, radio, and print media to educate the public about human rights and the anti-slavery law. The government reauthorized \$3.4 million for the Program to Eradicate the Consequences of Slavery, but did not clearly define how these funds would be allocated, or whether any funds would support prosecution or victim protection efforts, as opposed to generalized anti-poverty programs. The government did not release the National Action Plan to Fight Trafficking in Persons that it began drafting with an international organization in the previous reporting period. The government made no efforts to reduce the demand for forced labor or commercial sex acts.

## MAURITIUS (Tier 1)

Mauritius is a source country for children and, to a much lesser extent, men and women subjected to sex trafficking within the country. Secondary school-age girls and, to a lesser extent, younger girls from all areas of the country, including from Rodrigues Island, are induced into prostitution, often by their peers, family members, or by businessmen offering other forms of employment. Young girls are sometimes sold by a family member into prostitution or forced into the sex trade in exchange for food and shelter. Taxi drivers are known to provide transportation and introductions for both the girls and the clients. Girls and boys whose mothers engage in prostitution are reportedly vulnerable to being forced into prostitution at a young age. Some drug-addicted women are forced into prostitution by their boyfriends, who serve as their pimps. In 2010, two Mauritian trafficking victims were identified in Europe: a man in forced labor in the United Kingdom and a woman in domestic servitude in Belgium. Approximately 300 Malagasy women reportedly transited Mauritius during the first half of 2010 *en route* to employment as domestic workers in Lebanon, where some were subsequently subjected to conditions of forced labor. Mauritius' manufacturing and construction sectors employ approximately 30,000 foreign migrant workers from India, China, Bangladesh, Sri Lanka, and Madagascar. To date, there have been no confirmed reports of migrant workers subjected to conditions of forced labor within Mauritius.

The Government of Mauritius fully complies with the minimum standards for the elimination of trafficking. Mauritius sustained its strong efforts to identify, investigate, and prosecute incidences of trafficking during the reporting period. The Mauritius Police Force maintained its offerings of anti-trafficking training programs for police officers and continued its awareness campaign in schools and villages. The government's efforts to coordinate among all relevant ministries, however, remained lacking, leading to inconsistent provision of protective and investigative services to trafficking victims.



**Recommendations for Mauritius:** Utilize anti-trafficking legislation to investigate and prosecute trafficking offenses and convict and punish trafficking offenders, including those involving adult women exploited in pimp-controlled forced prostitution; designate an official coordinating body or mechanism to facilitate improved anti-trafficking communication and coordination among the relevant ministries, law enforcement entities, working groups, and NGOs; increase protective services available to victims of child commercial sexual exploitation, particularly in regard to safe shelter and educational opportunities; provide increased funding and support to all branches of the Minors Brigade in the investigation of human trafficking

cases; to improve the timeliness in deciding whether to prosecute trafficking cases, provide anti-trafficking training to personnel of the Office of the Director of Public Prosecutions; and ensure that all cases of children in prostitution identified by the Ministry of Gender Equality, Child Development, and Family Welfare's (MOGE) Child Development Unit (CDU) are referred to the police for investigation.

### Prosecution

The Mauritian government demonstrated increased anti-trafficking law enforcement efforts, vigorously investigating and prosecuting cases of human trafficking throughout the year. The Combating of Trafficking in Persons Act of 2008 prohibits all forms of trafficking for adults and children and prescribes penalties of up to 15 years' imprisonment for convicted offenders. In addition, the Child Protection Act of 2005 prohibits all forms of child trafficking and prescribes punishment of up to 15 years' imprisonment; the Judicial Provisions Act of 2008 increased the maximum prescribed punishment for child trafficking offenses to 30 years' imprisonment. All of the aforementioned penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes.

From arrest to sentencing of offenders, cases of child trafficking typically took 18 to 24 months to resolve. The government did not report any successful prosecutions during the year. In early 2011, however, the Intermediary Court conducted two pre-trial hearings regarding the January 2008 case of a man and woman charged with inducing their 12-year-old niece into prostitution. In August 2010, police arrested a Mauritian man on charges of human trafficking for allegedly pimping a 15-year-old girl to a male client; the investigation remained ongoing at the end of the reporting period. In 2010, police concluded the investigation into a 2009 case of a male massage parlor owner suspected of pimping a 16-year-old girl and referred it to the Director of Public Prosecution (DPP) for action. A 2007 case of a grandmother who allegedly forced her granddaughter into prostitution, referred by the Minors Brigade to the DPP for action during the previous reporting period, remained under consideration by the DPP's office and had not been referred for trial. On Rodrigues Island, police referred seven alleged sex trafficking offenders to the DPP for prosecution in 2010. The Minors Brigade utilized a database for tracking criminal trafficking cases, as well as awareness campaigns carried out in the community; its work remains handicapped, however, by a lack of adequate funding and equipment. In 2010, the Minors Brigade provided basic anti-trafficking training to 359 police recruits as part of their entry-level police training curriculum.

### Protection

The government sustained its protection of child trafficking victims during the reporting period, providing funding to NGOs running shelters for victims of abuse on a reimbursable basis – \$6 per day for the protection of each child, including victims of trafficking. CDU officials regularly referred abused and exploited children to these organizations for shelter and other assistance. The Minors

Brigade systematically refers all cases of identified children in prostitution to the CDU for victim assistance; in 2010, the brigade referred one such child, a boy, for protective services. The CDU did not, however, refer all cases of child prostitution identified by its officers to the Minors Brigade for possible investigation, as some victims or their relatives did not wish to press charges; however, the victims still received medical and psychological assistance provided by CDU. The government-funded, NGO-run drop-in center for sexually abused children, which provided counseling to five girls engaged in prostitution in 2010, advertised its services through a toll-free number and community outreach; its social worker continued to promote the services in schools and local communities. Nonetheless, due to the drop-in center's lack of shelter facilities and the often crowded conditions at NGO shelters, comprehensive protective services were not always readily available to all victims identified within the country.

Although the MOGE acquired land to build a residential center for victims of child prostitution in late 2008, fulfilling a requirement of the anti-trafficking statute, construction of the facility has not yet begun, as the MOGE awaits financial disbursement from the Ministry of Finance. As an interim measure, the MOGE completed the official paperwork to rent a house for use as a shelter until the construction is complete; this temporary shelter is scheduled to open in July 2011. The ministry operated a 24-hour hotline for reporting cases of sexual abuse; the hotline received three calls regarding cases of child prostitution in 2010. The Mauritian government continued to employ a formal protocol on the provision of assistance to all victims of sexual abuse; minors victimized in prostitution were accompanied to the hospital by a child welfare officer, and police work in conjunction with this officer to obtain a statement from the child victim. Medical treatment and psychological support were readily available at public clinics and NGO centers in Mauritius. The government encouraged victims' assistance in the investigation and prosecution of trafficking crimes, and ensured that identified victims were not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked.

### Prevention

The government made notable efforts to prevent the sex trafficking of children and reduce the demand for commercial sex acts during the year. The Police Family Protection Unit and the Minors Brigade continued its widespread awareness campaign on child abuse and child rights at schools and community centers that included a session on the dangers and consequences of engaging in prostitution. The campaign targeted at-risk regions in the East and South coasts of the island and reached 28,643 persons in 2010, including parents, primary school children, high school students, and civil society members. Members of police units also discussed these topics on 19 radio programs during the year. Law enforcement and child welfare officials conducted surveillance at bus stops, night clubs, gaming houses, and other places frequented by children to identify and interact with students who were at a high risk of sex trafficking. In order to prevent potential child trafficking between mainland Mauritius

and Rodrigues Island, the Passport and Immigration Office in February 2011 began requiring that children under the age of 18 obtain a travel document from their local police station when traveling between the two islands, and vice versa. The Ministry of Tourism, Leisure, and External Communications sustained its distribution of pamphlets to hotels and tour operators regarding the responsibility of the tourism sector to combat child sex trafficking. Communication and coordination among the relevant government ministries, however, was insufficient and hindered effective partnerships. Inspections conducted by the Ministry of Labor's 30 labor officers and nine trainee officers in 2010 yielded no cases of forced labor or exploitative child labor. The Ministry of Labor's Special Migrant Unit was responsible for vetting contracts, inspecting workplaces, investigating claims of poor working conditions, and following up on worker complaints; it did not provide specific information regarding corrective actions, such as the issuing of notices or fines, taken as a result of such inspections during the reporting period. The unit employed a Chinese interpreter to facilitate communication between the ministry and Chinese workers. In 2010, the government drafted Occupational Safety and Health (Employees' Lodging Accommodation) Regulations to set a minimum standard for lodging and other living conditions provided to migrant workers; the regulations entered into force in January 2011.

