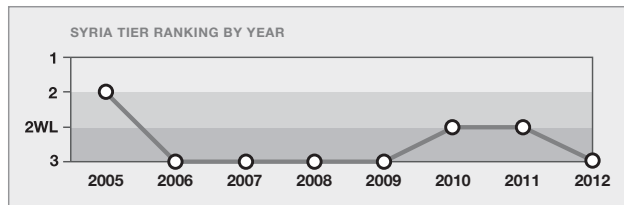


further endangering trafficking victims and other vulnerable populations that remained in the country.



Recommendations for Syria: Implement the comprehensive anti-trafficking law through increased investigations and prosecutions of trafficking offenders; provide training on human trafficking to police, immigration officials, labor, and social welfare officials, including those assigned to the anti-trafficking directorate; ensure that the anti-trafficking directorate is fully operational, continue to assign a significant number of female police officers to the directorate, and provide specific training on how to receive cases and interview potential trafficking victims with appropriate sensitivity; launch a nationwide anti-trafficking public awareness campaign, particularly highlighting the appropriate treatment of domestic workers under Syrian law; establish policies and procedures for law enforcement officials to proactively identify and interview potential trafficking victims, and transfer them to the care of relevant organizations; and designate an official coordinating body or mechanism to facilitate anti-trafficking communication and coordination among the relevant ministries, law enforcement entities, international organizations, and NGOs.

Prosecution

The government made limited progress in addressing human trafficking through law enforcement measures during the reporting period. Inadequate law enforcement training remained a significant impediment to identifying and prosecuting trafficking crimes in Syria. Moreover, the significant unrest during the reporting period substantially hindered any anti-trafficking law enforcement efforts. In June 2011, the Syrian government issued an executive order outlining the implementation of its comprehensive anti-trafficking law, Decree No. 3, which provides a legal foundation for prosecuting trafficking offenses and protecting victims, but does not provide a clear definition of human trafficking. This law prescribes a minimum punishment of seven years' imprisonment, a penalty that is sufficiently stringent though not commensurate with those prescribed for other serious crimes, such as rape. Some activities continued as part of the Ministry of Interior's 200-person specialized anti-trafficking directorate, which was tasked in 2010 with investigating cases, raising public awareness, cooperating with foreign entities, training law enforcement, and tracking and annually reporting on the government's anti-trafficking efforts. While this anti-trafficking directorate carried out some of these tasks and reportedly hired some female officers during the reporting period, the directorate did not have a coordination role and it is unknown whether it was fully operational in 2011. Moreover, the directorate provided no information on its investigations or prosecutions of suspected trafficking offenses. In June 2011, the Ministry of the Interior issued a memorandum that was disseminated to all police stations, which mandated the referral of potential cases to the government's anti-trafficking directorate. In the previous reporting period, there were reports of collusion

between low-level police officers and traffickers, particularly regarding the trafficking of women in prostitution; during the last year, there was no evidence that the government addressed complicity through investigations.

Protection

The government made no discernible efforts to identify and protect victims of trafficking during the reporting period. By the end of the reporting period, IOM had identified at least 95 Filipina domestic workers believed to be trafficking victims trapped in Hama and Homs, cities experiencing extreme violence at the hands of the government. While the Philippine embassy attempted to negotiate with the employers of the domestic workers for their release, there were no reports that the Government of Syria assisted the embassy in these efforts to identify and protect the workers, including possible victims of domestic servitude. In contrast with the previous reporting period, the government did not refer any trafficking victims to NGO-operated shelters. The government also failed to institute any systematic procedures for the identification, interview, and referral of trafficking victims. As a result, victims of trafficking may have been arrested and charged with prostitution or violating immigration laws before being deported or punished. The government neither encouraged victims to assist in investigations or prosecutions of their traffickers nor provided foreign victims with legal alternatives to their removal to countries in which they may face hardship or retribution.

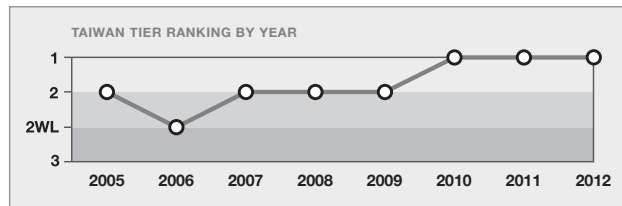
Prevention

During the past year, the government made minimal efforts to prevent trafficking or to substantially raise awareness among the general public or government officials. In collaboration with IOM, the government launched a one-week media campaign in mid-2011 that included posters, radio spots, and television public service announcements on trafficking issues; however, most of the population continues to have little or no awareness of human trafficking, and the issue remained a taboo topic. In mid-2011, the anti-trafficking unit established and operated a hotline for reporting suspected cases of human trafficking and attempted to circulate it through brochures and posters throughout major cities. The government provided no information on the number of calls the hotline received or investigations that may have resulted from hotline assistance. The status of the government's national plan of action against trafficking, which was drafted in early 2010, is unknown. The government did not make efforts to reduce the demand for commercial sex acts. Syria is not a party to the 2000 UN TIP Protocol.

TAIWAN (Tier 1)

Taiwan is a destination, and to a much lesser extent, source and transit territory for men, women, and children subjected to sex trafficking and forced labor. Most trafficking victims in Taiwan are migrant workers from Vietnam, Thailand, Indonesia, mainland China, Cambodia, the Philippines, Bangladesh, and India, employed through recruitment agencies and brokers to perform low-skilled work in Taiwan's manufacturing and fishing industries, and as home caregivers and domestic workers. Many of these workers fall victim to labor trafficking by unscrupulous brokers and employers, who force workers to perform work outside the scope of their contract and often

under exploitative conditions. Some employers of the estimated 200,000 foreign domestic workers and home caregivers forbid their employees from leaving their residences, except on days off, making them extremely vulnerable to labor trafficking and other abuses and unable to seek help. Some women and girls from China and Southeast Asian countries are lured to Taiwan through fraudulent marriages and deceptive employment offers for purposes of sex trafficking and forced labor. Migrant workers are reportedly charged up to the equivalent of \$7,700 in recruitment fees, typically in their home countries, resulting in substantial debts that may be used by brokers or employers as tools of coercion to obtain or maintain a migrant's labor. Labor brokers often assist employers in forcibly deporting "problematic" employees, thus allowing the broker to fill the empty quota with new foreign workers who must pay brokerage fees, which may be used to maintain them in a situation of forced labor. Brokers used threats, confinement, and the confiscation of travel documents as a means to control workers. Some women from Taiwan are recruited through classified ads for employment in Japan, Australia, the UK, and the United States; after their arrival in these countries, they are forced into prostitution. Taiwan is a transit territory for Chinese citizens who enter the United States illegally and may become victims of debt bondage and forced prostitution in the United States. Taiwan authorities fully comply with the minimum standards for the elimination of trafficking. During the reporting period, Taiwan authorities continued to prosecute and punish trafficking offenses, including both forced labor and forced prostitution. In addition, the authorities continued improving victim protection efforts, trained law enforcement and other government officials, and raised public awareness on trafficking offenses.



Recommendations for Taiwan: Sustain and improve efforts to investigate, prosecute, and convict trafficking offenders using the anti-trafficking law enacted in June 2009; ensure that convicted trafficking offenders receive sufficiently stringent sentences; adopt, implement, and socialize changes to the new, inclusive labor law; continue to train law enforcement personnel, officials in the Council of Labor Affairs (CLA), labor inspectors, prosecutors, and judges on victim identification measures and the anti-trafficking law; continue to raise awareness among victims of the option to assist in prosecutions and ensure that they understand the implications of their participation; continue funding foreign language translators for shelters and hotline staff; make greater efforts to investigate and prosecute child sex tourism offenses committed by Taiwan nationals; and continue efforts to increase public awareness about all forms of trafficking.

Prosecution

Taiwan authorities sustained significant progress in their anti-trafficking law enforcement measures during the reporting period. Taiwan's Human Trafficking Prevention and Control Act (HTPCA) of 2009, combined with portions of the criminal code, prohibits both forced prostitution and

forced labor, and prescribes penalties of up to seven years' imprisonment; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Labor Standards Law, which also prohibits forced labor, does not apply to workers employed as private nursing caregivers and domestic workers – which include an unknown number of Taiwan nationals and the nearly 200,000 foreign nationals – comprising approximately half of Taiwan's migrant workforce. During the reporting period, however, the authorities drafted new legislation that would extend legal protections to all categories of workers, including domestic workers and caregivers. In 2011, Taiwan authorities convicted 113 people for sex trafficking and 51 people for forced labor under the HTPCA, an increase from 44 sex trafficking convictions and 43 labor trafficking convictions achieved under the HTPCA in 2010. Sentences imposed on trafficking offenders are generally sufficiently stringent. In November 2011, the former director of the Taipei Economic and Cultural Office in Kansas City, Missouri pled guilty to labor fraud in the United States for subjecting her two domestic workers to conditions of forced labor, including withholding their passports and paying inadequate wages. She spent approximately four months in jail in the United States before being deported to Taiwan in February 2012, where she was impeached by Taiwan authorities in April 2012; however, a final decision regarding her punishment was pending at the close of the reporting period. She has not yet been sentenced as the investigation against her in Taiwan remained ongoing as of April 2012. With that exception, Taiwan authorities did not report any other investigations, prosecutions, convictions, or sentences of officials of the Taiwan authorities for complicity in trafficking offenses during the reporting period.

Protection

During the reporting period, authorities continued to make significant efforts to protect victims of trafficking. Taiwan authorities identified and assisted 319 trafficking victims in 2011, including 56 victims of sex trafficking and 263 victims of labor trafficking. In 2010, Taiwan authorities identified and assisted 324 trafficking victims, which included 45 victims of sex trafficking and 279 victims of labor trafficking. Authorities continued employing systematic procedures to proactively identify and assist victims of trafficking. The authorities distributed reference indicators with specific questions and a standardized evaluation form to law enforcement officials for use in interviewing potential victims of trafficking. The authorities maintained four shelters dedicated to victims of trafficking in Taiwan under the administration of various government agencies, some of which were run by NGOs with government funds. These shelters provided victims of trafficking – both men and women – with medical and psychological services, legal counseling, vocational training, small stipends, and repatriation assistance. Taiwan authorities also reported providing social workers and interpreters to accompany victims during court proceedings. Government and NGO legal counselors assisted foreign victims of trafficking in filing 229 civil cases for compensation during the reporting period. Taiwan authorities encouraged victims to participate in investigations against their traffickers by offering residency and temporary work permits; in 2011, authorities issued 175 new work permits and renewed existing work permits for victims of trafficking. Foreign trafficking victims facing retribution or hardship if they were returned to their country of origin were entitled to permanent residency in Taiwan, though to date Taiwan authorities have not granted such residency to

any foreign victims. During the reporting period, Taiwan instituted communication processes between the judiciary and protective services to expedite trafficking cases that are taking longer than three months in the court system so that victims need not stay in Taiwan for an extended period of time to participate in prosecutions against their traffickers. While the HTPCA states that human trafficking victims can receive immunity for crimes committed as a result of being trafficked, NGO sources stated that there were instances when trafficking victims were detained or fined in 2011.

Prevention

Taiwan authorities made progress in their efforts to prevent trafficking in persons during the reporting period. The National Immigration Agency (NIA) distributed anti-trafficking posters and pocket cards, the latter of which featured information in seven different languages. The CLA continued to operate 25 foreign worker service stations and international airport service counters around Taiwan to assist migrant workers and educate them about their rights. Authorities continued to distribute handbooks detailing relevant laws and regulations pertaining to foreign workers to more than 210,000 employers and aired television commercials highlighting the rights of migrant workers. In October 2011, the NIA held an international trafficking seminar, attended by 18 foreign government officials and 31 foreign representatives in Taiwan that focused on best practices in combating trafficking and featured speakers from other governments. Taiwan authorities continued to fund advertisements and public service announcements raising general awareness of human trafficking. Throughout the year, the Trafficking in Persons Interagency Task Force, a multi-agency initiative that researches human trafficking in Taiwan, published reports on the protection of foreign domestic workers and the prevention of child sex tourism. While Taiwan has a law with extraterritorial application criminalizing the sexual exploitation of children by Taiwan passport holders traveling abroad, authorities have not prosecuted any Taiwan resident for child sex tourism offenses committed abroad since 2006. Authorities did not take steps to reduce the demand for commercial sex acts within Taiwan; however, they did widely broadcast a television commercial aimed at increasing awareness on reducing participation in child sex tourism.

TAJIKISTAN (Tier 2)

Tajikistan is a source country for women and children subjected to sex trafficking and for men, women, and children subjected to forced labor. Women from Tajikistan are subjected to forced prostitution in the United Arab Emirates and Russia, and to a lesser extent, in Saudi Arabia, Kazakhstan, and within Tajikistan. These women often transit through Russia and Kyrgyzstan *en route* to their destination country. Increasingly, Tajik women and girls are forced into prostitution in Afghanistan, sometimes through forced marriages to Afghan men. IOM estimates that a significant percentage of Tajikistan's approximately one million voluntary labor migrants become victims of forced labor. Men from Tajikistan are subjected to forced labor in agriculture and construction in Russia and, to a lesser extent, in Kazakhstan and Afghanistan. In the reporting period, one Tajik victim was identified in Uzbekistan and another in the United States. There are reports of Tajik children subjected to sex trafficking and forced labor, including forced begging, within Tajikistan and in Afghanistan. NGOs that

monitored the 2011 cotton harvest reported that the overall use of forced labor was reduced compared to previous years. There were isolated reports, however, that some Tajik children and possibly some adults were exploited in agriculture – mainly during the annual cotton harvest. Traffickers have increasingly attempted to evade detection and prosecution in Tajikistan by basing their operations in other countries.

The Government of Tajikistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to make progress in reducing the use of forced labor in the annual cotton harvest, and convicted more traffickers under its trafficking statute than the year before. The government did not, however, fund or operate shelters for trafficking victims, and identification of victims in Tajikistan and in foreign countries by Tajik embassies was lacking.