## MEXICO (Tier 2)

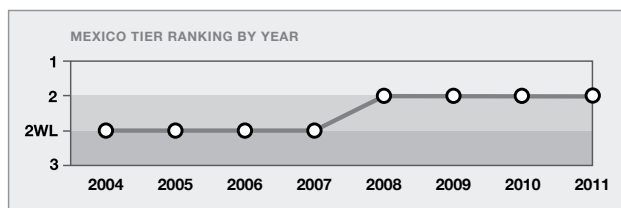
Mexico is a large source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Groups considered most vulnerable to human trafficking in Mexico include women, children, indigenous persons, and undocumented migrants. Mexican women, girls, and boys from poor rural areas are subjected to sexual servitude within the United States and Mexico, lured by fraudulent employment opportunities or deceptive offers of romantic relationships, including marriage. Mexican trafficking victims also are subjected to conditions of forced labor in agriculture, domestic service, construction, and street begging, in both the United States and Mexico. During 2010, the majority of trafficking victims identified within Mexico were from Chiapas, Veracruz, Puebla, Oaxaca, and Tlaxcala. The municipality of Tenancingo in Tlaxcala state was identified as a major source for Mexican sex trafficking victims exploited within Mexico and in the United States. In some parts of the country, public fear of criminal organizations impedes the ability of the government and civil society to effectively combat trafficking.

According to official and civil society sources, the vast majority of foreign victims in forced labor and sexual servitude in Mexico are from Central America, particularly Guatemala, Honduras, and El Salvador; many transit Mexico *en route* to the United States and, to a lesser extent, Canada and Western Europe. However, trafficking victims from South America, the Caribbean, Eastern Europe, Asia, and Africa also are found in Mexico, and some transit the country *en route* to the United States. Unaccompanied Central American minors, traveling through Mexico to meet family members in the United States, fall victim



to human traffickers, particularly near the Guatemalan border. Mexican men and boys from southern Mexico are found in conditions of forced labor in northern Mexico, and Central Americans, especially Guatemalans, are subjected to forced labor in southern Mexico, particularly in agriculture. Child sex tourism continues to grow in Mexico, especially in tourist areas such as Acapulco and Cancun, and in northern border cities like Tijuana and Ciudad Juarez. Most child sex tourists are from the United States, Canada, and Western Europe, although some are Mexican citizens. In addition to Mexican drug cartels, organized crime networks from around the world are reportedly involved in human trafficking in Mexico.

The Government of Mexico does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, Mexican authorities increased anti-trafficking law enforcement efforts, achieved the first conviction and sentence for forced labor in the country, and adopted new protocols for the treatment of foreign victims. The Mexican Congress passed a national anti-trafficking action plan and designated \$4.2 million in funding to implement the plan. Given the magnitude of Mexico's trafficking problem, however, the number of human trafficking investigations, prosecutions, convictions, and sentences remained low, and government funding for victim services remained inadequate. While Mexican officials recognize human trafficking as a serious problem, NGOs and government representatives report that some local law enforcement officials tolerate and are sometimes complicit in trafficking, impeding implementation of anti-trafficking statutes.



**Recommendations for Mexico:** Increase federal and state efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including complicit public officials; aggressively implement the National Program to Prevent and Combat Trafficking in Persons; pass the legislative reform to the 2007 Law to Prevent and Sanction Trafficking in Persons currently under review in the Mexican Congress to strengthen the anti-trafficking legal framework; continue to increase funding for victim services and shelters and ensure that victims of all forms of trafficking receive adequate protection; ensure effective protection for witnesses and victims testifying against traffickers; increase collaboration with NGOs to provide victim care; enhance formal procedures to identify trafficking victims among vulnerable populations, such as women in prostitution and irregular migrants; improve coordination mechanisms between federal, state, and local authorities; increase the ability of regional and state coalitions and officials to more effectively respond to human trafficking cases through increased funding and staff dedicated to state-level efforts; and increase

training on human trafficking and victim identification and treatment for law enforcement officers, immigration officials, judicial officials, social workers and other government employees.

## Prosecution

The Government of Mexico's overall law enforcement response to human trafficking increased during the reporting period, though efforts remain strongest at the federal level and in the capital, where four convictions and sentences were obtained during the year. In 2007, the government enacted federal legislation to prohibit all forms of human trafficking, prescribing penalties of six to 12 years' imprisonment. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. Under aggravated circumstances, such as when the victim is a child or lacks mental capacity, penalties increase to nine to 18 years' imprisonment; when the convicted offender is a public official, penalties increase by half. The law includes a clause that can render consent of victims over the age of 18 relevant, even if threats, abduction or fraud were used, making the prosecution of traffickers more difficult when the victim may have originally consented to an activity. A draft law currently under consideration by the Mexican Congress would address this issue, establish more robust victim protections through increased funding, and institute more concrete government responsibilities.

In Mexico's federal system, state governments investigate and prosecute trafficking cases that occur wholly within the country, with four specific exceptions. Federal jurisdiction is invoked in cases that involve organized crime, transnational trafficking cases, trafficking crimes involving government officials, and trafficking occurring on federally administered territory. All 32 Mexican states have passed some anti-trafficking penal code reforms, though these reforms varied in content and effectiveness, and not all of the reforms outlawed all forms of trafficking. Nine states have additionally passed specific state trafficking laws, which strengthen penal codes and institute state regulations for trafficking prevention, and other states also are reviewing draft laws. The inconsistency between state penal codes and laws on human trafficking could cause confusion among law enforcement and problems among inter-state prosecutions. Prosecutorial efforts remained weak at the state level outside of Mexico City. As many judges are not familiar with human trafficking laws, some cases of human trafficking continued to be prosecuted under other laws, such as rape or pimping statutes, under which penalties are sometimes lower, and judges sometimes reduce charges during the course of trials.

The federal police maintained a small unit in the capital to investigate human trafficking and smuggling crimes, and some states also had law enforcement units that investigated trafficking crimes, specifically sex trafficking. The Attorney General's Special Prosecutor's Office for Violence Against Women and Trafficking in Persons (FEVIMTRA) handles federal trafficking cases involving three or fewer suspects, while the Attorney General's Office of the Special Prosecutor for Organized Crime (SIEDO) investigates cases with more than three suspects.

Officials and NGOs reported that some investigations and prosecutions were delayed while authorities determined which prosecutors have jurisdiction, to the detriment of both the criminal case and the victim. However, authorities reported launching a small FEVIMTRA and SIEDO unit in March 2011 to investigate cases jointly. Resources and staff for these dedicated units remained limited. Some state-level attorney general's offices also have victims' or women's services units that focus on prosecuting human trafficking cases.

During the reporting period, FEVIMTRA investigated 76 trafficking cases, initiated 47 prosecutions, and achieved the first conviction and sentence for forced labor in Mexico. The trafficker received nine years' imprisonment and has appealed his sentence. Despite several prosecutions underway, SIEDO did not report any convictions or sentences for trafficking crimes during the reporting period. In March 2011, a federal judge sentenced a prominent Cancun businessman who forced numerous children into prostitution to 13 years' imprisonment under child pornography and rape statutes in a case dating to 2003. In 2010, Mexico City's Attorney General's Office initiated 47 new prosecutions and convicted four trafficking offenders, whose sentences ranged from four to 17 years' imprisonment. Numerous state attorney general offices also reported ongoing prosecutions for human trafficking, but none reported convictions or sentences during the year. During the previous reporting period, federal authorities achieved five convictions and Mexico City's Attorney General's Office achieved the first anti-trafficking sentence.

NGOs, members of the government, and other observers continued to report that corruption among public officials, especially local law enforcement, judicial, and immigration officials, was a significant concern. Some officials reportedly accepted or extorted bribes, including in the form of sexual services, from traffickers; falsified victims' identity documents; discouraged trafficking victims from reporting their crimes; or failed to report child prostitution and other human trafficking activity in commercial sex sites. In December 2010, two former immigration officials who were arrested in August 2007 received sentences of 12 and eight years' imprisonment, respectively, for their role in operating a human trafficking and migrant smuggling ring. A high-level immigration official who was charged by SIEDO for alleged involvement in sex trafficking of Central American women was cleared by a federal judge in 2010. Prosecutors also investigated directors of a penitentiary in Mexico City for their alleged involvement in a network of forced prostitution of female inmates being operated out of a jail.

NGOs noted that many public officials in Mexico, including state and local officials, did not adequately distinguish between alien smuggling and human trafficking offenses and that many judges and police officers are not familiar with anti-trafficking laws. Some federal government agencies provided their own employees with anti-trafficking training and cross-trained officials in other agencies, often in partnership with NGOs, international organizations, and foreign governments. During 2010, the National Institute for Migration (INM) trained officials on identifying and interviewing trafficking victims. The

Mexican federal government continued to partner with the U.S. government on cross-border trafficking investigations last year.

## Protection

The Mexican government identified at least 259 trafficking victims during the reporting period, but maintained limited assistance to trafficking victims last year, with the majority of services available only to female sex trafficking victims. An international organization working with foreign trafficking victims in Mexico noted that over the past five years, 60 percent of the victims it identified, many of whom were men, had been subjected to forced labor. However, specialized services for male victims and victims of forced labor were generally lacking. Authorities continued to work in cooperation with NGOs, international organizations, and foreign governments to provide victim services, relying on them to operate or fund the bulk of specialized assistance and services for trafficking victims, particularly adults. Mexican immigration agents continued to implement a system for identifying potential trafficking victims, particularly among unaccompanied children entering or exiting the country, and referring these victims to care providers, such as NGOs. The federal police identified six trafficking victims at checkpoints in high-risk areas, some labor inspectors along the southern border partnered with law enforcement officials to investigate possible cases and educate possible victims of forced labor, and the Mexico City Attorney General's Office rescued 112 victims of forced prostitution. Some NGOs, however, were critical of the government's ability to accurately identify trafficking victims, and most states lacked formal procedures for identifying trafficking victims among other vulnerable populations, such as migrant workers and people in prostitution.

FEVIMTRA operated a high-security shelter in Mexico City dedicated to female victims of sex trafficking with a capacity for 70 individuals. This shelter coordinated medical, psychological, and legal services for victims. Mexico City's Attorney General's Office received funding to build a shelter for trafficking victims in the capital. Mexico's social welfare agency continued to operate general shelters for children who are victims of violence, which it reported was accessed by child trafficking victims, though statistics were not maintained on how many child victims were housed in these shelters during the reporting period. The government provided \$8.33 million to support a national network of 64 shelters and emergency attention centers for female victims of domestic violence, sexual violence, or human trafficking on an annual basis. This network provided emergency and long-term services. State and municipal governments also partially funded 27 of these facilities.

Some victims received services at shelters that were operated and funded by NGOs, international organizations, and religious groups, and officials referred some victims to these shelters during the reporting period. According to NGOs, however, victim services in some regions of the country remained inadequate in light of the significant number of trafficking victims. Furthermore, some shelters for migrants and domestic abuse victims

were reluctant to house trafficking victims due to fear of retribution from organized crime. The majority of shelters that assisted trafficking victims did not restrict victims' movement during their stay. Some shelters, including FEVIMTRA's, accepted victims whose traffickers were suspected to be members of organized criminal groups. Due to the high security risk to their victims, these facilities limited victims' movements primarily to the shelter grounds. Some NGOs reported that these shelters faced challenges in balancing the high-security setting with the needs of trafficking victims, including the need of adult victims to leave the shelter.

The government did not provide specialized shelter services for male victims. Authorities reported providing some short-term housing for a few male victims during the year, as well as referring boys to social service shelters or NGOs and some men to homeless or migrant shelters. INM and the national human rights commission (CNDH) both had referral mechanisms for trafficking victims, though officials' ability to refer Mexican victims to care services varied in different parts of the country.

During the year, INM and FEVIMTRA began to interview potential foreign trafficking victims jointly. Despite former guidelines requiring foreign victims to participate in the prosecution of their traffickers to remain in the country, in 2010, INM issued a directive requiring immigration officials to offer foreign victims an unlimited "period of reflection" to decide whether they wish to participate in the prosecution of their trafficker. This directive also established that foreign victims can request to stay in the country without having to provide evidence against their traffickers. INM has since reported that 30 victims were approved for regularization in the county, and that no victims had been refused refuge under the new procedure. As of early 2011, the legal status of an additional 98 foreign victims was pending. This directive is only legally binding for INM employees, although officials are working to establish regulations obligating other government agencies to follow these directives, and these practices are incorporated into the draft reform on human trafficking. Despite these improved mechanisms, many foreign trafficking victims opted to return to their countries of origin after giving testimonies, in some cases due to a lack of adequate shelter. Although authorities encouraged victims to assist in trafficking investigations and prosecutions, many victims in Mexico were afraid to identify themselves or push for legal remedies due to their fears of retribution from trafficking offenders. While traditionally, prosecutions of human trafficking offenders in Mexico have relied almost entirely on victim testimony, during the year, federal prosecutors increased the number of trafficking cases pursued without the official complaint of a private citizen. Trafficking victims and witnesses continued to have little incentive to participate in the legal process, based on the limited numbers of trafficking convictions and sentences and on the fact that no trafficking victim was awarded compensation for damages. Furthermore, many victims feared for their safety, since the witness protection program in Mexico remained nascent and did not provide sufficient protection. Mexican consulates abroad identified at least 25 cases of forced labor during the reporting period. The government provided

limited services to some repatriated Mexican trafficking victims upon request.

## Prevention

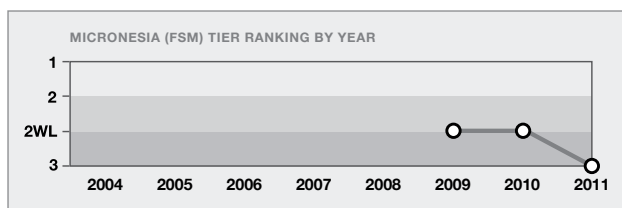
Federal and state governments increased trafficking prevention efforts last year. An inter-agency commission on trafficking coordinated federal government efforts. During the reporting period, the commission drafted a national program to prevent and combat trafficking, which was approved by Congress, along with a \$4.2 million budget to implement the plan in 2011. Some members of civil society publicly criticized the plan for a perceived lack of effectiveness. The Government of Mexico did not publicly issue a comprehensive assessment of its anti-trafficking efforts, but did so privately, and the Attorney General publicly reported on efforts to combat trafficking in 2010. With funding from a foreign government, authorities also launched a beta version of a website to track trafficking cases and legislation in Mexico. The government engaged in a variety of awareness-raising activities using radio and television commercials, as well as other multimedia efforts. Some states established or maintained state-level anti-trafficking committees, and the CNDH also established regional partnerships with NGO and government actors in 12 states. Authorities raised awareness of child sex tourism through media initiatives, and the government reported some prosecutions but no convictions of child sex tourists. Officials conducted awareness activities regarding child sexual exploitation. There were no reported efforts to reduce the demand for forced labor.

## MICRONESIA, FEDERATED STATES OF (Tier 3)

The Federated States of Micronesia (FSM) is a source country for women subjected to sex trafficking. FSM women have been recruited to the United States and its territories with promises of well-paying jobs, and forced into prostitution upon arrival. Pohnpei State Police received reports that FSM women and children were prostituted to crew members on Asian fishing vessels in Micronesia or in its territorial waters. Local Micronesians reportedly facilitate trafficking by transporting girls to the boats for the purpose of prostitution. Foreign and Micronesian women and girls in prostitution and foreign men on fishing vessels in Micronesian waters are particularly vulnerable to trafficking. Little data on the scope of human trafficking in FSM is available, as the government has not conducted any inquiries, investigations, studies, or surveys on human trafficking.

The Government of the Federated States of Micronesia does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. During the year, the government did not investigate or prosecute any trafficking cases, made no efforts to identify or assist victims of trafficking, and failed to make efforts to prevent trafficking or increase the general public's awareness of trafficking during the year.





**Recommendations for the Federated States of Micronesia:** Publicly recognize and condemn incidences of trafficking; draft and enact a comprehensive anti-trafficking law applicable in all four states; make efforts to criminally investigate, prosecute, and punish trafficking offenders; adopt procedures for the proactive identification of trafficking victims among vulnerable populations, such as foreign workers in the FSM, including those on fishing boats and women in prostitution, as well as among FSM women migrating to the United States for work; train officials on human trafficking and how to identify and assist trafficking victims; conduct anti-trafficking public awareness campaigns; make efforts to notify foreign workers of their rights, protections, and ways they can report abuse; and, as required under the Compact of Free Association (Amended), establish a registration system for and monitor the practices of overseas employment recruiters; and investigate and prosecute recruiters who may be engaged in fraudulent recruitment that leads to trafficking.

### Prosecution

The Government of the Federated States of Micronesia made no progress in its anti-trafficking law enforcement efforts. The government did not investigate, prosecute, or punish any trafficking offenders during the reporting period. The Federated States of Micronesia does not have a comprehensive federal anti-trafficking law. Section 701 of the federal criminal code ("Deprivation of Rights"), which prescribes penalties of up to 10 years' imprisonment, could be used to prosecute trafficking cases; however, the government has never used the law to prosecute a trafficking case. Additionally, each of the four states could prosecute some trafficking offenses under related laws, such as sexual assault, kidnapping, or criminal coercion, which provide penalties of five to 10 years' imprisonment, though no such efforts were reported during the year. While local law enforcement and the Transnational Crime Unit made limited investigations of night clubs in Pohnpei State suspected of engaging in prostitution, authorities did not report any investigations, prosecutions, or convictions for trafficking crimes. Law enforcement agencies operated under significant resource, personnel, and capacity constraints. The government made no official acknowledgement of sex or labor trafficking in the FSM. The government did not conduct or cooperate with any international organizations or NGOs to offer anti-trafficking training to government officials during the reporting period. There was no evidence of official complicity in trafficking crimes or government involvement in or tolerance of trafficking during the year.