Recommendations for Tajikistan: Continue to enforce the prohibition against forced labor of children and adults in the annual cotton harvest by inspecting cotton fields during the harvest, in collaboration with local government officials and civil society organizations; continue to advertise Tajik laws against forced labor, and target this message to teachers and parents; vigorously investigate and prosecute suspected trafficking offenses, especially those involving forced labor, and convict and punish trafficking offenders; impose stricter, appropriate penalties on local officials who force individuals to participate in the cotton harvest; amend the existing counter-trafficking law to improve victim protection measures; develop a formal victim identification and referral mechanism; strengthen the capacity and awareness of Tajik embassies and consulates to proactively identify victims and refer them to protective services, including via repatriation; ensure that sex trafficking victims are not penalized for prostitution offenses; continue to build partnerships with foreign counterparts in order to conduct joint law enforcement investigations and repatriate Tajik victims from abroad; provide victim identification and victim sensitivity training to border guard and law enforcement authorities; provide financial or increased in-kind assistance to existing protection services for trafficking victims, including shelters; and work to guarantee the safety of witnesses and victims during the investigation and prosecution of trafficking cases.

Prosecution

The Government of Tajikistan increased anti-trafficking law enforcement efforts during the reporting period. Article 130.1 of the criminal code prohibits both forced sexual exploitation and forced labor, and prescribes penalties of five to 15 years' imprisonment, which are sufficiently stringent and commensurate with other serious crimes, such as rape. The government reported six convictions of traffickers under Article 130.1 in 2011, compared with two convictions under the same law in 2010. Two traffickers received sentences of 8.5 years' imprisonment, two received eight-year sentences, and

the remaining two have yet to be sentenced. The government may have investigated and prosecuted trafficking crimes under other articles in the criminal code but did not provide information on such cases. The Government of Tajikistan cooperated with Russian and Moldovan law enforcement to investigate a suspected trafficking crime in one case and repatriate a Tajik victim in another case. In partnership with international organizations, it continued to conduct a 26-hour anti-trafficking course as part of the Ministry of Interior Academy's training curriculum for police officials. In 2011, 216 police academy students completed the training.

In 2011, the government certified NGO representatives to monitor the cotton harvest for a second year in a row. It appointed a Ministry of Labor official to accompany IOM representatives during the fall cotton harvest to meet local officials in cotton-growing districts to reinforce the prohibition on forced child labor. The government promptly investigated isolated cases of school administrators forcing children into labor when presented with complaints. While there were no criminal convictions, authorities reprimanded or fined local officials. In 2011, a border guard took a bribe from a trafficker in an airport, where the trafficker was accompanying a potential victim of trafficking to Dubai. The border guard was given an administrative penalty, but not a criminal sentence.

Protection

The government continued limited efforts to identify and assist trafficking victims during the reporting period. The government does not have a systematic procedure for identifying and referring victims for assistance. The government has not yet formalized victim referral procedures through a working group established in 2010. Because Tajik law enforcement officials do not differentiate between women in prostitution and sex trafficking victims and did not attempt to identify trafficking victims among women found in prostitution, sex trafficking victims were likely penalized for prostitution crimes. During the reporting period, the government identified and referred six victims to IOM in 2011, compared with 32 victims identified and eight victims referred in 2010. NGOs and IOM provided protective services to a total of 85 trafficking victims in 2011 – including 57 men who were labor trafficking victims – compared with 104 victims in 2010. Although the national government did not provide financial assistance to any NGOs or other organizations that afforded specialized assistance to trafficking victims in 2011, the Khujand city government continued to provide in-kind assistance – including food, clothing, and reintegration assistance – to a shelter, and the national government continued to provide free utilities for two adjacent shelters in Dushanbe. Victims in the shelters were not detained involuntarily. There was no information whether the government encouraged victims to participate in trafficking investigations and prosecutions.

Prevention

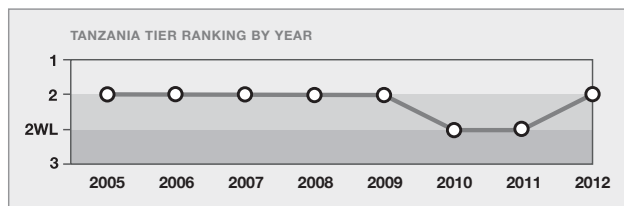
Tajikistan continued efforts to raise awareness of trafficking during the reporting period. The Inter-Ministerial Commission to Combat Trafficking in Persons (IMCCTP) again disseminated a directive to local officials for the effective implementation of laws prohibiting the use of forced child labor. The IMCCTP continued its quarterly anti-trafficking dialogue meetings attended by representatives of government ministries, international organizations, and local NGOs, and expanded its membership to include representatives

from three more government agencies. Local governments continued to provide meeting space, transportation, and local publicity for awareness-raising events conducted by NGOs and international organizations. With international organizations and a foreign government, the government co-funded a nationwide 15-day anti-trafficking event in May 2011 that included trafficking awareness events for hundreds of school children. The government has an action plan to combat human trafficking for 2011-2013. Efforts by the government to reduce the demand for commercial sex acts – seen through the prosecution of clients of prostitution – were mitigated by the governments' punishment of women in prostitution without ensuring that they were not victims of trafficking. The government continued to issue birth certificates routinely to Tajik citizens in 2011, but many citizens in rural areas did not request or know how to obtain those documents.

TANZANIA (Tier 2)

Tanzania is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. The incidence of internal trafficking is higher than that of transnational trafficking, and is usually facilitated by family members', friends', or intermediaries' offers of assistance with education or finding lucrative employment in urban areas. The exploitation of young girls in domestic servitude continues to be Tanzania's largest human trafficking problem. Cases of child trafficking for commercial sexual exploitation are increasing along the Kenya-Tanzania border. Boys are subjected to forced labor, primarily on farms, but also in mines, in the informal sector, and possibly on small fishing boats. Smaller numbers of Tanzanian children and adults are trafficked – often by other Tanzanians – into conditions of domestic servitude and sex trafficking in other countries, including South Africa, Oman, the UAE, Saudi Arabia, the United Kingdom, the United States, and France. Trafficking victims – typically children from Burundi and Kenya, as well as adults from Bangladesh, Nepal, Yemen, and India – are forced to work in Tanzania's agricultural, mining, and domestic service sectors; some are also forced into prostitution. Citizens of neighboring countries may voluntarily migrate through Tanzania before being forced into domestic service and prostitution in South Africa, Europe, and the Middle East.

The Government of Tanzania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Reversing several years of virtual inaction and a demonstrated laxness in implementing existing victim protection and prevention provisions of its anti-trafficking law, the government launched both an anti-trafficking committee and anti-trafficking secretariat to coordinate its national activities in late 2011. Within three months, the committee enacted a detailed national action plan to guide its anti-trafficking interventions over the next three years. It also initiated prosecutions of four cases involving five suspects under its anti-trafficking act and referred an increased number of victims for protective services in partnership with NGOs. Despite these significant efforts, the judicial system continued to lack understanding of what constitutes human trafficking, no trafficking offenders were convicted, and most government officials remained unfamiliar with the 2008 Anti-Trafficking in Persons Act's provisions or their responsibilities thereunder, perhaps due to the lack of counter-trafficking budget allocations.



Recommendations for Tanzania: Enforce the 2008 Anti-Trafficking in Persons Act by prosecuting and punishing trafficking offenders; implement the act's victim protection and prevention provisions; establish policies and procedures for government officials to identify and interview potential trafficking victims proactively – including adult victims – and transfer them, as appropriate, to local organizations providing care; begin compiling trafficking-specific law enforcement and victim protection data at the national level; provide training to judges, prosecutors, and police to clarify the difference between human trafficking and alien smuggling; provide additional training to law enforcement authorities on the detection and methods of investigating human trafficking crimes; and institute standard operating procedures for trafficking victim identification and victim care provision for labor officials and diplomatic personnel at Tanzanian missions overseas.

Prosecution

The Tanzanian government made modest anti-trafficking law enforcement efforts during the reporting period. The 2008 Anti-Trafficking in Persons Act outlaws all forms of trafficking and prescribes punishments of one to 10 years' imprisonment, which are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. Authorities investigated six cases under the 2008 act. As of March 2012, one case had been closed, one remained under investigation, and four involving five suspects were under prosecution. The courts achieved no convictions in 2011, compared to its unprecedented three convictions in 2010. In August 2011, the government began prosecuting a Tanzanian man and woman (a school teacher) apprehended while allegedly subjecting two 16-year-old girls to forced labor as barmaids in Mozambique. The suspected male trafficker disappeared after being released on bail, while the female suspect remains in pretrial detention. In January 2012, police arrested a Nepali man for allegedly subjecting three Nepali men to forced labor in Tanzania and a Bangladeshi man for subjecting eight Bangladeshi men in Tanzania to forced labor; both suspects remain in detention awaiting trial. Despite these efforts, most police and immigration officials continued to fail to distinguish human trafficking from smuggling. The two-person police trafficking desk, established to work with counterparts in other law enforcement agencies to respond to trafficking crimes, received two complaints of trafficking during the reporting period. The government made no progress in compiling trafficking-specific law enforcement and victim protection data at the national level, instead relying upon IOM for data compilation related to victims. Newly-hired law enforcement and immigration officials received anti-trafficking training.

Protection

Although the Tanzanian government's efforts to protect victims of trafficking remained modest during the reporting period and suffered from a lack of resources, officials identified and referred an increased number of victims to NGO service providers. Key victim protection provisions of the 2008 anti-trafficking act, such as the establishment of a fund to support trafficking victims, have yet to be implemented. The government continued to rely on NGOs to provide care for victims and NGO-run facilities were limited to urban areas. Government officials occasionally provided food, counseling, and medical supplies – which NGOs estimated to be valued at \$50,000 – as well as assistance with family reunification to victims being sheltered at NGO-operated facilities. The government lacked systematic victim referral procedures; however, NGOs noted an increased responsiveness by the police when reporting a suspected trafficking case. Tanzanian police referred 22 trafficking victims to NGOs for protective services in an *ad hoc* fashion, an increase of 16 over the previous year. Social welfare or community development officers referred 12 victims in 2011 in comparison to zero victims referred in 2010. IOM provided services to 47 Tanzanian trafficking victims, 40 of whom were younger than 18. Trafficking victims identified during official investigations were reunited with their families and some received counseling from the Department of Social Welfare's social workers. The government operated a 24-hour crime hotline, staffed by police officers, which was available for citizens to report suspected trafficking cases; however, the hotline received no trafficking tips in 2011. The lack of national procedures for victim identification, as well as the lack of a shelter for male adult victims, resulted in the 11 Nepali and Bangladeshi trafficking victims identified during the reporting period being held in prison for a month until the police anti-trafficking desk arranged for their return home. In December 2011, the Tanzanian embassy in Nairobi arranged for the repatriation of a female trafficking victim identified by IOM in Kenya. Other Tanzanian diplomatic missions, however, failed to expeditiously process travel documents and, reportedly, verbally mistreated Tanzanian trafficking victims seeking assistance. The government encouraged victims to participate in the investigation and prosecution of their traffickers; during the reporting period three victims agreed to testify in the cases against their alleged traffickers. The Anti-Trafficking in Persons Act provides foreign victims legal alternatives to their removal to countries where their safety or the safety of their families may be endangered; however, no victims requested this immigration relief during the reporting period.

Prevention

The government made increased efforts to prevent human trafficking during the year. After three years of inaction, in December 2011, the Ministry of Foreign Affairs formally established an anti-trafficking committee (ATC) and anti-trafficking secretariat (ATS), whose existence and functioning is mandated by the anti-trafficking act. Shortly after their formation, the government continued its renewed commitment to anti-trafficking efforts by drafting a national action plan to combat trafficking covering 2011 to 2014, which was ratified by the government in March 2012. Throughout the year, Department of Social Welfare personnel conducted television and radio interviews that included points about trafficking. The mainland Ministry of Labor's child labor unit, which received only the equivalent of \$29,000 from the 2011 national budget – a \$3,000 reduction from 2010 – could not

provide data on the number of child labor complaints made or the number of exploited child laborers identified and withdrawn by its labor officers. Inspectors continued to face myriad challenges, including chronic understaffing and lack of transportation to inspection sites. During the year, the Zanzibar Ministry of Labor, in cooperation with local NGOs, withdrew 1,209 children from exploitative labor in the fishing, seaweed farming, and quarrying industries on the islands and worked with their families to ensure their return to school. The government did not make any efforts to reduce the demand for forced labor or commercial sex acts during the reporting period. All Tanzanian soldiers completed a module on human rights and anti-trafficking interventions as part of their basic curriculum. The government provided additional training on human trafficking to Tanzanian troops prior to their deployment abroad on international peacekeeping missions.

THAILAND (Tier 2 Watch List)

Thailand is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. Victims from neighboring countries, as well as from China, Vietnam, Russia, Uzbekistan, and Fiji, migrate willingly to Thailand for various reasons including to flee conditions of poverty; individuals from Burma, who make up the bulk of migrants in Thailand, seek economic opportunity. The majority of the trafficking victims identified within Thailand are migrants from Thailand's neighboring countries who are forced, coerced, or defrauded into labor or commercial sexual exploitation or children placed in the sex trade; conservative estimates have this population numbering in the tens of thousands of victims. A significant portion of labor trafficking victims within Thailand are exploited in commercial fishing, fishing-related industries, low-end garment production, factories, and domestic work, and some are forced to beg on the streets.