### Protection

The Government of the Federated States of Micronesia made no efforts to identify or protect trafficking victims during the reporting period. The government did not identify any trafficking victims during the reporting period, and the government has never identified a trafficking victim in the country. The government has not taken steps to develop or implement formal or informal procedures to guide officials in proactive identification of victims of trafficking among high-risk persons with whom they come in contact or to refer identified or suspected trafficking victims for appropriate services. The government reports that identified victims would have access to the very limited social services and legal assistance provided to any victims of crime. No NGOs provided services to any trafficking victims. The FSM has no laws specifically protecting trafficking victims or witnesses. Victims have the legal right to bring personal injury civil suits against traffickers; however, as no victims have ever been identified, no suits have ever been filed. The law does not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. The government had no formal system to guide officials in proactive identification of victims of trafficking among high-risk persons with whom they come in contact.

### Prevention

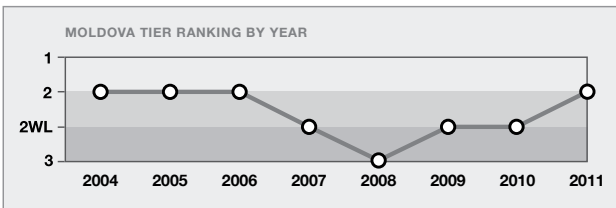
The Government of the Federated States of Micronesia did not make efforts to prevent trafficking or increase the general public's awareness of trafficking during the year. The government did not conduct or support any anti-trafficking education campaigns. In October 2010, the government established a working group to assess the trafficking situation and make policy recommendations. However, the group only convened for one meeting during the year. The government did not conduct any campaigns aimed at reducing the demand for commercial sex acts. Micronesia is not a party to the 2000 UN TIP Protocol.

## MOLDOVA (Tier 2)

Moldova is a source and, to a lesser extent, a transit and destination country for women and girls subjected to sex trafficking, and for men, women, and children subjected to conditions of forced labor. Moldovan women are subjected to forced prostitution in Turkey, Russia, Cyprus, Bulgaria, the UAE, Kosovo, Israel, Indonesia, Malaysia, Lebanon, Italy, Greece, Ukraine, Czech Republic, and Romania. Men, women, and children are subjected to conditions of forced labor in Russia, Ukraine, Turkey, UAE, Israel, and Greece in the construction, agriculture, and service sectors. Men, women, and children are also subjected to conditions of forced labor and sexual exploitation in Slovenia, Spain, and the Netherlands. Some children from Moldova are subjected to conditions of forced begging in some neighboring countries. Victims of forced prostitution found in Chisinau include Ukrainian women and Moldovan girls and women from rural areas. Victims from Azerbaijan are subjected to forced labor in Moldova. Men and women are subjected to forced labor within Moldova. Moldovan victims of trafficking have been subjected to re trafficking

after return to Moldova. Victims from Moldova are often recruited by individuals they trust. In the past several years, there have been reported incidents of men from the United States, the United Kingdom, Germany, Turkey, and possibly Italy and Greece, traveling to Moldova for the purpose of sex tourism. The small breakaway region of Transnistria in eastern Moldova is outside the central government's control and remained a source for victims of both forced labor and forced prostitution.

The Government of Moldova does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government has made progress over the past year in addressing the protection of victims and the prevention of trafficking. Specifically, NGO representatives reported that the government's ability to identify and provide care for victims improved; it increased the participation of NGOs in the investigative process, including special provisions for child trafficking victims. The government expanded the National Referral System, a program lauded by NGOs and viewed as a model for other countries in the region. In addition, the government raised awareness through high-level attention to the issue. However, the government did not show sufficient progress in addressing complicity in trafficking by law enforcement and other government officials. Reports of widespread corruption in the police and judicial system persisted and no officials were prosecuted, convicted, or served time in prison for trafficking-related offenses. Furthermore, overall law enforcement efforts declined from the previous year and forced labor crimes were rarely investigated and prosecuted.



**Recommendations for Moldova:** Demonstrate vigorous efforts to investigate, prosecute, and convict government officials complicit in trafficking, and seek criminal punishment of any guilty officials; ensure that convicted trafficking offenders serve time in prison; increase investigation, prosecution, and conviction of labor trafficking offenses; conduct awareness and prevention campaigns targeted at children living in orphanages – a population highly vulnerable to trafficking; further improve child trafficking victim protection by continuing to encourage law enforcement officials, in both urban and rural areas, to consult with NGO experts during the victim interview process; continue to improve cooperation between local anti-trafficking civil society groups and local law enforcement; continue efforts to provide anti-trafficking training to law enforcement and other government officials, including members of the judiciary; continue efforts to improve data collection on trafficking cases through all stages of the penal process including investigations, prosecutions, convictions, and sentences prescribed for convicted trafficking offenders; continue to provide funding for victim assistance and protection,

paying particular attention to preventing any ongoing re-trafficking; continue efforts to identify and protect trafficking victims, including child and adult victims trafficked within Moldova; and use measures to reduce the demand for commercial sex, such as conducting awareness activities that target potential consumers of prostitution.

**Prosecution**

The Government of Moldova demonstrated minimal progress in its efforts to combat human trafficking during the reporting period. Of particular concern, it did not demonstrate significant efforts to prosecute, convict, or criminally punish government officials complicit in human trafficking. The government prohibits all forms of trafficking through Articles 165 and 206 of its criminal code, which prescribe penalties of five to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government reported 161 trafficking investigations in 2010, down from 206 reported in 2009. Authorities reported prosecuting 55 individuals for trafficking offenses and convicting 47 trafficking offenders during 2010. The government did not report prosecuting or convicting any labor trafficking offenders in 2010. During the year, data on 2009 prosecutions and convictions were clarified; 110 individuals were prosecuted and 68 individuals were convicted in 2009. Although the government continued its efforts to improve the collection of trafficking statistics, concerns remained regarding the accuracy of data reported. Sentencing for trafficking crimes represents a problem for Moldova as punishments often were not commensurate with the crime. In 2010, 31 convicted offenders were prescribed sentences ranging from one to 17 years' imprisonment. However, the remaining 16 convicted offenders received a suspended sentence or paid a fine and did not serve time in prison. The government's five dedicated anti-trafficking prosecutors investigated and prosecuted cases largely relating to sex trafficking. Although the government has recognized labor trafficking as an issue of growing concern, forced labor cases were rarely investigated. The government provided anti-trafficking training in the police academy curriculum that is mandatory for police officers and investigators; it also held four anti-trafficking workshops which trained more than 100 police officers. Government officials also received specialized anti-trafficking training in regions across Moldova from international and nongovernmental sources. Judicial misunderstanding of trafficking may have contributed to reduced sentences or overturned convictions. Judicial hindrance of trafficking cases can include changing the threshold for prosecutions and refusing to honor decisions by other judges. During 2010, law enforcement officials worked with counterparts in Georgia, Ukraine, Azerbaijan, Romania, Poland, and Lithuania to investigate transnational cases of human trafficking. Moldovan authorities uncovered a child sex tourism ring in 2010 operated by Moldovans, Greeks, and Italians.

Government complicity in human trafficking remained a significant concern and no government officials were prosecuted or convicted for trafficking-related complicity in 2010. Updates of cases involving police officers, a mayor,

a ministerial advisor, and employees of government-run institutions complicit in trafficking-related offenses illustrated weaknesses in the judiciary, including light sentences or fines given to convicted trafficking offenders. Some anti-trafficking experts noted concerns of complicity in human trafficking cases within the judicial branch. For example, NGOs have reported judges giving reduced sentences in exchange for monetary bribes. Some defendants were not required to remain in custody during the trial or investigation and as a result fled the country or remained to harass victims. The police also harassed at least one journalist for reporting on trafficking in persons. One police officer reportedly was fired for trafficking-related activity; the criminal investigation is ongoing. In March 2011, the government re-opened a high-profile trafficking complicity case involving the former director of a government anti-trafficking agency; however, at the time of the report, he had not yet been arrested and was still receiving a pension from the anti-trafficking unit.

### Protection

Moldova continued to improve its victim protection efforts during the reporting period. The government provided approximately \$48,000 in funding for a primary shelter operated jointly by the government and IOM for repatriated adult and child victims in 2010, compared with \$50,700 in 2009. In 2010, the center provided temporary shelter, legal and medical assistance, psychological counseling, and vocational training to 104 trafficking victims. Victims are not detained in the shelter; they are permitted to freely enter and leave. Increasingly, local governments also provided assistance to trafficking victims and people vulnerable to trafficking through limited funding, specialized personnel, and rent-free facilities and utilities given to NGOs and shelters. In total, 139 victims were identified by the government and assisted by IOM and government authorities. The majority of Moldovan labor trafficking victims were only identified after deportation to Moldova. The government encouraged all victims to assist law enforcement with trafficking investigations and prosecutions, and did not make assistance contingent upon their cooperation; however, some victims were questioned over the course of several days before being delivered to a shelter. Moldovan law enforcement demonstrated efforts to protect and assist child victims of trafficking by more consistently involving NGO service providers early in the investigative process and adopting victim-centered interview techniques; however, in rural areas some children were still subjected to an unnecessarily large number of interviews and extensive questionings. Although general mistrust of the police remained high, 169 victims cooperated with law enforcement in 2010, compared with 189 victims in 2009. There were no reports of victims punished for unlawful acts committed as a direct result of being trafficked. The government provided legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship in the form of temporary residency permits, which can be extended as long as necessary.