Research made available in 2010 indicated that 23 percent of all Cambodians deported by Thai authorities at the Poipet border were trafficking victims. A study done by the UN Inter-Agency Project on Human Trafficking (UNIAP) found that Thai authorities deport over 23,000 Cambodian trafficking victims per year. Similarly, Lao authorities have reported that groups of 50 to 100 Lao trafficking victims were among the thousands of Lao nationals deported by Thai authorities. An assessment of the cumulative risk of labor trafficking among Burmese migrant workers in the seafood industry in Samut Sakhon, found that 57 percent of these workers experience conditions of forced labor. A report released by an international organization in May 2011 noted prevalent forced labor conditions, including debt bondage, among Cambodian and Burmese individuals recruited – some forcefully or through fraud – for work in the Thai fishing industry. According to the report, Burmese, Cambodian, and Thai men were trafficked onto Thai fishing boats that traveled throughout Southeast Asia and beyond, these men remained at sea for up to several years, were not paid, were forced to work 18 to 20 hours per day for seven days a week, and were threatened and physically beaten. Similarly, an earlier UN survey found that 29 of 49 (58 percent) surveyed migrant fishermen trafficked aboard Thai fishing boats had reported witnessing a fellow fishermen killed by boat captains in instances when they were too weak or sick to work. As fishing is an unregulated industry region-wide, fishermen typically did not have written employment contracts with

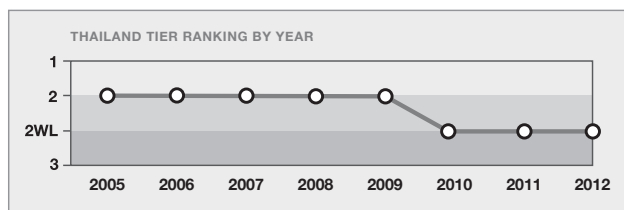
their employer. Men from Thailand, Burma, and Cambodia were forced to labor on fishing boats in Thai and international waters and were rescued from countries including Malaysia, Indonesia, Vietnam, and Timor-Leste. Observers noted that traffickers (including labor brokers) who bring foreign victims into Thailand generally work as individuals or in unorganized groups, while those who enslave Thai victims abroad tend to be more organized. Labor brokers, largely unregulated, serve as an intermediary between job-seekers and employers; some facilitate or engage in human trafficking. Informed observers reported that these brokers are of both Thai and foreign origin and work in networks, collaborating with employers and, at times, with law enforcement officials.

Foreign migrants, ethnic minorities, and stateless persons in Thailand are the greatest risk of being trafficked, and they experience withholding of travel documents, migrant registration cards, and work permits by employers. Undocumented migrants remain particularly vulnerable to trafficking, due to their economic status, education level, language barriers, and lack of knowledge of Thai law. These vulnerabilities were exacerbated during the year, when catastrophic flooding displaced at least 200,000 migrant workers. Among those seeking to return to their home countries for safety, unregistered migrants, and those whose documents had been confiscated by their employers, reportedly faced extortion by law enforcement officials and brokers to facilitate their return. Migrants for whom these fees were prohibitively high were forced to remain in Thailand in insecure situations making them highly vulnerable to trafficking, and those who returned faced a cycle of which increased their vulnerability to debt bondage and other exploitation.

Lack of documentation continues to expose migrants to potential exploitation; in the northern areas of Thailand, lack of citizenship makes highland women and girls particularly vulnerable to being trafficked. Some children from neighboring countries are forced by their parents or brokers to sell flowers, beg, or work in domestic service in urban areas. NGOs reported an increase in the number of children in commercial sexual exploitation, with false identification, in karaoke or massage parlors. During the year, Vietnamese women were confined and forced to act as surrogate mothers after being recruited for work in Bangkok. The majority of Thai victims identified during the year were found in sex trafficking; sex trafficking of both Thai and migrant children remains a significant concern. Thai victims are recruited for employment opportunities abroad, and deceived into incurring large debts on broker and recruitment fees, sometimes using family-owned land as collateral, making them vulnerable to exploitation at their destination. Most Thai victims identified abroad during the year were sex trafficking victims; victims were assisted by Thai embassies in Bahrain, Japan, Macau, Russia, South Africa, the Maldives, Oman, and Indonesia. Thai nationals are also known to be subjected to forced labor or sex trafficking in Australia, Canada, China, Germany, Israel, Kuwait, Libya, Malaysia, Qatar, Saudi Arabia, Singapore, the Republic of Korea, Sri Lanka, Taiwan, Timor-Leste, the United Arab Emirates (UAE), the United Kingdom (UK), the United States, Vietnam, and Yemen. Some Thai men who migrate for low-skilled contract work and agricultural labor are subjected to conditions of forced labor and debt bondage. Sex trafficking generally involves victims who are women and girls. Sex tourism continues to be a problem in Thailand, and this demand likely fuels trafficking for commercial sexual exploitation. Thailand is a transit country for victims from North Korea,

China, Vietnam, Pakistan, and Burma destined for third countries such as Malaysia, Indonesia, Singapore, Russia, the Republic of Korea, the United States, and countries in Western Europe. There were reports that separatist groups recruited teenaged children to carry out attacks.

The Government of Thailand does not fully comply with the minimum standards for the elimination of trafficking. The government has not shown evidence of increasing efforts to address human trafficking compared to the previous year; therefore, Thailand is placed on Tier 2 Watch List for a third consecutive year. Thailand was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. The government continued implementation of its human trafficking law and conducted awareness-raising activities on human trafficking. During the year, the government implemented regulations allowing foreign victims to live and work temporarily within Thailand, formally granting this right to 30 victims. The number of prosecutions and convictions pursued for sex and labor trafficking was disproportionately small compared to the significant scope and magnitude of trafficking in Thailand. Effective anti-trafficking law enforcement efforts were hindered by authorities' failure to identify and adequately protect victims, and the country's migrant labor policies continued to create vulnerabilities to trafficking and disincentives to victims to communicate with authorities, particularly if the workers are undocumented. Direct involvement in and facilitation of human trafficking by law enforcement officials reportedly remained a significant problem in Thailand; authorities reported investigating three cases of complicity among local law enforcement officials, but there were no prosecutions or convictions of complicit officials during the year. The Thai government invited the UN Special Rapporteur on trafficking in persons to visit in August 2011. In a press statement following her visit, the UN Special Rapporteur on trafficking in persons noted, among other shortcomings, weak enforcement of the country's legal anti-trafficking framework, inadequate efforts to address trafficking of men, endemic corruption among law enforcement officials, and a systemic failure to properly identify victims and protect their rights and safety. The Thai government agreed to fund and open five national verification centers for Burmese migrant workers inside Thailand – to be staffed by Burmese Ministry of Labor employees – and these centers opened in late April 2012.



Recommendations for Thailand: Enhance ongoing efforts to identify victims of trafficking among vulnerable populations, in particular undocumented migrants and deportees; significantly increase efforts to train front-line officials on internationally recognized indicators of forced labor such as the confiscation of travel documents or imposition of significant debts by employers or labor brokers; recognizing the systematic disincentives which make victims hesitant to communicate with authorities, develop and implement victim

identification procedures that prioritize the rights and safety of potential victims and empower law enforcement officials to carry out this mandate; increase efforts to investigate, prosecute, and convict sex and labor trafficking offenders; consider establishing a dedicated court division to expedite the prosecution of trafficking cases; facilitate greater information exchange between various law enforcement and inspection agencies and establish a clear mandate between the Royal Thai Police and the Department of Special Investigations (DSI); increase efforts – particularly through DSI – to investigate, prosecute, and convict officials engaged in trafficking-related corruption; ensure that offenders of fraudulent labor recruitment and of forced labor receive stringent criminal penalties; improve labor inspection standards and procedures to better detect workplace violations, including instances of trafficking; continue and increase efforts to allow all adult trafficking victims to travel, work, and reside outside shelters; provide legal alternatives to the removal of foreign trafficking victims to countries in which they would face retribution or hardship; make greater efforts to educate migrant workers on their rights, their employers' obligations to them, legal recourse available to victims of trafficking, and how to seek remedies against traffickers; improve efforts to regulate fees and brokers associated with the process to legalize migrant workers in order to reduce the vulnerability of migrants to human trafficking; increase anti-trafficking awareness efforts directed at employers and clients of the sex trade; make efforts to decrease the demand for exploitive labor; and ratify the 2000 UN TIP Protocol.

Prosecution

The Thai government continued some anti-trafficking law enforcement efforts during the reporting period. Thailand's 2008 anti-trafficking law criminally prohibits all forms of trafficking and prescribes penalties ranging from four to 10 years' imprisonment – penalties that are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. The Royal Thai Police reported initiating investigations in 83 trafficking-related cases – 67 for sex trafficking and 16 for forced labor – during 2011, involving 155 suspected offenders and representing an increase from 70 such investigations in 2010. These investigations led to the prosecution of 67 trafficking-related cases; this compares to 79 prosecutions in 2010. The majority of suspected offenders investigated were Thai nationals. The government reported obtaining 12 trafficking-related convictions in 2011; two convictions were for confirmed sex trafficking cases and the government did not provide sufficient information to determine whether the other 10 were trafficking cases. This is a decrease from the previous year's 18 convictions. The government often chose to facilitate an informal dispute resolution rather than to pursue criminal prosecution of employers in cases of the labor exploitation of migrants. DSI, which is under the Ministry of Justice, and has limited jurisdiction for investigating trafficking cases, initiated five investigations during the year; four of these cases were transferred to the police and one investigation remained pending with DSI at the end of the year. In implementing a January 2011 cabinet resolution to expand its anti-trafficking unit, DSI increased its staff from 12 to 25 officers. The outcome of this expansion is unclear, however, as DSI did not report a significant increase in trafficking investigations and a draft amendment of the DSI law – which would expand its mandate to allow for investigating trafficking cases without transfer to the police – was not passed during the year. Police and DSI

officials reportedly began discussions about how they would share jurisdiction over trafficking cases if the amendment is passed.

Throughout the year, the government provided anti-trafficking training to approximately 1,850 public health officers, social workers, police, and immigration officials, yet awareness of the 2008 anti-trafficking legislation remained low and many law enforcement officers continued to prosecute trafficking cases under other legal statutes. Some sex trafficking cases may have been prosecuted under the Prevention and Suppression of Prostitution Act; during 2011, 34 individuals, some of whom may have been sex traffickers, were convicted under Section 9 of this Act, which prohibits forced prostitution and related offenses.

The government did not significantly increase efforts to investigate alleged human trafficking on Thai fishing boats, reporting three such investigations in 2011 compared with two in 2010. One case was identified by the Immigration Bureau during the course of a raid and two were brought to its attention through victim complaints. Three calls to an international organization's hotline regarding suspected cases of trafficking on fishing vessels did not result in any investigations or prosecutions. Victim identification training for front-line officers was inadequate, and inspection efforts failed to successfully identify cases, despite the known prevalence of forced labor in the fishing industry. The government reported the Royal Thai Marine Police conducted pre-departure inspections of some fishing vessels during the year but did not detect any suspected cases of forced labor in 2011. Furthermore, despite conducting more than 1,000 inspections and searches of fishing boats beyond coastal waters and intercepting thousands of undocumented migrant workers – a population likely to contain trafficking victims – the Royal Thai Navy did not identify any suspected trafficking cases. In April 2012, a number of demonstrations erupted among Cambodian and Burmese migrant workers at food processing and other factories in Kachanaburi, Songkhla, and elsewhere in the country, amidst allegations that these workers were being subjected to passport confiscation, withholding of salary payments, and unsafe living conditions, and threats of deportation. The government reported conducting a police investigation, but these efforts have not yet led to any prosecutions or convictions.

The justice system remained slow in its handling of criminal cases, including trafficking cases. Additionally, frequent personnel changes and a reduction in the number of police officers hampered the government's ability to make progress on anti-trafficking law enforcement efforts. Some suspected offenders fled the country or intimidated victims after judges decided to grant bail, further contributing to the government's already low conviction rates. In July 2011, the Court of Appeals upheld the 2009 conviction of two offenders found guilty of trafficking 73 victims in a shrimp peeling factory. Both offenders remained free on bail at the close of the reporting period, pending consideration of their case by the Supreme Court.

Thai law enforcement authorities continued to cooperate with counterparts from around the world, and quarterly case management meetings with officials from Burma, Cambodia, and Laos reportedly helped to accelerate cases and resulted in the arrest of five suspected traffickers by Burmese authorities.

The government extradited one suspected sex trafficker to face prosecution in the UK during the year.

Corruption remained widespread among Thai law enforcement personnel, creating an enabling environment for human trafficking to prosper. Allegations of trafficking-related corruption persisted during the year, including in cases of sex trafficking and forced labor of migrants. There were credible reports that officials protected brothels, other commercial sex venues, and seafood and sweatshop facilities from raids and inspections, and that some officials engaged in commercial sex acts with child trafficking victims. In addition to well-known corruption of local-level police officers, there were also protective relationships between central-level specialist police officers and the trafficking hot-spot regions to which they were assigned. There was no information indicating tolerance for trafficking at an institutional level. In 2011, DSI initiated three investigations of local law enforcement officials for taking bribes to protect brothels that harbored child sex trafficking victims; no disciplinary action was taken against any officials during the year, however, and these investigations remain ongoing. The government did not respond to reports that Thai officials were involved in the trafficking of Burmese men, women, and children deported to the hands of the Democratic Karen Buddhist Army (DKBA). Authorities also have not responded to reports that Thai police officers and immigration officials extort money or sex from Burmese citizens detained in Thailand for immigration violations, and sell Burmese migrants unable to pay labor brokers and sex traffickers. Reports during the year indicated that immigration officials failed to implement a policy announced by the Ministry of Labor that it would not deport flood-affected migrant workers outside their permit zone; for example many migrant workers, without registration papers allowing them to travel outside of permitted areas where they work, were detained and arrested by authorities.

Protection

The Thai government demonstrated limited efforts to identify and protect foreign and Thai victims of trafficking during the year. The Ministry of Social Development and Human Security (MSDHS) reported that 392 foreign victims were classified as trafficking victims in Thailand and received assistance at government shelters during the year, a figure comparable to the 381 foreign victims assisted in 2010. More than half of the victims assisted were from Laos, and more than one-third were from Burma. The Royal Thai Police and DSI identified 279 victims during the year and referred 213 foreign victims to shelters; 66 Thai victims were returned to their homes, and some received services from NGOs. The Immigration Bureau identified seven Cambodian victims of forced labor during a raid of a fishing boat; it reported knowledge of five additional Burmese victims, of trafficking on fishing vessels, who submitted complaints to authorities. The Marine Police Division reported rescuing two victims from the fishing industry in Chumporn Province during the year. In 2011, the Thai Ministry of Foreign Affairs reported that assistance including repatriation was provided by embassies abroad, to 46 Thai nationals considered potential victims in Bahrain, Japan, Macau, Russia, South Africa, the Maldives, Oman, and Indonesia. The majority of these victims, both male and female, had been subjected to sex trafficking, while some were subjected to forced labor on fishing boats. In 2011, the government allocated the equivalent of \$1.9 million to MSDHS to provide protective services to trafficking victims.

The equivalent of an additional \$2.2 million was dedicated to an anti-trafficking fund; the majority of funds distributed from the fund during the year, the equivalent of approximately \$626,750, was used to finance anti-trafficking activities of government agencies and civil society organizations, while the sum equivalent to \$16,400 was distributed to 103 victims.

The government reports the use of systematic procedures to screen for victims among vulnerable populations, such as undocumented migrants in detention; however, serious deficiencies in the government's victim identification efforts led to some trafficking victims being unidentified during the year. The Thai government deports hundreds of thousands of undocumented migrants each year; in 2011, it identified only 56 victims from within this population. Many victims, particularly irregular migrants who feared legal consequences from authorities, were hesitant to identify themselves as victims, and front-line officials were not adequately trained to identify such individuals as victims.

In 2011, MSDHS trained nearly 2,000 public officials on the provision of the anti-trafficking legislation and certified them as "competent officials" in this regard. Local law enforcement officials lacked awareness of the essential elements of human trafficking, and regularly misidentified victims with whom they came in contact. In December 2011, authorities raided a shrimp factory in southern Thailand and rescued four Burmese labor trafficking victims after receiving a tip from an NGO. Although authorities identified the four individuals as being subjected to debt bondage – a form of human trafficking – the government failed to certify them as trafficking victims, and refer them to protective services. Instead the victims were held in detention and subsequently deported, illustrating authorities' insufficient understanding of the elements of human trafficking. Some undocumented migrants were precluded from being identified as a trafficking victim based on their immigration status. Some law enforcement officers often believed physical detention or confinement was the essential element to confirm trafficking, and failed to recognize exploitive debt or manipulation of irregular migrants' fear of deportation as non-physical forms of coercion in human trafficking. In July 2011, authorities rescued six children who had been coerced and drugged into begging on the streets at night; some were allegedly sexually assaulted. While the government identified one child as a trafficking victim and one child as a victim of sexual assault and referred them to protective services, it determined the others were not victims because they were related to the traffickers; subsequently two children were referred to protective care. Only law enforcement officials are able to make a final determination to certify an individual as a trafficking victim, and during the year there were reports that social workers or representatives of civil society sometimes disagreed with law enforcement officers' decisions.

The Thai government continued to refer victims to one of nine regional shelters run by MSDHS, where they reportedly received counseling, limited legal assistance, and medical care; although the shelters did not always have the human resource capacity to provide adequate assistance. Foreign adult victims of trafficking identified by authorities were required to stay in government shelters and typically could not opt to reside outside of a shelter or leave the premises unattended before Thai authorities were prepared to repatriate them. Two government shelters for trafficking victims were forced to close for nearly two months during the flooding; displaced

victims were transferred to other MSDHS facilities. In 2011, the Ministries of Labor and Interior issued regulations to allow some foreign victims the right to seek employment while awaiting conclusion of legal processes; the government has since granted this right to approximately 30 victims of labor trafficking. The government did not report standard eligibility criteria for victims to receive this benefit, but reported it will be considered on a case-by-case basis for labor trafficking victims; those chosen will be eligible for a six-month work permit and visa, renewable for the duration of their court cases. Extending this benefit to more victims would provide an incentive for victims to remain in Thailand for the duration of their legal proceedings. Government officials did not have specialized service provision for child sex trafficking victims, and the forced repatriation of those unwilling to testify against their traffickers resulted in many of them being re-trafficked. There were reports during the year of foreign trafficking victims who fled shelters, likely due to slow legal and repatriation processes, the inability to earn income during trial proceedings, language barriers, and distrust of government officials. There were reported instances in which victims opted not to seek designation as trafficking victims due to systemic disincentives, such as long stays in shelters during lengthy repatriation and court processes; many of these victims were returned to their country of origin. In at least one case during the year, the government allowed child victims to reside in an NGO-run shelter which it determined could more adequately address their needs. NGOs reported that some victims were trained by labor brokers on how to lie to government officials to prevent being identified as victims or escape from shelters. There were reports that quarterly case management meetings with Burma and Laos accelerated the nationality verification and repatriation process between the countries during the year. Some Uzbek victims were removed from a government shelter and transferred to Uzbekistan's embassy in Thailand after an altercation arose with other victims.

Thai law protects victims from being prosecuted for acts committed as a result of being trafficked, and observers believe identified victims' rights were generally respected. However, the Thai government's victim identification procedures are flawed, and authorities' aggressive efforts to arrest and deport immigration violators led to some victims being punished. The government generally encouraged victims to participate in the investigation and prosecution of trafficking cases, although some victims opted not to do so for the same reasons many fled shelters or sought to avoid designation as trafficking victims. During the year, authorities, through the threat of civil suits, authorities negotiated compensation for 40 child and adult labor trafficking victims, in a total sum of approximately the equivalent of \$11,000. High legal costs, language, bureaucratic, and immigration barriers, fear of retribution by traffickers, distrust of Thai officials, slow legal processes, and the financial needs of victims effectively prevented most victims from participating in the Thai legal process. The lack of regulation of the fishing industry and labor law coverage for fishermen on small vessels in Thailand under the Labor Protection Act of 1998 makes this population particularly vulnerable to exploitation; the cabinet approved amendments to expand protections in this law to all boats with one or more workers on board, but the amendment did not take effect during the reporting year. A 2005 cabinet resolution established that foreign trafficking victims in Thailand who are stateless residents can be given residency status on a case-by-case basis; the Thai government, however, has yet to report granting residency status to a foreign trafficking victim.

Prevention

The Thai government made some efforts to prevent human trafficking, including through collaboration with international organizations and NGOs, but it did not demonstrate sufficient efforts to decrease the demand for forced and exploitive labor. While some activities aimed to raise public awareness of trafficking within Thai society as a whole, others attempted to raise awareness among targeted high-risk industries. The government estimated that throughout 2011, it reached more than 7,500 people nationwide. The anti-trafficking in Persons committee and its coordinating and monitoring body continued to meet regularly through the year, but met on fewer occasions in 2011 than in previous years due to political transition and devastating floods. In January 2012, the Thai government published a report – which had been delayed from 2010 – on its own anti-trafficking efforts, and in March 2012, it adopted a two-year national action plan to guide its future efforts. The government reported taking steps to issue new regulations for protection to workers in the fishing industry – who are highly vulnerable to trafficking – and a list of hazardous occupations for children, although neither was finalized or enacted during the year. The government distributed 150,000 leaflets in the common languages of migrant workers from neighboring countries to educate workers on their rights and their employers' obligations to them. During 2011, 851,830 migrants were registered and received permits to work in Thailand under the government's Nationality Verification and Granting an Amnesty to Remain in the Kingdom of Thailand to Alien Workers Program, which allowed workers to receive formal work visas from the Thai government and the claims of greater rights inside Thailand. Observers remained concerned that the process to legalize migrant workers with its associated fees, as well as costs imposed by poorly regulated and unlicensed labor brokers, increased the vulnerability of migrant workers to trafficking and debt bondage. In some cases, workers reportedly incurred debts imposed by labor brokers and amounting to as much as the equivalent of \$700 for the required processing of their registration. During the year, the government provided trainings to 49 translators and developed a list of trained translators to facilitate the government's response to foreign language queries reposted to the hotline that receives calls regarding trafficking cases; however, the government's decentralized call system made it difficult to ensure that localities systematically and adequately responded to calls that were diverted to them – particularly calls that came from non-Thai callers.

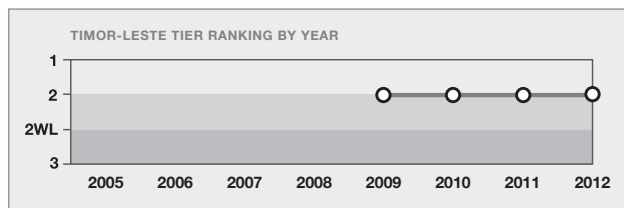
During the year, the government revoked the licenses of two labor recruitment companies, out of nine which had been suspended during the previous year, and initiated investigations into 321 cases of alleged violations of the Labor Employment Act; at least two of these cases involved allegations of forced labor, resulting in two employers sentenced by the labor court to pay the equivalent of \$3,000 in fines, and one offender sentenced to 11 months in prison, although this term was suspended for two years. The Department of Employment, through random airport screenings, reported identifying 481 individuals as traveling under false pretenses and prevented them from leaving the country during the year, but it did not make efforts to identify potential trafficking victims or refer any suspected trafficking cases to law enforcement agencies. The government conducted awareness-raising campaigns targeting tourists' demand for child sex tourism and extradited one alleged pedophile to the United States for prosecution, but it did not make any other discernible efforts to reduce the

demand for commercial sexual acts or forced labor. Inadequate victim identification procedures may have resulted in some victims being treated as law violators following police raids of brothels. The government did not provide Thai troops anti-trafficking training prior to their deployment abroad on international peacekeeping missions. Thailand is not a party to the 2000 UN TIP Protocol.

TIMOR-LESTE (Tier 2)

Timor-Leste is a destination country for women and girls from Indonesia, China, and the Philippines subjected to sex trafficking and men and boys from Burma, Cambodia, and Thailand subjected to forced labor. In previous years, men and boys from Burma, Cambodia and Thailand were forced to labor on foreign fishing boats operating in Timorese waters where they face conditions of confinement, no medical care, and poor food; some escaped their exploiters and swam ashore to seek refuge in Timor-Leste. The placement of children in bonded domestic and agricultural labor by family members in order to pay off family debts was also a problem. Timor-Leste may also be a source of women or girls sent to Singapore and elsewhere in Southeast Asia for domestic servitude. Some migrant women recruited for work in Dili report being locked up upon arrival, and forced by brothel "bosses" and clients to use drugs or alcohol while providing sexual services. Some women kept in brothels were allowed to leave the brothel only if they paid the equivalent of \$20 an hour. Traffickers regularly retained the passports of victims, and reportedly rotated sex trafficking victims in and out of the country every few months. Traffickers used debt bondage through repayment of fees and loans acquired during recruitment or transport to Timorese waters to achieve consent of some of the men laboring on fishing vessels. Traffickers subjected victims to threats, beatings, chronic sleep deprivation, insufficient food or fresh water, and total restrictions on freedom of movement; victims on fishing vessels rarely or never went ashore during their time on board. Transnational traffickers may be members of Indonesian or Chinese organized crime syndicates, and the trafficking offenders who exploited male victims on fishing boats were reportedly Thai nationals.

The Government of Timor-Leste does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government obtained three successful trafficking convictions – the first in the country's history – and imposed adequate prison sentences on the convicted offenders. The government's victim protection efforts, however, were inadequate, and it failed to protect 18 of the 19 victims in this case, whose whereabouts are unknown. The government took tentative steps to increase victim protection by providing funding to an NGO shelter, but subsequently withdrew this funding. Despite increased maritime patrols and continued brothel raids, the government identified only one trafficking victim during the year, raising concerns that some victims were not identified and instead were treated as law violators and deported rather than referred to protective services. The government did not investigate reports of trafficking-related complicity, such as lower-level police and immigration officials accepting bribes from traffickers.



Recommendations for Timor-Leste: Enact comprehensive anti-trafficking legislation that includes strong victim protections; continue efforts to investigate, prosecute, convict, and punish trafficking offenders; train judicial officials on investigation and prosecution methods, including how to integrate procedures for proper victim care throughout the duration of court proceedings; make efforts to investigate and prosecute officials complicit in human trafficking; implement procedures to proactively identify victims of trafficking among vulnerable populations, such as individuals in prostitution and workers on fishing vessels; develop and formally establish policies which clarify perceived inconsistencies in the country's code of criminal procedure, thereby granting police the unambiguous authority to initiate investigations of crimes proactively; increase training for front-line law enforcement officers in the vulnerable persons unit on proper victim identification procedures and referral mechanisms, including recognition of trafficking victims who may possess their travel documents or may have entered the country legally; increase the quality and types of assistance provided to trafficking victims; and develop and conduct anti-trafficking information and education campaigns.

Prosecution

The Government of Timor-Leste increased law enforcement efforts to combat trafficking during the reporting period, including by obtaining its first trafficking conviction. In early 2012, anti-trafficking legislation drafted in a previous year was submitted to the Council of Ministers for review, where it remained at the close of the reporting period. Timor-Leste's revised penal code prohibits and punishes the crime of trafficking through articles 163, 164, and 165; articles 162 and 166 prohibit slavery and the sale of persons. The articles prescribe sufficiently stringent penalties ranging from eight to 20 years' imprisonment; prescribed penalties for sex trafficking or the trafficking of a person younger than 17 range from 12 to 25 years' imprisonment and are commensurate with those prescribed for other serious crimes, such as rape. The government reported investigating two trafficking cases during the year. It initiated prosecutions in one case from a previous year, in which three Chinese nationals were accused of forcing 19 Chinese victims into prostitution or labor related to running a brothel. In December 2011, the government convicted the three traffickers, and sentenced them to prison terms ranging from 13 and 13.5 years. These were the first trafficking convictions obtained in Timor-Leste. The convictions are currently being appealed, and the government has possession of the convicted offenders' passports to prevent them from leaving the country. The second investigation, involving a Timorese girl in domestic servitude, remained ongoing at the close of the reporting period. No information was available on the status of one case pending at the close of the previous year, or nine cases pending from 2010. The government did not train law enforcement officers or other government officials on investigating and prosecuting

trafficking cases. The government did not report any efforts to investigate suspected trafficking complicity of public officials, despite reports that immigration officials accepted bribes to allow undocumented Chinese trafficking victims into the country, and that some police officers in Dili accepted bribes to allow brothels – where potential trafficking victims may be identified – to continue operating. International and local NGOs alleged that some lower-level members of the police frequent these establishments.