### Prevention

The government increased its efforts to prevent human trafficking during the reporting period. The majority of outreach and trafficking awareness efforts by the government were conducted in close coordination with NGOs at the national and regional levels. The government also raised public awareness of trafficking in persons through visible high-level attention and media interaction on the issue. The government-operated National Referral System (NRS) expanded to five more regions, bringing the total to 28 out of 32 regions in the country. Operating on a local level, NRS commissions consist of NGO representatives, social workers, medical personnel, police, prosecutors, and local public administration officials. The commissions met on a regular basis, usually once a month, to deal with trafficking issues, including organizing public awareness events, discussing reintegration efforts for victims, as well as updating their information about any possible cases. IOM and NGOs working in the field praised this system's efforts to prevent trafficking and provide assistance to identified victims. Representatives from Belarus, Afghanistan, and Tajikistan traveled to Moldova in 2010 to learn how to implement a comparable system in their own countries. Additionally, efforts by border guards to identify potential victims were increasingly successful; in 2010, border guards reportedly identified 83 potential victims of trafficking. In 2010, members from the National Center for Combating Trafficking in Persons gave 22 interviews broadcast on radio and television, participated in five live television programs intended to increase trafficking awareness, and again conducted seminars on trafficking prevention in schools and universities. In September 2010, the government produced a national plan of action on human trafficking for 2010-2011 and in December 2010 produced a supplemental plan of action. The government did not conduct awareness activities that targeted potential consumers of prostitution or use other measures to reduce the demand for commercial sex acts.

## MONGOLIA (Tier 2)

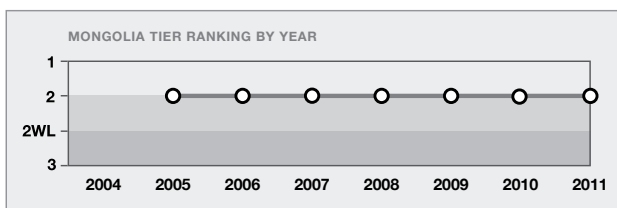
Mongolia is a source country, and to a much lesser extent, a destination for men, women, and children who are subjected to sex trafficking and forced labor. Mongolian men, women, and children are found in these conditions in China, Macau, Malaysia, South Korea, and Hong Kong. Mongolian men and women are found in conditions of forced labor in Turkey, Kazakhstan, the Czech Republic, and Poland. One Mongolian victim was repatriated from Ireland during the reporting period. According to a leading anti-trafficking NGO in Mongolia, China was the primary source of repatriated Mongolian victims. Visa-free travel of Mongolians to Turkey has resulted in a significant increase in the number of both labor and sex trafficking cases involving Mongolian labor migrants in Turkey. There remain concerns about involuntary child labor in the informal construction, mining, and industrial sectors, where children are vulnerable to injury and face severe health hazards. The problem of Mongolian women subjected to conditions of involuntary servitude after engaging in brokered marriages – mainly to South Korean men – continues. There is mounting evidence of Chinese



laborers, usually in mining and construction work, being expelled from Mongolia for visa violations without being compensated for their work, an indicator of possible human trafficking. Approximately 525 North Koreans are employed in Mongolia as contract laborers, more than double the number reported last year, despite concerns that North Korean workers overseas do not appear to be free to leave their employment, have their freedom of movement and communication restricted, and receive only an unknown fraction of the money paid to the North Korean government for their work.

Many Mongolian victims originally sought employment through fraudulent newspaper or television advertisements, and traffickers continue to use technology like “TV Chat” to lure victims. Many victims are recruited by acquaintances, friends, and family, and victims often have their travel documents confiscated. Anecdotal reports continue to indicate that South Korean and Japanese tourists engage in child sex tourism in Mongolia.

The Government of Mongolia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government acknowledged a serious problem of the trafficking of Mongolian women and girls abroad and took tangible steps to address this, though it did not acknowledge or adequately address the problem of Mongolian women and children trafficked within the country, Mongolian men subjected to forced labor abroad, or North Korean, Chinese, and other foreign workers subjected to conditions of forced labor in Mongolia. The government’s lack of adequate guidance on the use of the amended anti-trafficking statute continues to cause courts to charge trafficking offenders under a lesser offense, resulting in shorter sentences for convicted offenders. Corruption among law enforcement personnel remains a key barrier to anti-trafficking progress.



**Recommendations for Mongolia:** Undertake legislative or policy reforms necessary to more effectively prosecute labor trafficking offenses – both those that occur within Mongolia and those that occur involving Mongolians abroad; improve coordination among government agencies involved in addressing human trafficking and expand coverage of the national action plan and associated coordination council to cover all forms of human trafficking; expand the new police anti-trafficking unit’s scope of responsibilities to cover all human trafficking investigations; improve protections for victims, including those who testify against their traffickers, possibly through legislative action; greatly increase efforts to investigate and prosecute government officials complicit in trafficking; create and implement formal victim identification procedures and train police and border officials to identify

trafficking victims and refer them to appropriate victim services; increase cooperation with NGOs providing victim assistance; cease the employment of North Korean contract laborers whose treatment by North Korean authorities prior to migration may constitute trafficking; implement and support a visible anti-trafficking awareness campaign directed at clients of the sex trade; and make efforts to track law enforcement statistics on trafficking cases and trafficking victims identified and assisted by authorities.

### Prosecution

The Mongolian government made significant, but uneven, efforts to enforce anti-trafficking laws during the reporting period. Mongolia prohibits all forms of human trafficking through Article 113 of its Criminal Code, which was amended in 2007 and prescribes penalties that are sufficiently stringent – up to 15 years’ imprisonment – and commensurate with those penalties prescribed for other serious offenses, such as rape. In spite of significant legal and technical assistance from foreign donors, Mongolia’s Supreme Court has interpreted the amended Article 113 in a way that has created ambiguities as to when prosecutors and judges should apply the law. In particular, the law is seldom used to prosecute cases of transnational labor trafficking and is never used for internal sex trafficking. Also of concern is the Supreme Court’s interpretation that Article 113 can be used only in cases in which persons did not consent to migration for commercial sex work. The Supreme Court’s interpretation continues to confuse judicial officials, causing trafficking offenders to be prosecuted under the lesser offense of “forced prostitution” (Article 124), which does not actually require the use of force or coercion. In July 2010, the government established an anti-trafficking police unit, consisting of four officers, within the Special Investigation Department of the Police. This unit’s coverage is limited to cases filed under Subsection 3 of Article 113 – those involving transnational sex trafficking – and it operated without adequate funding after its creation.

During the reporting period, the government investigated 13 cases filed under Article 113, three of which involved the forced labor of Mongolian nationals in the Czech Republic and Turkey. It prosecuted nine of these cases, resulting in the conviction of five trafficking offenders and the acquittal of four, all of whom were sex trafficking offenders, compared with nine convictions obtained during the previous reporting period. Police investigated 16 cases under Article 124 (forced prostitution) and the government prosecuted 11 of these, obtaining convictions of six offenders and the dismissal of charges against five suspected offenders. One case of alleged forced labor in Mongolia was investigated and referred to the prosecutor’s office, only to be dismissed. The special anti-trafficking unit of the State Investigation Department investigated and prosecuted eight sex trafficking cases under Article 113.3, resulting in two dismissals and convictions of six trafficking offenders, who were sentenced to between 10 and 15 years’ imprisonment. The Supreme Court’s narrow interpretation of Article 113 remains an impediment to the prosecution of labor trafficking cases that occur within Mongolia. Those convicted under Article 113 received sentences of six to 15 years’ imprisonment; in contrast, the

punishments given to five sex trafficking offenders who were convicted under Article 124 (forced prostitution) were considerably less severe: two were sentenced to one year's imprisonment and the remaining three have not yet been sentenced.

According to Mongolian law, criminal cases are only initiated upon a victim's complaint, and victims are required to assist in the prosecution of their traffickers. This requirement, along with the lack of mechanisms for protection of victims in Mongolia, including those who testify in court, causes many victims to refuse to report to police instances of trafficking out of fear of retribution from their traffickers, and restricts their ability to obtain restitution from courts. In partnership with local and international NGOs, the government provided anti-trafficking law enforcement and prevention training for judicial and law enforcement officials across the country. Using its own resources, the Mongolian government trained six police officers of Ulaanbaatar City on responding to reports of human trafficking, and also trained 50 staff of the General Agency for State Registration and Border Protection on prevention of trafficking. In October 2010, the government signed an agreement with Macau to share information and enhance law enforcement cooperation on human trafficking matters.

Corruption among law enforcement personnel remains a significant problem in Mongolia and a barrier to anti-trafficking progress. The government did not investigate or take disciplinary actions against law enforcement officers involved in this trafficking-related corruption.

### Protection

During the reporting period, the government sustained modest efforts to protect victims of trafficking. Although government personnel did not employ formal and proactive victim identification procedures, they referred on an *ad hoc* basis 13 victims to an NGO shelter. The government provided \$14,400 in funding to this and several other NGOs during the year. The NGO reported assisting these victims, and identifying and assisting an additional 64 victims, most of whom were referred by friends and family members. During the year, the government reported cooperating with authorities in Turkey and China in the repatriation of Mongolian trafficking victims – five from Turkey and eight from China. The government did not provide specialized training to officials on victim identification. Victims were sometimes punished for unlawful acts committed as a direct result of their being trafficked, including children being arrested, detained, and prosecuted on prostitution charges. Officials sometimes did not refer trafficking victims to appropriate services. Foreign migrants who were not formally identified as trafficking victims were required to pay the fine for violation of their visa terms. Any foreigners formally identified as trafficking victims are not permitted to leave the country until conclusion of court proceedings, though no such cases were reported during the year.

During the year, the Mongolian consulate in Erlan, China – a key border crossing with Mongolia – opened a three-bed shelter with its own budget; the shelter reportedly

provided assistance to a number of Mongolian trafficking victims. The government did not run any other shelters for victims of trafficking, nor did it provide direct assistance to Mongolian trafficking victims repatriated from other countries or foreign victims of trafficking identified in Mongolia. Although the government encouraged victims to assist in the investigation and prosecution of trafficking offenders, Mongolian law continued to lack protection provisions for victims who served as prosecution witnesses, which put victims in danger. The Mongolian government provided legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship.

### Prevention

The Government of Mongolia continued modest trafficking prevention activities through partnerships with NGOs, international organizations, and foreign donors. Officials continued the distribution of NGO-sponsored passport and train ticket inserts on the dangers of trafficking and resources available for victims and expanded distribution of the pamphlet to all Mongolians traveling abroad. The government's National Plan of Action on Commercial Sexual Exploitation and Trafficking of Women and Children, first introduced in 2006, was updated to extend through 2012. The coordinating council mandated by the action plan met only annually and was generally ineffective; observers noted minimal coordination on anti-trafficking issues among agencies on a working level. In a new development, however, the government's National Security Council discussed human trafficking during a March 2011 meeting. The government sustained its production of public service announcements to raise public awareness about trafficking, in partnership and with funding from NGOs, and broadcast them on television channels. During the reporting period, the Mongolian government sustained partnerships with Kazakhstan and the OSCE to host an international workshop on trafficking. It did not however, make significant progress in registering the stateless ethnic Kazakh population in the western provinces of Mongolia. Also, the government did not take any measures during the reporting period to reduce the demand for commercial sex acts or address the problem of child sex tourism in the country. The government provided anti-trafficking training to Mongolian troops before their deployment on international peacekeeping missions.

## MONTENEGRO (Tier 2)

Montenegro is a source, transit, and destination country for men, women, and children who are subjected to sex trafficking and forced labor. Trafficking victims are mostly women and girls from Eastern Europe and other Balkan countries, including Serbia and Kosovo, who migrate or are smuggled through the country *en route* to Western Europe and subjected to sex trafficking in Montenegro. Roma children are coerced into street begging in the country; many of these children come from Albania, Kosovo, Serbia, and from within Montenegro. In prior years, there were reports that mainly foreign men and boys are subjected to forced labor in Montenegro's growing construction industry. Montenegrin women and girls are vulnerable to sex trafficking in other Balkan countries; at least one

Montenegrin girl was subjected to conditions of sex trafficking in Serbia during the reporting period. There were reports that some foreign women were forced to work in Montenegro.

The Government of Montenegro does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Montenegro increased its law enforcement efforts and charged police officers for abuse of power in connection with a human trafficking case. Victim identification, however, remained weak; the government did not identify any trafficking victims this year. The government also deported large numbers of children caught begging without fully examining whether any were victims of trafficking.



**Recommendations for Montenegro:** Vigorously investigate and aggressively prosecute sex trafficking and labor trafficking crimes in Montenegro, and convict and sentence trafficking offenders, including public officials complicit in trafficking; increase efforts to identify potential victims among vulnerable groups, such as women arrested for prostitution violations, undocumented migrants, refugees and displaced persons – particularly Roma – and child beggars, and refer them to the government shelter or NGO service providers; continue to ensure that the rights of trafficking victims are respected while victims are given care in shelters; improve protections for potential victim witnesses to empower more victims to testify against their traffickers; improve specific protections for child victims of trafficking, ensuring that the best interests of potential trafficking victims guide the care.

**Prosecution**

The Government of Montenegro continued to improve its law enforcement response to human trafficking in 2010, including by prosecuting three officers for complicity in human trafficking and engaging in robust trainings of officials. Montenegro prohibits sex and labor trafficking through Article 444 of its criminal code, which prescribes penalties of up to 10 years’ imprisonment, or 12 years’ imprisonment for offenses involving aggravated circumstances; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the government investigated and began the prosecutions of 22 trafficking suspects, an increase from 14 trafficking offenders investigated and prosecuted in 2009. In 2010, the government convicted 12 trafficking offenders, in contrast to 11 offenders convicted in 2009. These offenders were sentenced to between two and seven years in prison. Five of the offenders were convicted for sex trafficking and seven were convicted for labor trafficking. The Montenegrin authorities investigated and began the prosecutions of

three police officers who served as security guards in bars that facilitated human trafficking; the officers were charged with abuse of office in relation to human trafficking and facilitation of prostitution. The government conducted a wide variety of trainings this year. In July and September, Montenegrin authorities trained 48 labor inspectors and other officials on identifying labor trafficking. The police academy incorporated anti-trafficking training as a mandatory subject for all new trainees. In September 2010, the National Trafficking Coordinator’s office held a regional training for judges and prosecutors. During the reporting period, the Montenegrin government extradited a trafficking suspect to Slovenia. The Montenegrin government collaborated with the governments of Serbia and Kosovo to investigate trafficking offenses.

**Protection**

The government displayed mixed protection efforts during the reporting period. The Coordinator fully funded an NGO shelter providing a range of services, including housing, medical, and psychological care to trafficking victims. The government provided \$152,000 to cover the operation of the trafficking shelter, an increase from \$109,200 funded in 2009. The government-funded shelter was a closed shelter; for their protection, victims may leave only if accompanied by chaperones. The government reported that one victim accepted the assistance program and stayed in the government shelter for several months. The government had continuing problems identifying victims of trafficking. The government did not proactively identify any trafficking victims this year, although an NGO identified one sex trafficking victim. Although the government conducted a large police operation aimed at suppressing child begging, in which it removed 192 children from the street, the government failed to identify any trafficking victims among them. The children collected in this operation were temporarily detained in a center for children and then deported, raising concerns about whether the potential victims were fully screened for trafficking indicators. Montenegro’s Law of Foreigners allowed victims of trafficking to receive a temporary residence permit in Montenegro between three months and one year, though no victims received such a permit during the reporting period. In practice, victims of trafficking were not offered long-term legal alternatives to their removal to countries where they may face retribution or hardship. Under the government program, Montenegro encouraged victims to participate in prosecuting human trafficking cases by providing free legal aid to victims; NGOs report that, thus far, all victims have given statements to the police.

**Prevention**

The Government of Montenegro engaged in some prevention activities during the reporting period. The government declared October as anti-trafficking month and engaged in several awareness raising activities during that time, including sponsoring an anti-trafficking art contest for children, lectures in all primary and secondary schools in the country, and lectures and workshops on anti-trafficking at the Konik refugee camp. The government fully funded an NGO-run anti-trafficking hotline and aired an advertisement on commercial television for the hotline.



In February 2011, the Montenegrin government established a working group to monitor the implementation of the national strategy to combat trafficking in persons. The government had adopted a national action plan for 2010-2011; the National Coordinator established a group to develop a strategy for 2011-2016, soliciting advice from all stakeholders, including NGOs. The National Coordinator began increased monitoring and reporting; it published anti-trafficking law enforcement statistics on its website. The government provided anti-trafficking training to all Montenegrin troops prior to their deployment abroad on international peacekeeping missions.

## MOROCCO (Tier 2)

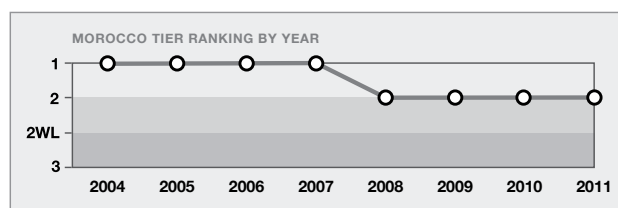
Morocco is a source, destination, and transit country for men, women, and children who are subjected to forced labor and sex trafficking. Children are trafficked within the country from rural areas to urban centers to work as maids, laborers, or beggars, or in prostitution. Moroccan girls as young as 6 or 7 years old from rural areas are recruited to work as child maids in cities, but often experience conditions of forced labor, such as nonpayment of wages, threats, and physical or sexual abuse, and restrictions on movement. Moroccan boys experience forced labor as apprentices in the artisan and construction industries and in mechanic shops.