Protection

The government demonstrated weak efforts to protect trafficking victims; it identified and provided services to only one victim during the year, and it may have restricted the mobility of 18 victims – identified during the previous year – by withholding their passports as evidence in a criminal investigation against their traffickers. Police identified one Timorese girl in domestic servitude but no other victims during the year. Immigration police referred one suspected victim, a Burmese male, to an international organization which assessed that he was not a victim of trafficking. Police in the vulnerable persons unit followed a standard operating procedure to refer identified victims to the Ministry of Social Solidarity; the one victim identified was so referred, and the ministry subsequently referred her to a shelter operated by an NGO. The government maintained a protocol of referring foreign victims to an international organization for care, though no such victims were identified during the year. The government did not operate any dedicated shelters for trafficking victims or provide victims with any protective services, though it did refer one Timorese victim to an NGO to receive care. Victims of domestic servitude may be eligible for some protective services codified in the Law on Domestic Violence. During the year, the Ministry of Social Solidarity provided the equivalent of \$10,000 to partially fund a local NGO shelter for trafficking victims, but it subsequently discontinued this support, citing lack of use by victims, and the shelter closed due to lack of funds in December 2011. One shelter operated by an NGO was available to assist with victims' basic needs and to provide medical, psychological, and educational services. The government could not provide information on the whereabouts of 18 Chinese victims identified during the previous year whose case was concluded in December 2011; neither local NGOs nor international organizations had received these victims. Judicial officials may have held the victims' passports as evidence for the duration of the case, effectively restricting their ability to leave the country. It is unknown whether the passports, reportedly seized, were returned after the conclusion of the case, although the judge ordered officials to do so. Problems with victim identification continued, likely resulting in some victims remaining unidentified, despite coming into contact with authorities, and some being treated as law violators and deported for immigration offences. Authorities relied on the possession of passports as the determining indicator in identifying trafficking cases; potential victims who did not self-identify and who possessed their documents were not screened for other forms of coercion or referred to NGOs or international organizations for assistance. Police interpreted an article in the country's code of criminal procedure as only granting investigative authority to public prosecutors; this led to a policy, in practice, of only investigating cases in which the victim self-identifies as such. Police conducted raids on brothels and detained and deported Indonesian and Chinese women found in prostitution for immigration violations, without making adequate attempts to identify trafficking

victims among them. The government provides a temporary legal alternative to the removal of victims to countries where they may face retribution or hardship, allowing them to stay in Timor-Leste for two years. The government did not provide temporary or extended work visas to trafficking victims during this reporting period.

Prevention

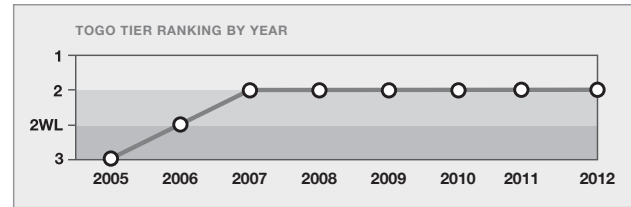
The Government of Timor-Leste made limited efforts to prevent trafficking during the reporting period. It increased patrols of its territorial waters to combat criminality, including forced labor on fishing vessels, though these efforts did not result in the identification of any trafficking cases during the year. The president continued to speak publicly about the need to increase efforts to combat human trafficking, and government officials participated in foreign donor-funded radio and television campaigns about trafficking on government-sponsored stations. The government's inter-ministerial trafficking working group met twice in 2011 to finalize a national plan of action, drafted during the previous year, and to review draft anti-trafficking legislation; however, the council's passage of the decree law necessary to enact the plan of action is on hold until parliament approves the legislation. In November 2011, parliament approved an increase equivalent to \$67,000 in the Ministry of Foreign Affairs' budget in order to fund an international anti-trafficking conference in Dili in 2012. Observers report that police raids on brothels in Dili over the last three years have led to a decreased demand for commercial sex acts; however, due to a lack of proactive victim identification procedures, these efforts may have caused some victims to be treated as law violators.

TOGO (Tier 2)

Togo is a source and transit country for men, women, and children subjected to forced labor and sex trafficking. The majority of Togolese victims are exploited within the country; forced child labor occurs in the agricultural sector – particularly on coffee, cocoa, and cotton farms – as well as in stone and sand quarries. Children from rural areas are brought to the capital, Lome, and forced to work as domestic servants, roadside vendors, and porters, or are exploited in prostitution. Near the Togo-Burkina Faso border, Togolese boys are forced into begging by corrupt *marabouts* (religious instructors). Togolese girls and, to a lesser extent, boys are transported to Benin, Gabon, Nigeria, Ghana, Cote d'Ivoire, and the Democratic Republic of the Congo and subsequently forced to work in agriculture. Children from Benin and Ghana are recruited and transported to Togo for forced labor. Traffickers exploit Togolese men for forced labor in Nigerian agriculture and Togolese women as domestic servants. Some reports indicate Togolese women are fraudulently recruited for employment in Saudi Arabia, the United States, and Europe, where they are subsequently subjected to domestic servitude or forced prostitution.

The Government of Togo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government convicted nine trafficking offenders during the year and identified 281 potential child trafficking victims. However, it neither made progress in enacting draft legislation to prohibit the trafficking of adults nor made efforts to accurately track

prosecution and protection data and disseminate it among government ministries.



Recommendations for Togo: Increase efforts to prosecute and punish trafficking offenders, including using existing statutes to prosecute trafficking crimes committed against adults; complete and enact the draft law prohibiting the forced labor and forced prostitution of adults; develop a formal system to identify trafficking victims proactively and train law enforcement, immigration, and social welfare officials to identify such victims, especially among vulnerable populations; develop a system within the Ministry of Social Affairs (MSA) to track the number of victims referred to NGOs or returned to their families; develop a system among law enforcement and judicial officials to track suspected human trafficking cases and prosecution data; ensure sufficient funds are allocated to operate the Tokoin and Oasis centers; and increase efforts to raise public awareness about the dangers of human trafficking.

Prosecution

The Government of Togo sustained modest anti-trafficking law enforcement efforts during the year. Togolese law does not prohibit all forms of trafficking, such as the sex trafficking of adults, and laws against forced labor are inadequate with regard to definitions and prescribed penalties. The 2007 child code prohibits all forms of child trafficking and prescribes penalties of two to five years' imprisonment. These penalties are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. The 2005 Law Related to Child Smuggling prescribes prison sentences of three months to 10 years for abducting, transporting, or receiving children for the purposes of exploitation. Article 4 of the 2006 labor code prohibits forced and compulsory labor, but its prescribed penalties of three to six months' imprisonment are not sufficiently stringent, and its definition of forced or compulsory labor includes broad exceptions. During the year, the government did not take action to enact its draft law prohibiting the trafficking of adults, which has remained pending since 2009.

The government arrested 23 suspected traffickers in 2011. By the end of the reporting period, the government had prosecuted and convicted nine trafficking offenders, an increase of four over the previous year. Ten suspects still await trial. Sentences for the convicted offenders ranged from six months' to two years' imprisonment. The government could not provide information on the status of nine trafficking prosecutions from 2010. In June 2011 and February 2012, the MSA provided training on the child code to hundreds of lawyers, paralegals, magistrates, police, and notaries in Kara and Lome and included information on how to differentiate trafficking crimes from other forms of child exploitation. There were no allegations of government officials' complicity in trafficking cases during the reporting period; however, allegations of complicity from the previous reporting period

remained uninvestigated. Inadequate funding, inefficiency, corruption, and impunity in the judicial sector continue to hinder trafficking prosecutions and convictions.

Protection

During the past year, the government sustained its efforts to provide modest protection to child victims, but showed no discernible efforts to protect adult victims. The government did not put in place measures to identify trafficking victims among individuals in prostitution; however, it continued efforts to identify child victims of forced labor through increased education among immigration and law enforcement officials in border areas. The Committee for the Reception and Social Reinsertion of Trafficked Children (CNARSEVT), Togo's national anti-trafficking committee comprised of government and NGO representatives, identified 56 victims of child trafficking. In addition, throughout the reporting period the government intercepted and rescued 225 trafficked children being moved to sites where they faced exploitation, such as on farms as laborers and in homes as domestic servants. The governments of Nigeria, Benin, and Gabon repatriated 53 Togolese child victims into the care of CNARSEVT, which in turn provided them with temporary shelter until they could be reunited with their families or placed into an apprenticeship program. In Lome, MSA social workers continued to run a toll-free helpline, Allo 10-11, which received 106 child trafficking calls during the year. Through increased training and awareness-raising among law enforcement officials, the police and CNARSEVT developed an *ad hoc* referral system for responding to hotline tips, as well as for transferring rescued trafficking victims to an appropriate shelter. The MSA continued to oversee the Tokoin community center – a temporary multi-purpose shelter for child victims – and in January 2011 assumed direct management of a second multi-purpose shelter, the Oasis center, which was previously run by a local NGO. The government did not report the number of trafficking victims these shelters cared for during the reporting period. In early 2011, CNARSEVT initiated a pilot apprenticeship project training 24 female trafficking victims on sewing skills. The government did not offer temporary or permanent residency status to foreign victims who faced hardship or retribution in their native country. Although there were no reports of victims being penalized for unlawful acts committed as a direct result of being trafficked, the lack of a formal identification system may mean some victims remain unidentified in the law enforcement system.

Prevention

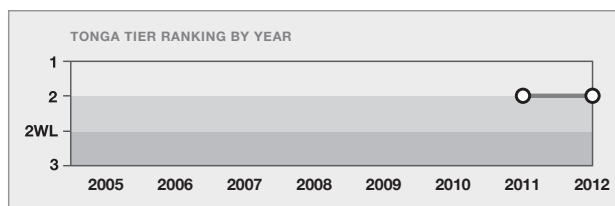
The government increased its efforts to prevent trafficking during the year. CNARSEVT received a budget allocation equivalent to \$101,000 for the year, which it used to fund administrative costs and victim protection efforts. In 2011, the governments of Togo and Gabon met to commence negotiations on a bilateral anti-trafficking agreement that will outline procedures for the extradition of suspected traffickers and the repatriation of victims. Although cooperation already exists on a working level between the two governments, the official agreement awaits finalization. Throughout the year and in collaboration with the MSA, the director of CNARSEVT met with village and regional committees, border guards and inspectors across the country to raise trafficking awareness. In June 2011, CNARSEVT and the MSA hosted a child labor and trafficking seminar for Lome businessmen, lawyers, and police. During the reporting period, the government increased the

number of labor inspectors – whose responsibilities include identifying trafficking victims – from 62 to 74, but this did not result in the identification of any suspected traffickers or trafficking victims. The government did not take discernible measures to decrease the demand for commercial sex acts. The government provided anti-trafficking training to Togolese troops prior to their deployment abroad on international peacekeeping missions.

TONGA (Tier 2)

Tonga is a destination country for women subjected to sex trafficking and is, to a lesser extent, a source country for women and children subjected to domestic sex trafficking and domestic and international forced labor. East Asian women, especially women from China, are prostituted in illegal clandestine establishments operating with legitimate front businesses; some East Asian women are recruited from their home countries for legitimate work in Tonga, paying large sums of money in recruitment fees, and upon arrival are forced into prostitution. Some children are subject to forced labor and sexual exploitation in private residences.

The Government of Tonga does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government acknowledged human trafficking as an issue of concern and in conjunction with the U.S. government, organized a training program on combating trafficking in persons. Nevertheless, the government did not develop or conduct anti-trafficking education campaigns.



Recommendations for Tonga: Publicly recognize, investigate, prosecute, and punish incidences of child sex trafficking; enact a law or establish a policy that provides for explicit protections for victims of trafficking, such as restitution, benefits, and immigration relief; criminalize the confiscation of travel documents as a means of obtaining or maintaining someone in compelled service; increase training for officials on human trafficking and how to identify and assist trafficking victims; continue efforts to investigate, prosecute, and punish trafficking offenders; work with NGOs or international organizations to provide legal assistance to victims of trafficking and greater victim protection resources; adopt proactive procedures to identify victims of trafficking among vulnerable groups; develop and conduct anti-trafficking information and education campaigns; create an interagency process to address anti-human trafficking efforts; develop a national action plan for countering trafficking in persons; and accede to the 2000 UN TIP Protocol.

Prosecution

The Government of Tonga, despite limited resources, made modest progress in its law enforcement efforts to address

human trafficking. Tonga prohibits all forms of human trafficking through its Revised Transnational Crimes Act of 2007, which defines human trafficking as including forced labor and forced prostitution. This law prescribes up to 25 years' imprisonment for these offenses, which is sufficiently stringent and commensurate with penalties for other serious crimes, such as rape. In April 2011, the government, for the first time, sentenced a trafficking offender to prison. Following her prosecution and conviction during the previous reporting period for the forced prostitution of two Chinese nationals into prostitution, the trafficker was sentenced to 10 years in prison. In September of 2011, the government co-hosted, with the U.S. government, a one-day seminar focused on identification of human trafficking offenses and protection of victims; the training was held in Nuku'alofa, Tonga for 39 individuals, including public prosecutors; police; officials from immigration, customs, the National Reserve Bank, the Ministry of Foreign Affairs; and local NGOs. Corruption is a known problem in Tonga. However, the government did not report any allegations, investigations, prosecutions, convictions, or punishments of officials for complicity in human trafficking through corrupt practices during the reporting period.

Protection

The Government of Tonga made modest progress in identifying trafficking victims or ensuring their access to protective services during the year. The government did not develop or employ systematic procedures for the identification of trafficking victims among at-risk groups such as undocumented migrants or women in prostitution, and no victims were identified during the reporting period. It did not offer care services to potential victims of trafficking, though it continued to refer general victims of crime to NGO providers of victim services. The government provided a total equivalent to \$37,000 in funding from its national budget to two local NGOs during the reporting period for operations related to assisting women and children victims of crime.

Under the government's Immigration Act, the Principal Immigration Officer holds broad discretionary authority in granting human trafficking victims permits to stay in the country for any length of time the officer deems it necessary for the protection of victims. The two victims from Tonga's first human trafficking case currently remain in the country on temporary permits and are being assisted by the police in their applications for longer term permits to stay in Tonga. Additionally, human trafficking victims can be granted asylum in Tonga if they fear retribution or hardship in their country of origin, though no human trafficking victim has ever requested asylum.

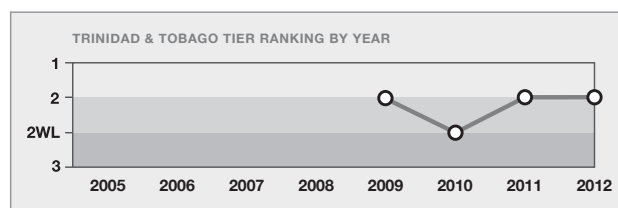
Prevention

The government of Tonga made limited efforts to prevent human trafficking during the reporting period. In September, the government trained 39 government officials to identify trafficking victims. The government also provided immigration officials with cards listing trafficking in persons indicators to help identify proactively victims of human trafficking traveling in and out of the country. The government did not take action to reduce the demand for commercial sex acts or forced labor during the reporting period. Tonga is not a party to the 2000 UN TIP Protocol.