Men, women, and an increasing number of children from sub-Saharan Africa, South Asia, and the Philippines enter Morocco voluntarily but illegally with the assistance of smugglers; once in Morocco, some of the women and older girls are coerced into prostitution or, less frequently, forced into domestic service. Most sub-Saharan African migrants reach Oujda, Morocco, generally via Algeria. Some migrant females are forced to become pregnant and beg in Oujda, as a pregnant woman or a woman with a baby is less likely to be deported; the traffickers are the "chairmen", or leaders, of *tranquillos*, which are abandoned dwellings where groups of the Sub-Saharan diaspora have taken residence, organized by tribe or nationality. Some of the female migrants in Oujda are subsequently forced into prostitution once they reach Europe. Sometimes, female migrants are transported to *tranquillos* in other cities, including Casablanca and then sold into prostitution networks. There is some domestic sex tourism in Morocco with sub-Saharan African victims in major cities. Trafficking and smuggling are organized in the country of departure, often with the assistance of family members, and some networks in Africa have linkages in Europe. Most female sex trafficking victims are Nigerian. Filipina women are increasingly working as maids in Morocco, with confiscated identity documents; this is one indication of domestic servitude.

Moroccan men, women, and children are exploited for forced labor and sex trafficking in European and Middle Eastern countries. Moroccan women are forced into prostitution in Gulf States (including the United Arab Emirates and Bahrain) Jordan, Libya, Syria, and European countries; some of them experience restrictions on movement, threats, and emotional and physical abuse. Some Moroccan men reportedly are promised jobs in the Gulf but experience confiscation of their passports and are

coerced into debt bondage after arrival. A few Moroccan men and boys are lured to Europe by fraudulent job offers and are subsequently forced to sell drugs.

The Government of Morocco does not comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government convicted one person who subjected a 12-year-old child domestic servant to forced labor, and continued offering protective services to Moroccan children who may have been trafficked. However, the government continued to lack overall progress in the following areas: convicting and adequately punishing trafficking offenders; proactively identifying trafficking victims among vulnerable groups; and ensuring that foreign trafficking victims are not subject to arrest and deportation. The government is not addressing the forced prostitution and forced labor of undocumented migrants in Morocco, and continues to conflate migrant smuggling with human trafficking.



**Recommendations for Morocco:** Draft and enact comprehensive anti-trafficking legislation that increases prescribed penalties for forced labor; significantly increase prosecutions and convictions of trafficking offenders, including convictions with more stringent penalties; institute a victim identification mechanism; ensure that identified victims are not punished for acts committed as a direct result of being trafficked; encourage victims to participate in investigations against their traffickers, including by offering relief from deportation; initiate law enforcement activities with destination countries to prosecute those who force Moroccans into labor and prostitution overseas; improve Child Protection Units by providing more human resources, improving management, and collaborating with various ministries; train judges on the characteristics of all forms of human trafficking; improve data collection and reporting, including the disaggregation of data between human trafficking and people smuggling; ensure that potential trafficking victims do not suffer physical abuse at the hands of Moroccan police; conduct public awareness campaigns, encompassing child sex tourism; and heed the recommendations of the IOM and UNHCR's 2010 report on human trafficking in Morocco.

### Prosecution

The Government of Morocco made little progress in investigating trafficking offenses and punishing trafficking offenders during the reporting period. There is no comprehensive anti-trafficking law. Its Penal Code prohibits forced child labor through Article 467, and forced prostitution and child prostitution through Articles 497-499. Penalties prescribed by these various statutes for sex trafficking offenses are sufficiently stringent and

commensurate with those prescribed for other serious crimes, such as rape. In contrast, penalties prescribed for labor trafficking offenses do not appear to be sufficiently stringent; penalties for child labor under Article 467 range from one to three years' imprisonment.

In a well-publicized case, a 12-year-old child was found wandering the streets of Casablanca after escaping from a year of abuse and torture in domestic servitude, including bites, burns on her genitals, lacerations, and beatings. In August 2010, a court sentenced the perpetrator – a mother with two children – to one year of imprisonment and an approximate \$60 fine for aggravated assault and abuse of a child. Additionally, the Ministry of Justice reported that it convicted seven individuals for exploitation of children in begging and 80 individuals (including “clients”) for facilitating child prostitution in 2009 (the most recent year in which data was available); this is in comparison to the prosecution of 138 individuals for exploitation of a child for begging and 203 individuals for facilitating the prostitution of a child in 2008. It is unclear, however, how many, if any, of these prosecutions involved human trafficking offenses. The government did not report sentencing information. The government reported that it broke up 96 trafficking or smuggling “rings” in 2010, compared with 130 rings in 2009. However, the government made no distinction between migrant smuggling and trafficking, so it was unclear how many, if any, of these actions truly involved human trafficking. The Ministry of Social Development, Family, and Solidarity and the Ministry of Employment and Professional Training submitted two separate draft laws to the Secretary General of the government for consideration in early 2010 which address the issue of child domestic workers. The first bill would criminalize the employment of child domestic workers with high fines and prison sentences, criminalizing the family that employs the child, but also the family that sends the child, and any neighbors aware of the crime. The second bill would extend labor code coverage to all domestic workers, and would empower labor inspectors to enforce child labor laws in private residences. Neither bill has been introduced into Parliament.

The government provided a variety of trafficking training to law enforcement and judicial officials. For instance, judges and public prosecutors received trafficking-specific training during their initial training period. One government official noted that a reason for low levels of prosecutions is because judges are not well informed about human trafficking. There is no evidence of national government complicity in human trafficking, though some Moroccan policemen reportedly are directly involved in smuggling networks.

### Protection

While the government continued to make some progress in protecting Moroccan child victims of trafficking found within the country, it made little efforts to protect Moroccan victims overseas and continued to treat foreign victims in Morocco poorly. Law enforcement personnel did not employ procedures to proactively identify trafficking victims among high-risk persons with whom they came in contact, nor did it have a referral process to transfer identified trafficking victims to protective services. Undocumented foreign trafficking victims were treated as

undocumented migrants, and therefore arrested, detained, and deported. These detained migrants, some of whom may have been trafficking victims, were usually left at the Algerian border, often without food or water, and were susceptible to being robbed, assaulted, and sexually abused by criminal gangs that operate in the area. There were no government-operated protective services for foreign trafficking victims, and civil society groups were prohibited from operating any such shelters because they would be considered to be harboring undocumented migrants. The government did not offer legal alternatives to the removal of foreign victims of trafficking to countries where they might face retribution or hardship. Morocco did not encourage victims to participate in investigations against their traffickers. Sub-Saharan African women who are forced into prostitution in Morocco were not likely to report crimes for fear of being treated as undocumented migrants and deported. The government disbursed approximately \$187,500 to 10 NGOs that worked against child labor in fiscal year 2010, compared to \$125,000 in fiscal year 2009. Some of these NGOs provided protective services to trafficking victims. Two government-operated Child Protection Units, an emergency telephone hotline, a mobile assistance program, and “women and children” focal points continued to assist vulnerable women and children in major cities in Morocco; the extent to which these entities helped trafficking victims, if at all, was not reported. The government did not provide medical and psychological care for undocumented migrants.

### Prevention

The Moroccan government made few efforts to prevent human trafficking over the last year. The government did not undertake campaigns to raise awareness about human trafficking. An inter-ministerial group on trafficking met on a quarterly basis during the reporting period. Authorities made no discernible effort to raise public awareness of child prostitution and sex trafficking of women and did not take any reported measures to reduce the demand for commercial sex acts. The Moroccan government provided birth certificates for all nationals, including children in isolated rural areas, and issued national identity cards for all citizens on their 18th birthday. The Moroccan government provided training on the issue of sex trafficking to Moroccan soldiers prior to their deployment abroad on UN peacekeeping missions. There has been no indication that the Moroccan government has implemented the legislative and policy recommendations enshrined in the IOM and UNHCR report on transnational human trafficking, which the government validated last year, as noted in the 2010 TIP Report. Morocco is not a party to the 2000 UN TIP Protocol.

## MOZAMBIQUE (Tier 2)

Mozambique is a source, transit, and, to a lesser extent, destination country for men, women, and children subjected to forced labor and sex trafficking. The use of forced child laborers is common in agriculture, including on tobacco farms, and in commercial activities in rural areas of the country, often with the complicity of family members. Women and girls from rural areas, lured to

cities in Mozambique or South Africa with promises of employment or education, are exploited in forced domestic service and the sex trade. Young Mozambican men and boys are subjected to conditions of forced labor in South African farms and mines, where they often labor for months without pay and under coercive conditions before being turned over to police for deportation as illegal migrants. Mozambican adults are subjected to forced labor and forced prostitution in Portugal. Women and girls from Zimbabwe and Malawi who voluntarily migrate to Mozambique are subsequently subjected to sex trafficking or domestic servitude. In early 2010, police discovered a network trafficking 30 to 40 African, Asian, and Eastern European women and girls each month through Mozambique to South Africa; Chinese women trafficked as part of this ring arrived in Mozambique on container ships and were later sold for \$1,000. Mozambican or South African trafficking networks are typically informal; larger Chinese and Nigerian trafficking syndicates are reportedly also active in Mozambique. In addition, South Asian alien smugglers who move undocumented South Asian migrants throughout Africa reportedly also transport trafficking victims through Mozambique. Recent reports indicate that South Asian citizens and companies in Mozambique pay the initial travel costs of illegal Bangladeshi and Pakistani migrants, whom they later maintain in bonded labor.