TRINIDAD AND TOBAGO (Tier 2)

Trinidad and Tobago is a destination, source, and transit country for adults and children subjected to sex trafficking and adults subjected to forced labor. Women and girls from South America and the Dominican Republic are subjected to sex trafficking in Trinbagonian brothels and clubs. A high risk group for sex trafficking and forced criminal activity within Trinidad and Tobago are Trinbagonian homeless children or children from difficult family circumstances. Economic migrants from the Caribbean region and from Asia, including India and China, may be vulnerable to forced labor. Some companies operating in Trinidad and Tobago reportedly hold the passports of foreign employees, a common indicator of human trafficking, until departure. There also have been instances of migrants in forced domestic service. A small number of trafficking victims from Trinidad and Tobago have in the past been identified in the United Kingdom and the United States. As a hub for regional travel, Trinidad and Tobago also is a potential transit point for trafficking victims traveling to Caribbean and South American destinations.

The Government of Trinidad and Tobago does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government passed comprehensive anti-trafficking legislation in 2011 that prohibits all forms of trafficking and provides explicit and extensive victim protections, although the law had not been enacted by the end of the reporting period, and for another year, the government did not prosecute any trafficking offenders. The government identified few victims of trafficking, raising concerns that its procedures for the proactive identification of trafficking victims among vulnerable groups, such as foreign women in prostitution, migrant workers, and homeless children, was insufficient.



Recommendations for Trinidad and Tobago: Enact and fully implement the 2011 Trafficking in Persons Act to vigorously investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders, including any officials who may be complicit in human trafficking; consult with IOM on strengthening the standard operating procedures for proactively identifying and assisting victims of trafficking; use the Trafficking in Persons Act to assist more forced labor and sex trafficking victims; ensure that suspected victims are taken to a safe location while conducting trafficking investigations, as victims of human trafficking often feel threatened and are reluctant to identify themselves as victims during a raid; and implement a national public awareness campaign in multiple languages that addresses all forms of trafficking, including the prostitution of Trinbagonian children and forced labor as well as the demand for commercial sex and forced labor.

Prosecution

The government made some progress in the area of prosecution, notably by passing comprehensive trafficking legislation. In June 2011, the legislature passed the Trafficking in Persons Act of 2011, which prohibits both sex trafficking and forced labor and contains extensive victim protections. The Act prescribes penalties of 15 years to life imprisonment with fines. These penalties are sufficiently stringent and commensurate with penalties prescribed for other grave crimes, such as rape. The government has not yet enacted the law, however, and before the criminal provisions in the Act can be implemented, the Act requires the government to establish a ministerial level national anti-trafficking task force to coordinate government policy on human trafficking and a counter-trafficking unit within the Ministry of National Security to handle cases. As the new law is not yet in force, the government's ability to prosecute trafficking offenders or any officials guilty of trafficking complicity is significantly hampered. The government reported only one labor trafficking investigation, no sex trafficking investigations, and no labor or sex trafficking prosecutions during the reporting period.

Protection

The government made some progress in establishing trafficking-specific protection policies but only provided minimal assistance to trafficking victims. The government identified only one labor trafficking victim and no sex trafficking victims, despite multiple brothel raids and allegations of suspected human trafficking activity in Trinidad and Tobago during the reporting period. The small number of victims identified raised serious concerns that the victim identification procedures for raids on suspected human trafficking were insufficient. An NGO that received government funding provided shelter and protection to the one identified trafficking victim and her dependent. The government reportedly offered suspected human trafficking victims some social services directly and through NGOs that received government funding, but there was no specific budget dedicated toward trafficking victim protection. The newly passed law, which has not yet been enacted, outlines specific services to trafficking victims and contains extensive victim protection provisions to encourage victims' participation in prosecutions of trafficking offenders, including victim confidentiality provisions and victim compensation. It also states that past sexual behavior of victims and consent of victims to exploitation are irrelevant to accessing benefits or pursuing the prosecution of trafficking offenders. The Act contains explicit protection to ensure that victims are not punished for crimes committed as a direct result of being in a trafficking situation. The Act also provides temporary legal alternatives to deportation for foreign victims.

Prevention

The government made some progress in prevention during the reporting period. The Ministry of National Security in partnership with a local NGO implemented a one-week national human trafficking awareness program. The Ministry of National Security and partner NGOs have established a Facebook page on their joint counter trafficking initiative. Operators trained in trafficking awareness ran NGO hotlines for child abuse and domestic violence. The government co-funded trafficking awareness training for 50 immigration officers during the reporting period. While the government's formal, ministerial level national task force was not operational

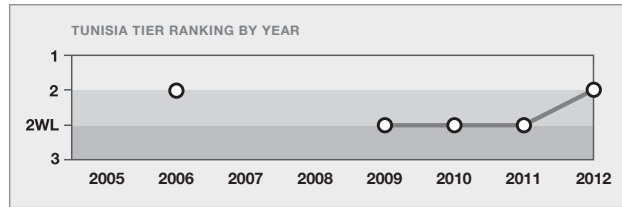
during the reporting period, the government made progress in the bureaucratic processes, including budgetary allocations and the establishment of new positions, necessary for the cabinet to approve the task force and the counter trafficking unit; both should be operational by June 2012. The newly passed 2011 law mandates that one of the functions of the ministerial task force is to monitor and evaluate the government's anti-trafficking efforts, although no such efforts were reported as of April 2012. The government did not undertake measures to reduce the demand for commercial sex acts, such as an awareness campaign targeted at clients of the sex trade. Authorities did not consider child sex tourism to be a problem in Trinidad and Tobago and no such cases were identified, investigated, or prosecuted during the reporting period.

TUNISIA (Tier 2)

Tunisia is a source, destination, and possible transit country for men, women, and children subjected to forced labor and sex trafficking. Some Tunisian girls are employed in domestic work in Tunis and other governorates. In northwest Tunisia, a network of brokers and hiring agencies facilitates child domestic work, but international observers note this phenomenon has been decreasing over time. Some are reportedly held under conditions of forced labor, including being given no time off, having no employment contracts, experiencing physical and sexual abuse, and being confined to their employers' homes. During the reporting period, political unrest in Tunisia and neighboring Libya triggered a wave of illegal migration through and from Tunisia to Italy, some of which was facilitated by Tunisian smuggling networks; some of these migrants may have also been trafficking victims. Moreover, migrants who fled Libya to Tunisia may have been trafficked to Libya from third countries and continue to be vulnerable to trafficking in Tunisia, including unaccompanied minors and child migrants identified in refugee camps along the Tunisia-Libya border; IOM reported young Malian girls who were forced into prostitution in Choucha refugee camp in southern Tunisia. According to international organizations, there was an increased presence of street children in Tunisia during this reporting period and more rural children are having to work to support their families; some of these children may be susceptible to involuntary exploitation. Tunisian women are recruited for work in Lebanon's entertainment industry through *artiste* visas and are forced into prostitution after arrival; during the year, four Tunisian women were falsely promised jobs as secretaries in Lebanon and forced into prostitution. Similarly, Tunisian women are found working in Jordanian nightclubs, and some are forced into prostitution.

The Government of Tunisia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Since the previous regime, the interim government has shown some commitment to address human trafficking, particularly by establishing a National Commission to Combat Trafficking in Persons and by drafting comprehensive counter-trafficking legislation, which is still pending. Some victims of trafficking remain unidentified and unprotected, reflecting the previous government's lack of effort to identify them among vulnerable groups. Despite these positive steps forward, the Tunisian government continues to maintain, as it has done in previous reporting periods, that trafficking in persons is not a widespread problem in Tunisia. Moreover, the Tunisian government views human trafficking

through a migration lens and does not differentiate migrant smuggling from human trafficking.



Recommendations for Tunisia: Urgently pass and enact the draft comprehensive counter-trafficking legislation that prohibits and adequately punishes all forms of human trafficking concurrent with the 2000 UN TIP Protocol; with outside assistance, urgently develop and begin implementation of formal procedures for government officials' proactive identification of victims of human trafficking (distinct from smuggling) among vulnerable groups such as street children, undocumented migrants, girls in domestic service, and persons in prostitution; use existing criminal statutes on forced labor and forced prostitution to investigate and prosecute trafficking offenses and convict and punish trafficking offenders; undertake a baseline assessment to better understand the scope and magnitude of the human trafficking problem; institute a formal victim identification mechanism to identify victims among undocumented migrants and offer them access to protection services; and continue implementing awareness campaigns about trafficking in persons and anti-trafficking trainings for all government officials.

Prosecution

Tunisia has not enacted its draft law specifically addressing trafficking in persons, but Tunisia's Penal Code prohibits some forms of human trafficking, such as its prohibition of capturing, detaining, or sequestering a person for forced labor, for which it prescribes a punishment of 10 years' imprisonment, and the prohibition of forced prostitution of women and children, for which it prescribes a punishment of five years' imprisonment. These penalties are sufficiently stringent, though not commensurate with penalties prescribed under Tunisian law for other serious offenses, such as rape. In addition to these statutes, the Penal Code prescribes one to two years' imprisonment for forced child begging. However, the government did not report investigations or prosecutions of trafficking offenses, nor convictions of trafficking offenders, during this reporting period. Unlike the previous reporting period, government officials, including child protection officers from the Ministry of Women's Affairs, military and border police, and immigration officers, participated in four IOM- and UNHCR-sponsored anti-trafficking trainings in mid-2011. The government, in cooperation with IOM and UNHCR, also developed written procedures to alert law enforcement officers of indicators to identify trafficking victims.

Protection

The Government of Tunisia made greater efforts to protect victims of trafficking over the last year, yet the government continued to lack formal procedures to identify proactively trafficking victims among vulnerable groups, such as undocumented migrants and those persons detained for prostitution offenses. The government operated several shelters for marginalized and vulnerable groups, including

unwed mothers, at-risk youth, and substance abusers among others, but there are no centers specifically for trafficking victims. The Tunisian Coast Guard, with the support of Italy, conducted 281 operations in which it intercepted and detained African migrants aboard boats off Tunisia's coast, but Tunisian authorities made no discernible effort to identify trafficking victims among those intercepted. The Tunisian government views human trafficking through a migration lens and does not differentiate migrant smuggling from human trafficking. During the reporting period, the government, in conjunction with various international organizations, offered health, counseling and educational services and provided temporary shelter to Libyans and third country nationals who fled Libya; however, because the government does not differentiate economic migrants from human trafficking victims, the government did not make efforts to identify trafficking victims among this vulnerable group. With the help of IOM and other international partners, the Ministry of Women's Affairs assisted two underage Malian trafficking victims at its shelter for unaccompanied minors. The government ensured that its 380 labor inspectors receive training to identify abusive child labor and indicators of human trafficking; similarly, Ministry of Education truancy officers were instructed to identify indicators that suggest parents are pressuring their children to drop out of school and become domestic servants, which carries a high risk of forced labor. The government did not offer foreign trafficking victims legal alternatives to their removal to countries where they might face hardship or retribution.

Prevention

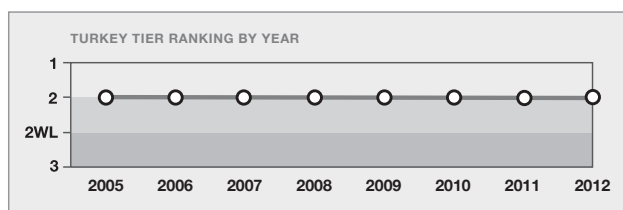
Unlike the Ben Ali regime, the current Tunisian government made significant efforts to raise awareness about trafficking and train government officials during the reporting period. The Tunisian Ministries of Social Affairs, Education, and Employment and Vocational Training initiated public awareness campaigns in the primary school curriculum to dissuade teenagers and young adults from emigrating illegally and potentially becoming victims of trafficking. The government also supported IOM counter-trafficking awareness campaigns for refugee camp residents. Moreover, the Ministry of Employment conducted investigations and began background checks of all recruitment agencies operating in Tunisia; recruitment agencies are now required to sign contracts with the Ministry of Employment before they can recruit workers to work in Gulf countries. Unlike during the previous reporting period, the government did not report efforts to reduce the demand for commercial sex acts by enforcing laws against prostitution and arresting "clients" soliciting commercial sex; Ministry of the Interior officials continue to believe that the commercial sex trade is not prevalent in Tunisia. In 2011, the Tunisian government established a National Commission to Combat Trafficking in Persons, composed of representatives of the Ministries of Justice, Interior, Foreign Affairs, Social Affairs, Health, Finance, and Women's Affairs, as well as members of civil society; the committee met in February 2012 to discuss adoption of the proposed anti-trafficking legislation.

TURKEY (Tier 2)

Turkey is a source, destination, and transit country for women, men, and children subjected to sex trafficking and forced labor. Trafficking victims found in Turkey originate from Georgia,

Moldova, Ukraine, Uzbekistan, Turkmenistan, Azerbaijan, Russia, Indonesia, Afghanistan, Belarus, Kyrgyzstan, Romania, Armenia, Kazakhstan Morocco, Syria and Mongolia. Turkish women are subjected to forced prostitution within the country. According to local experts, sex trafficking victims are forced into prostitution in illegal brothels or are “leased” by clients and kept in private residences or hotels. A recent report claimed that children involved in the drug trade, prostitution, and pick pocketing in Turkey are vulnerable to exploitation by criminal groups.

The Government of Turkey does not fully comply with the minimum standards for the elimination of trafficking, but it is making significant efforts to do so. The government stepped up its identification of trafficking victims and increased funding for NGO shelters to remedy a previous funding shortfall and ensure their operation during the year. The government, however, did not secure a sustainable budget for NGOs providing critical care and assistance. It sustained efforts to prosecute and convict trafficking offenders in 2011, though courts continued to acquit a significant number of suspected trafficking offenders.



Recommendations for Turkey: Continue to develop comprehensive anti-trafficking legislation to explicitly criminalize forced labor and forced prostitution without the precondition of movement, consistent with international standards and establish a comprehensive victim-centered framework for assistance, including institutionalized funding and partnerships with NGOs; develop a mechanism to identify potential victims of labor and sex trafficking in partnership with NGOs and other stakeholders, such as labor inspectors; increase incentives for victims to voluntarily cooperate in the investigation and prosecution of their traffickers, including by appointing a victim witness advocate to ensure a continuum of care; allow potential victims some time to recover from their trafficking experiences and to make informed decisions before they are required to give official statements; establish a case-based analysis of trafficking cases to help desegregate possible smuggling statistics from Article 80; assess why a significant number of prosecuted trafficking cases result in acquittals; establish a victim assistance fund from fines levied against convicted traffickers for this purpose; and develop specialized care for children who are subjected to trafficking, and men who are subjected to forced labor.

Prosecution

The Government of Turkey sustained its anti-trafficking law enforcement efforts during the reporting period. Article 80 of Turkey’s penal code prohibits both sex trafficking and forced labor, and prescribes penalties of eight to 12 years’ imprisonment – which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. This statute, however, places emphasis on the movement, rather than the exploitation, of victims and does not explicitly prohibit trafficking occurring within Turkey’s

borders; this is not consistent with international standards. The government initiated a draft comprehensive trafficking law to remedy these deficiencies in 2011. The government reported that it prosecuted 409 trafficking suspects under Article 80 during the period of January through September 2011, of whom 232 were acquitted. This rate of acquittals represents a significant increase compared to the previous year when courts acquitted 150 of 430 suspects prosecuted. Because of Article 80’s emphasis on the movement of persons, the government’s prosecution data likely includes smuggling statistics. An NGO observer noted an overall low number of traffickers convicted and sentenced for trafficking offenses committed in Turkey. The government reported the conviction of 16 trafficking offenders under Article 80; these offenders received sentences of five to eight years’ imprisonment. Courts reportedly convicted another 16 trafficking suspects under a “mediation in prostitution” statute, Article 227, which carries much lighter penalties; these 16 offenders received a range of sentences from one month to four years’ imprisonment. Turkish law allows for the suspension of prison sentences of two years or less under certain conditions. Notably, in September 2011, the government cooperated with the Government of Armenia to successfully extradite an alleged Armenian trafficker from Turkey. During the year, the police reported that three of their nine anti-trafficking operations uncovered forced labor crimes and victims, primarily in the domestic servitude, begging, construction, and entertainment sectors. The police also reported the arrest of a Turkish government official for his suspected involvement in sex trafficking as a result of these operations. Complicity in trafficking by government employees continued to be a problem; the government did not take any additional action stemming from a 2009 prosecution involving three police officers or report any follow-up to its 2008 investigation of 25 security officials for trafficking complicity.

Protection

The Government of Turkey demonstrated progress in identifying and protecting sex trafficking victims in 2011. According to the Ministry of Interior (MOI), the government identified 82 trafficking victims in 2011, an increase from the 58 victims it identified in 2010. Notably, local police in Antalya included an NGO in victim identification interviews in 2011, which resulted in the identification of 29 trafficking victims. According to regional experts, Turkish authorities do not ensure that NGOs are engaged early in the identification process and as a consequence officials inadvertently deported some foreign trafficking victims. Thus the government continued to arrest and deport individuals without adequate efforts to identify trafficking indicators among men, women, and children.

Three anti-trafficking NGOs provided shelter to a total of 39 victims, including 2 children, during the reporting period. The government increased funding to these shelters in 2011 to help keep them operational during the year; local authorities and the MFA provided a combined \$105,000 to the Istanbul shelter during the year. The MFA also provided supplemental funding for the shelters in Ankara and Antalya in 2011, representing an improvement from the previous year when funding shortages caused one shelter’s closure. The government continued, however, to lack a consistent funding mechanism to ensure sustainability and support for NGOs providing comprehensive care in these shelters. While the government encouraged victims to participate in trafficking investigations and prosecutions, most victims

chose to return to their country of origin and declined to participate in prosecutions of traffickers. This was most often due to a lack of available legal aid to support victims during court proceedings, victims' perceived fear of authorities, the threat of retribution from traffickers, and slowness of court procedures. IOM assisted in the return of 35 trafficking victims who declined assistance from Turkish officials. The government continued to hold trafficking victims in immigration detention centers while IOM prepared their return procedures. The government offered foreign victims legal alternatives to their removal to countries where they would face retribution or hardship. Foreign victims may apply for humanitarian visas and remain in Turkey for up to six months with permission to work, with the option to extend for an additional six months. The government granted such a permit to one trafficking victim in 2011.

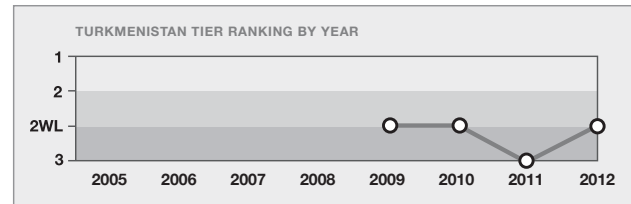
Prevention

The Turkish government demonstrated proactive steps to reform its anti-trafficking prevention efforts during the year. Its inter-agency working group on trafficking, established in August 2011, met regularly throughout the year to identify areas of weakness. The government continued to provide the equivalent of \$150,000 in annual funding for the operation of its national IOM-run anti-trafficking ("157") hotline. IOM continued to report that the highest percentage of calls came from clients of women in prostitution. During the year, the government distributed an identification form for police to use during anti-trafficking operations; however local experts reported the need for enhanced training to ensure more consistent implementation. The Turkish government provided anti-trafficking training to its military personnel prior to their deployment abroad for international peacekeeping missions. The government did not demonstrate efforts to reduce the demand for commercial sex acts or forced labor within Turkey. Prostitution by women who are Turkish citizens is legal under restricted conditions in Turkey; the government reported efforts to screen both brothels and women involved in street prostitution to identify potential trafficking victims. The government did not take any discernible steps to prevent child sex tourism by Turkish nationals traveling abroad.

TURKMENISTAN (Tier 2 Watch List)

Turkmenistan is a source, and to a lesser extent, destination, country for men, women, and children subjected to forced labor and sex trafficking. Men and women from Turkmenistan are subjected to forced labor after migrating abroad in search of employment, including in textile sweatshops, construction sites, and in domestic servitude. Some women and girls from Turkmenistan are subjected to sex trafficking abroad. Turkey remains the most frequent destination for identified Turkmen victims, followed by Russia; Turkmen victims have also been identified in the United Kingdom, Kazakhstan, Turkey, and Cyprus. An international organization estimates that there are between 10 and 25 trafficking victims who return to Turkmenistan each month. Trafficking occurring within the country is also a problem. Those who work in the construction industry are vulnerable to forced labor. In 2011, trafficking victims were identified in Turkmenistan from Uzbekistan, Ukraine, and Azerbaijan.

The Government of Turkmenistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite this progress – including publicly acknowledging the existence of human trafficking within the country, convicting traffickers for the first time under its anti-trafficking statute, and formally registering an NGO-operated shelter – the government did not demonstrate overall increasing efforts in identifying and protecting victims and raising awareness of human trafficking over the previous year; therefore, Turkmenistan is placed on Tier 2 Watch List.



Recommendations for Turkmenistan: Improve implementation of the 2007 Law on Combating Trafficking in Persons; continue to use Article 129 to investigate and prosecute suspected trafficking offenses and convict and punish trafficking offenders; provide training for prosecutors and other relevant government authorities on the proper application of Article 129; develop systematic procedures to identify victims and refer them to protection services and train border guards, police, and other relevant government officials to use these procedures; provide financial or in-kind assistance to anti-trafficking organizations providing assistance to victims; establish safeguards and training procedures to ensure victims are not punished for unlawful acts committed as a direct result of being trafficked, such as migration violations and prostitution; conduct a trafficking awareness campaign to inform the general public about the dangers of trafficking; develop formal relationships with civil society groups to coordinate national anti-trafficking efforts; and develop a national action plan for countering trafficking in persons.

Prosecution

The Government of Turkmenistan demonstrated law enforcement progress during the reporting period. The government prohibits all forms of trafficking in persons through Article 129 of its criminal code, which was adopted in May 2010 and went into effect in July 2010. It prescribes penalties ranging from four to 25 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. However, this law releases the trafficking offender from criminal penalty if he or she voluntarily frees the victim, unless certain aggravating circumstances are present. The government did not provide anti-trafficking law enforcement data for inclusion in this report. At the same time, other sources verified reports that the government convicted several traffickers in three cases under Article 129(1) – the first convictions recorded under Turkmenistan's trafficking statute. In one case, the government sentenced two convicted traffickers from the eastern city of Mary to 13 years' imprisonment for sex trafficking. The government also sentenced an unspecified number of traffickers to nine years' imprisonment in two separate cases in the city of Turkmenabat in Lebap province, also for sex trafficking. A media outlet reported that the former

director of a cotton spinning company was sentenced to three years' probation and a fine under a non-trafficking statute for offenses that included sex trafficking; numerous government officials were alleged to be among the clients. These law enforcement efforts represent an increase over those taken during the previous reporting period. There were no reports that the General Prosecutor's Office conducted trainings for law enforcement officials on implementing Article 129(1), as they did in the previous reporting period. Prosecutors reportedly continued to share information about trafficking with Turkish counterparts.

Protection

The Government of Turkmenistan demonstrated limited efforts to protect or assist victims during the reporting period, despite provisions in the 2007 anti-trafficking law for establishing victim care facilities and providing protection and assistance for victims of trafficking. The government did not provide services to victims of trafficking, nor did it fund international organizations or NGOs to provide such services to victims. However, the State Migration Service referred some victims to the NGO-run counter-trafficking hotline and shared some cases of potential victims returning from Turkey with an NGO. For the first time, in September 2011, the government formally registered an NGO-operated shelter for trafficking victims, though the shelter had operated since August 2010. In 2011, at least 50 victims were assisted by organizations that did not receive government funding, compared with 38 victims assisted by such organizations in 2010. The government employed no formal victim identification procedures and did not provide victim identification, referral, or sensitivity training to border guards or police. The government punished trafficking victims for crimes committed as a result of being trafficked; reports continued that the State Migration Service fined trafficking victims upon return to Turkmenistan for visa violations. Turkmen citizens deported from other countries – potentially including trafficking victims – are reportedly blocked by the State Migration Service from exiting Turkmenistan for a period of up to five years. The government made no attempts to identify sex trafficking victims among women arrested for engaging in prostitution. There was one report of five victims assisting in an investigation and receiving temporary police protection in return, although the government did not report encouraging victims to assist in trafficking investigations or prosecutions. Anecdotal information suggested, however, that many victims did not turn to the authorities for assistance.

Prevention

The Government of Turkmenistan demonstrated some efforts to prevent human trafficking during the reporting period. It jointly hosted an anti-trafficking conference in September 2011 with IOM and a foreign government, with participating experts drawn from seven countries and international organizations. State-owned television and print media provided extensive coverage of the event. In November 2011, a government delegation to the UN Committee on Economic, Social, and Cultural rights publicly acknowledged for the first time the existence of human trafficking in Turkmenistan by reporting the occurrence of trafficking convictions. The government did not fund or conduct any anti-trafficking awareness campaigns in 2011. The government did not provide assistance to any anti-trafficking NGOs, in contrast to 2010 when Turkmenistan provided in-kind assistance to two NGOs. The government continued to lack a coordinating body on human trafficking

and a national anti-trafficking plan. Transparency in anti-trafficking efforts was poor, as the government did not report publicly on its anti-trafficking policies or activities. The stateless population in Turkmenistan is vulnerable to trafficking. The State Migration Service, jointly with UNHCR, registered approximately 8,000 people over the age of 18 who are considered at risk of statelessness and issued residency permits to many of them. The government also granted citizenship to 3,318 formerly stateless people through presidential decrees in July and October 2011.

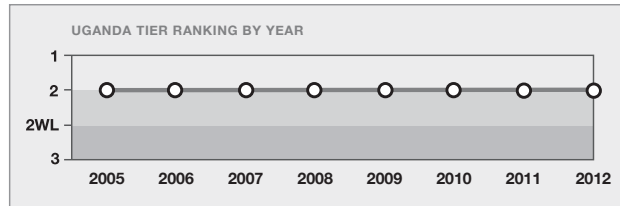
UGANDA (Tier 2)

Uganda is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. Ugandan children are exploited in forced labor within the country in agriculture, cattle herding, mining, stone quarrying, brick making, car washing, scrap metal collection, bars and restaurants, and the domestic service sector, and are exploited in prostitution. Ugandan children are taken to other East African countries for similar purposes, and are also forced to engage in criminal activities. Karamojong women and children are particularly vulnerable to domestic servitude, commercial sexual exploitation, and forced begging due to dire economic and social conditions in the Karamoja region. Children from the Democratic Republic of the Congo (DRC), Rwanda, Burundi, Kenya, Tanzania, and South Sudan are subjected to forced agricultural labor and prostitution in Uganda. Prisoners in pre-trial detention engage in forced labor alongside convicts; pre-trial detainees make up 56 percent of Uganda's prison population. Until August 2006, the Lord's Resistance Army (LRA) abducted children and adults in northern Uganda to serve as soldiers, sex slaves, and porters. While there have been no LRA attacks in Uganda since 2006, Ugandan children previously abducted remain unaccounted for, and some may remain captive with LRA elements currently located in the DRC, Central African Republic, and South Sudan.

During the reporting period, Ugandan trafficking victims were reported in the UK, Denmark, Iraq, South Sudan, Kenya, China, Thailand, and Malaysia. In addition, Uganda's INTERPOL office reported Ugandan women trafficked to India, Egypt, Afghanistan, Indonesia, and the United Arab Emirates. During the year, press reports highlighted the forced prostitution of Ugandan women in Malaysia after being recruited for work as hair dressers, nannies, and hotel staff; some of the women transit through China and Thailand – where they may also encounter forced prostitution – *en route* to Malaysia.

The Ugandan government does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government identified five trafficking cases during the year and prosecuted three of these cases but did not convict any forced labor or sex trafficking offenders under Uganda's 2009 Prevention of Trafficking in Persons (PTIP) Act. The government also established a counter trafficking in persons (CTIP) office – as mandated by the 2009 PTIP Act – to lead national anti-trafficking efforts and develop a national action plan. The government referred victims who came forward to the care of IOM but did not provide financial or material support for this care. The government's one-person External Labor Unit (ELU) continued to monitor the activities of licensed external labor recruiting agencies, provided pre-departure seminars

for Ugandans recruited to work overseas, and conducted an official visit to Iraq to investigate trafficking allegations. However, its efforts to adequately monitor external labor recruiting agencies were hampered by a continued lack of financial and human resources.