The Government of Mozambique does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government prosecuted and convicted trafficking offenders for the first time under its 2008 anti-trafficking law. The government reported the arrests of 21 suspected trafficking offenders and 32 others on kidnapping and possible trafficking charges. The government increased prevention efforts, placing billboards in high-visibility locations, distributing 8,000 posters, and training local officials about legal remedies provided under the anti-trafficking law in the provinces of Sofala and Nampula. Despite these efforts, the government made minimal efforts to address official complicity in human trafficking and protect trafficking victims.



**Recommendations for Mozambique:** Take concrete steps to finalize and issue necessary regulations to implement the protection and prevention provisions of the 2008 anti-trafficking law; make greater efforts to prosecute, convict, and punish trafficking offenders, particularly those perpetrating forced labor and forced prostitution offenses; develop a formal system to proactively identify trafficking victims among vulnerable populations and a mechanism to refer victims to care; continue to build the capacity of the police anti-trafficking unit and victim support units to investigate trafficking cases and provide short-term protection to victims; continue training for law

enforcement officers in victim identification, particularly at border points; develop a national action plan to coordinate government efforts, with resources allocated to its implementation; and investigate reports of official complicity in human trafficking and vigorously prosecute, where appropriate, those implicated in trafficking offenses.

### Prosecution

The government demonstrated significant progress in its anti-trafficking law enforcement efforts during the reporting period. Enacted in 2008, the Law on Preventing and Combating the Traffic in People prohibits recruiting or facilitating the exploitation of a person for purposes of prostitution, forced labor, slavery, involuntary debt servitude, or the removal of body parts. Article 10 prescribes penalties of 16 to 20 years' imprisonment, penalties which are sufficiently stringent and exceed those for other serious crimes, such as rape. In 2010, the Provincial Court of Manica convicted six offenders in three separate cases under the anti-trafficking law for the attempted sale of three children into forced labor or commercial sexual exploitation. In one case, the court convicted and sentenced a trafficking offender to eight years' imprisonment for purchasing a child with the intent of subjecting the child to forced labor; the court also convicted the child's father and sentenced him to six years' imprisonment for selling his 7-year-old daughter in December 2009. In another case, the court sentenced three offenders to four, eight, and 12 years' imprisonment, respectively, for selling a foreign child into commercial sexual exploitation in May 2010. Another case involved the attempted labor trafficking of an elementary school-aged boy for which his trafficker was sentenced to two years' imprisonment.

The Criminal Investigative Police (PIC), a seven-member unit specialized in handling trafficking cases nationwide, reported the arrest of 21 alleged trafficking offenders and 32 others on kidnapping and possible trafficking charges; all of these cases have been sent to the Attorney General for trial. In 2010, the anti-trafficking brigade in Maputo, established in 2008 under the National Police, became operational, collaborating closely with the PIC in the arrest of suspected traffickers.

The government continued partnerships with NGOs to provide anti-trafficking seminars for new police officers throughout the country. Mozambique's Center for Judicial Training in Matola included a session on trafficking in all its provided trainings; during the reporting period the government provided 95 judges with such training. During the reporting period, there were reported cases of government officials facilitating trafficking and trafficking-related crimes. Traffickers commonly bribed law enforcement officials to allow their movement of trafficking victims internally and across national borders into South Africa and Swaziland, sometimes without passports. In February 2011, two policemen were arrested and investigated for allegedly accepting bribes and facilitating the movement of illegal migrants, some of whom were likely victims of human trafficking. The government did not report additional efforts to investigate, prosecute, convict, or sentence officials complicit in trafficking crimes.



## Protection

The Mozambican government continued to show little progress in its efforts to protect victims. Implementing regulations for the non-criminal portions of the anti-trafficking law have not yet been issued, hindering the application of its protection and prevention provisions. Recognizing these gaps, the Minister of Justice in October 2010 tasked the Office for Technical Legal Reform to issue the necessary regulations. The government provided no funding to NGOs or international organizations assisting in anti-trafficking work in Mozambique. Government officials continued to rely on NGOs to provide shelter, counseling, food, and rehabilitation to victims; an NGO managed the country's only permanent shelter for child trafficking victims. The government continued to lack formalized procedures for identifying potential victims of trafficking and referring them to organizations providing protective services. Women and Children's Victim Assistance Units (GAMCs), established by the National Police, continued to operate in police stations throughout the country and provided temporary shelter for and worked with regional social workers to counsel an unknown number of trafficking victims; during the reporting period, the National Police established 27 new units, with a total of 231 now in existence. Additionally, the Ministry of Interior, in collaboration with UNODC and the Southern African Regional Police Chiefs Organization, established a "train the trainer" program, placing 20 trainers across the country who will train GAMC staff on victim identification and referral to NGO services; this training has increased authorities' understanding of the scope of human trafficking, including the potential for men to be victims of trafficking. The Ministry for Women and Social Action (MMAS) provided reintegration assistance to three Mozambican trafficking victims who were repatriated from South Africa. The government encouraged victims to assist in the investigation and prosecution of traffickers. However, the government continued to deport foreign trafficking victims without screening them for possible victimization, and the lack of formal identification procedures impaired the government's ability to ensure that all trafficking victims were not penalized for unlawful acts committed as a direct result of being trafficked. The government did not provide temporary residency status or legal alternatives to the removal of foreign victims to countries where they might face hardship or retribution.

## Prevention

The government demonstrated increased trafficking prevention efforts during the reporting period. There is no single national coordinating body and no national action plan to guide the government's anti-trafficking efforts. In May 2010, the GAMC, funded by IOM and the National Police, placed anti-trafficking billboards in high visibility locations such as Ressano Garcia and around Maputo's downtown bus terminal, both departure points for travelers bound for South Africa. In December 2010, in partnership with NGOs, the GAMC designed and published brochures warning against the dangers of trafficking for distribution in schools.

In January 2011, in Quelimane (Zambezia Province), the GAMC director launched a modest campaign to increase

public awareness by distributing 8,000 anti-trafficking posters to schools and community leaders, to direct presentations on trafficking. In November 2010, the Women's Caucus of the national legislature led a team of parliamentarians to the provinces of Sofala and Nampula to conduct training for local officials and to raise awareness about legal remedies provided under anti-trafficking, spousal protection, and family laws. Also in November, MMAS held its second annual National Conference on Women and Gender, which featured a session on trafficking. In July 2010, the Provincial Court of Zambezia convicted two offenders under the anti-trafficking law and sentenced them each to 20 years' imprisonment, a fine of \$13,200, and payment of court costs for the transport and kidnapping of a young boy whose eyes and genitals were later removed for use in a ritual practice in Malawi. Inspectors with the Ministry of Labor took little initiative to prevent or combat child labor and were unable to monitor child labor in outlying areas. Additionally, there were no mechanisms in place for making complaints regarding forced child labor. The Ministry of Tourism, in May 2010, co-hosted an international conference with an NGO on the dangers of child sex tourism; following this conference, several hotels and restaurants adopted a code of conduct on prevention of child sex tourism. The government did not take any significant measures to reduce the demand for commercial sex acts during the year.

## NAMIBIA (Tier 2)

Namibia is a country of origin, transit, and destination for women, children, and possibly men subjected to forced labor and sex trafficking. Victims are lured by traffickers to urban centers and commercial farms with promises of legitimate work for adequate wages, but instead are forced to work long hours and carry out hazardous tasks; victims may also be beaten or raped by traffickers or third parties. Traffickers exploit Namibian children, as well as children from Angola, Zambia, and possibly Zimbabwe, through exploitative, and in some cases, forced labor in agriculture, cattle herding, domestic service, charcoal production, and in prostitution in Namibia. In some cases, Namibian parents unwittingly sell their children to traffickers. Other adults subject the children of their distant relatives to forced labor or sex trafficking. Small business owners and farmers may also commit trafficking crimes against women or children. Unconfirmed reports indicate that truck drivers recruit and transport Namibian women and children to South Africa, who may later be subjected to forced prostitution. Among Namibia's ethnic groups, San girls are particularly vulnerable to be trafficked for domestic servitude; during the reporting period, for example, a 22-year-old San girl – lured six years earlier with promises of education – was discovered in a situation of domestic servitude, suffering physical, sexual, and psychological abuse.

The Government of Namibia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government investigated cases of child and adult labor trafficking, and rescued child victims of labor trafficking. It prosecuted nine suspected traffickers though