Recommendations for Uganda: Continue to implement comprehensive anti-trafficking legislation and build the capacity of the CTIP office and other governmental and non-governmental stakeholders; increase efforts to prosecute, convict, and punish trafficking offenders; institute a unified system of documenting and collecting data on human trafficking cases for use by law enforcement, labor, and social welfare officials; investigate and punish labor recruiters and criminal entities responsible for knowingly sending Ugandans into forced labor or prostitution abroad; ensure use of a definition of trafficking in persons consistent with the 2009 PTIP Act and 2000 UN TIP Protocol when implementing the act, identifying victims, and combating trafficking generally; finalize regulations to fully implement the protection and prevention provisions of the 2009 PTIP Act; launch a nationwide anti-trafficking public awareness campaign with a particular focus on forced labor; establish policies and procedures for government officials to identify and interview potential trafficking victims proactively and transfer them to the care, when appropriate, of local organizations; train Ugandan officials serving in overseas postings in victim identification techniques; and increase the number of staff and funding dedicated to the anti-trafficking efforts within the ELU, the Ministry of Gender, Labor, and Social Development (MGLSD), and the Ministry of Internal Affairs (MIA).

Prosecution

The Government of Uganda maintained its anti-trafficking law enforcement efforts during the year, acquitting two suspected traffickers, prosecuting two additional suspects, and initiating two additional investigations, though it did not convict forced labor or sex trafficking offenders. The 2009 PTIP Act prohibits all forms of trafficking, prescribing punishments of 15 years to life imprisonment, penalties which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the year, a Ugandan court acquitted two alleged traffickers because the alleged offenses occurred prior to ratification of the act; the government did not retry the offenders for the domestic servitude of a child under other relevant legal provisions. In two of the five investigations that began during the reporting period, the government charged – in August and September 2011 – two suspects with human trafficking for recruiting Ugandan women into forced prostitution in East Asia. The investigation of two additional offenders also allegedly involved in the recruitment of women for forced prostitution in East Asia remains pending from the previous reporting period, as does an April 2010 case involving the trafficking of people from the Karamoja region to urban

centers in Uganda. In 2011, the Uganda Police Force (UPF) and Ugandan INTERPOL cooperated with Malaysian, Thai, Chinese, Kenyan, and Rwandan government counterparts to investigate alleged trafficking cases.

The government prosecuted one internal domestic servitude case during the year which resulted in an acquittal; however, it did not identify cases of children involved in other forms of forced labor or prostitution. In November 2011, the MIA trained 598 police cadets from Uganda, South Sudan, and Somalia on identifying trafficking cases. In December 2011, the MIA also trained 22 immigration officers on victim identification and case investigation. In March 2011, MIA and police officials conducted two sessions as part of a broader ILO training of 35 officials from the MIA, UPF, the MGLSD, and NGOs on human trafficking and the 2009 PTIP Act. The Ministry of Foreign Affairs (MFA) did not provide training on victim identification to its consular staff. However, MIA immigration officials working in Ugandan embassies and consulates abroad routinely receive training in victim identification. Additionally, staff within the Uganda Prisons Service is complicit in forced labor for engaging pre-trial detainees in hard labor alongside convicts.

Protection

The government made efforts to protect trafficking victims during the year, but it failed to draft implementing regulations or allocate funding for the implementation of the 2009 anti-trafficking law's victim protection provisions. The government identified trafficking victims during the year but did not develop procedures for the systematic identification of victims among high risk groups. The Ugandan military did not provide comprehensive data on persons rescued from the LRA during its operations abroad. During the year, an NGO provided services, including counseling and vocational training, to 104 children removed from domestic servitude and prostitution. The government continued to provide short-term shelter, food, and medical care at police stations, while referring victims on an *ad hoc* basis to NGOs for long-term care and additional services. The government did not provide support to NGOs offering longer-term care. In Kampala, local police routinely took street children to an under-resourced MGLSD juvenile detention center that provided food, medical treatment, counseling, basic education, and family tracing. Children spent up to three months at the facility; some were returned to their families, but many others returned to the streets again. There were no similar government-funded or operated facilities or services for adult trafficking victims. The law permits foreign trafficking victims to remain in Uganda during investigation of their cases and to apply for residency and work permits, but there were no reported cases involving foreign victims during the year. The government encouraged trafficking victims to testify against their exploiters; however, there was no evidence that victims did so during the year.

During the year, IOM repatriated 13 Ugandan women from Malaysia and two from China; the Ugandan government provided travel documents to several of these trafficking victims, but did not fund their travel costs or provide medical care, shelter, counseling, or other assistance to these or other repatriated trafficking victims. The Ugandan honorary consul to Malaysia played an active role in supporting and assisting in the repatriation of Ugandan trafficking victims in Malaysia. Several Ugandan members of parliament visited Malaysia in March 2012 on a related fact-finding mission.

Prevention

The Ugandan government made increased efforts to prevent human trafficking during the year. In February 2012, the Minister of Internal Affairs, the lead ministry on anti-trafficking efforts, appointed a principal immigration officer to coordinate government anti-trafficking efforts and oversee the work of its newly established anti-trafficking office – the CTIP office. The establishment of the office fulfills a long-delayed mandate of the 2009 PTIP Act. In March 2012, the CTIP office established a national 14-member task force including representatives from the CTIP office, the Immigration Department, the UPF's child and family protection unit and special investigations unit, INTERPOL, the MGLSD, the MFA, the Ministry of Education, the Ministry of Justice and Constitutional Affairs, the Directorate of Public Prosecutions, the Internal Security Organization, the External Security Organization, and the Karamoja affairs, disaster preparedness, and refugees offices within the prime minister's office. During the year, the CTIP office required task force members to submit reports on actions to combat trafficking by their respective agencies and began consultations necessary for drafting a national action plan. The government also conducted anti-trafficking educational campaigns through radio programs and community discussions during the year. Following the interception of several buses of children in the previous reporting period and a well-documented problem of forced begging by Karamojong children on Kampala's streets, in 2011 the MGLSD established road blocks along the Karamoja-Kampala corridor to identify potential child victims before they reached Kampala.

The MGLSD's ELU continued application of its 2008 policy prohibiting labor recruitment agencies from recruiting Ugandans to work as domestic servants, and monitored their recruitment of guards, drivers, and manual laborers for overseas employment. In 2011, the ELU visited Iraq to investigate allegations of trafficking of Uganda citizens in these countries and began drafting new guidelines for recruitment agencies. The ELU – with just one staff member – provided pre-departure seminars for 400 Ugandans leaving for work abroad, supplied sample contracts to recruitment agencies, and provided phone numbers for Ugandans to call should they need assistance while abroad. However, the government's oversight of overseas recruitment agencies remains inadequate and under-resourced.

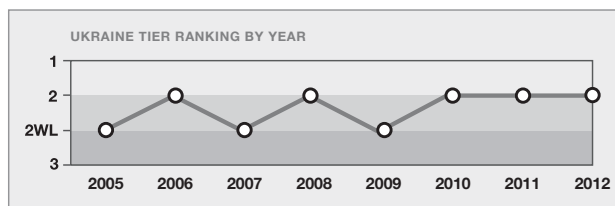
In March 2011, five women repatriated from Iraq in 2009 filed a lawsuit against the attorney general, the inspector general of police (IGP), the director of public prosecution (DPP), and a labor recruitment agency alleging that the agency had trafficked 155 women to Iraq. The women alleged that the IGP knew the women would be exploited and failed to carry out his constitutional duty to protect them, and that the DPP subsequently failed to prosecute the recruitment agency. The case remains pending, and the plaintiffs' claim that many of the women sent to Iraq remain missing. In February 2011, a member of parliament filed a petition on behalf of 16 women repatriated from Iraq tasking parliament's gender and social development committee to investigate recruitment agencies; during the year, parliament took no action on this petition. The government investigated three cases of child sacrifice, two of which remain pending. In the third case, the government convicted one offender under its PTIP Act and sentenced this suspect to seven years' imprisonment for attempted child sacrifice. In March 2012, the government convicted a foreign

national for possession of pornography and sentenced him to two years' imprisonment or a fine of equivalent to \$2,500. The offender paid the fine and was released, but was immediately rearrested for the alleged sexual abuse of Ugandan children. The case was pending at the end of the reporting period. The government provided anti-trafficking training to members of the Ugandan armed forces prior to their deployment abroad on international peacekeeping missions; an estimated 5,000 troops attended such trainings in 2011. Uganda is not a party to the 2000 UN TIP Protocol.

UKRAINE (Tier 2)

Ukraine is a source, transit, and increasingly a destination country for men, women, and children subjected to forced labor and sex trafficking. Ukrainian trafficking victims are subjected to trafficking in Russia, Poland, Iraq, Portugal, United Arab Emirates, the Czech Republic, Turkey, Germany, Azerbaijan, Israel, Lithuania, Lebanon, Cyprus, Greece, Italy, Macedonia, Spain, Syria, the United States, Albania, Bahrain, Bosnia & Herzegovina, China, Egypt, Hungary, India, Kazakhstan, Kosovo, Moldova, Montenegro, Serbia, Slovenia, South Africa, Syria, Turkmenistan, and the Netherlands. Within the country, Ukrainian women and minors were trafficked for sexual exploitation, men and women of all ages were trafficked for forced labor, and children from disadvantaged families were forced to beg. Homeless children or children in orphanages continued to be particularly vulnerable to trafficking in Ukraine. Men, women, and children from Uzbekistan, Pakistan, Cameroon, Moldova, Germany, Albania, and the Czech Republic are subjected to forced labor and sex trafficking in Ukraine. The most prevalent sectors for labor exploitation were construction, agriculture, manufacturing, domestic work, the lumber industry, nursing, and street begging or selling. Often, traffickers are part of small organized crime networks, the majority of which are led by Ukrainians with foreign partners, particularly in Germany, Russia, and Poland.

The Government of Ukraine does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government passed legislation that could improve the delivery of services to trafficking victims, including through the development of a national victim referral mechanism. The judicial system convicted more trafficking offenders and sentenced the majority to time in prison. The government, through a limited pilot project, also increased the number of victims identified and referred to NGOs for assistance, though it did not fund NGO-provided services to victims, and services available for child victims remained inadequate. The government did not take sufficient steps to investigate, prosecute, and convict government officials complicit in human trafficking crimes and did not develop effective mechanisms for the proactive identification and referral of trafficking victims to services.



Recommendations for Ukraine: Vigorously investigate, prosecute, and convict government officials complicit in trafficking crimes and ensure that guilty officials receive time in prison; continue to investigate actively and prosecute trafficking offenses, and seek sentences for convicted trafficking offenders that require them to serve appropriate jail time; improve collection of data to disaggregate forced labor and sex trafficking offenses; continue to monitor human trafficking trial procedures and encourage prosecutors to give more serious attention to human trafficking cases; implement effectively the new national referral mechanism to ensure the proactive identification and referral of trafficking victims to services; widely disseminate information about the new human trafficking law among governmental institutions; expand services provided by the government to victims of trafficking and provide funding for NGOs providing critical care to victims; consider establishing a fund derived from assets seized from convicted traffickers for this purpose; provide specialized assistance to child trafficking victims; encourage courts to use victim-centered methods of collecting testimony and equip them with the technology and facilities to do so; ensure victims of trafficking are not penalized for acts committed as a direct result of being trafficked; further expand prevention efforts in coordination with civil society; increase interagency coordination to combat human trafficking; and continue trafficking-specific training for prosecutors and judges.

Prosecution

The Government of Ukraine increased law enforcement efforts during the reporting period, particularly increasing the number of convictions of trafficking offenders. Article 149 of the Criminal Code prohibits all forms of trafficking and prescribes penalties from three to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government reported initiating 125 investigations into trafficking offenses in 2011, down from 145 in 2010 and 160 in 2009. The government prosecuted 135 trafficking cases under Article 149 in 2011, compared with 111 trafficking cases prosecuted in 2010 and 80 in 2009. The government reported that it convicted 158 trafficking offenders in 2011, an increase from 120 in 2010 and 110 in 2009. Of the 91 convicted trafficking offenders who did not appeal courts' decisions in 2011, 53 received sentences with prison terms. Sentences ranged from less than two years' to 10 years' imprisonment. Thirty-six convicted traffickers were placed on probation, an increase from 33 in 2010. Additionally, appeals of 67 convicted traffickers were still pending in 2011, compared with 25 in 2010. The government did not, however, disaggregate its law enforcement data to demonstrate efforts against both sex and labor trafficking. Prosecutors continued to appeal low sentences imposed on convicted trafficking offenders, appealing 45 such sentences in 2011. In 2011, the Ukrainian government cooperated on joint investigations with at least twenty other governments and executed three extradition requests. During the year, the responsibility for investigating human trafficking offenses reverted from the specialized Department of Combating Cyber Crime and Human Trafficking to a subordinate unit in the Criminal Search Department, which had held this responsibility until 2005. The government continued to include trafficking-specific sessions in its regular training seminars for judges. In December, the National Academy of Prosecutors conducted a seminar for law enforcement personnel on strengthening their capacity to combat human trafficking.

Government officials' complicity in human trafficking offenses continued to be a serious problem in 2011. While the government provided no statistics regarding investigations on public officials, NGOs reported that official trafficking-related corruption was a problem, including complicity of prosecutors, judges, and border guards. Local and *oblast*-level corruption interfered with the investigation and prosecution of trafficking cases. Local experts reported one case in Volyn *oblast*, however, in which the government is prosecuting a village council deputy who organized a criminal ring that trafficked 20 women to Poland. During 2011, three anti-trafficking officers who solicited bribes from women engaged in prostitution were convicted and sentenced to 3.5 years' imprisonment; their appeal was still pending at the end of the reporting period.

Protection

The government did not expand its victim protection efforts during the reporting period, though it did pass a law that should improve the delivery of services to victims in the future. In September 2011, the legislature passed the Law on Combating Trafficking in Human Beings, which assigned anti-trafficking responsibilities to various government agencies and codified the government's anti-trafficking protection policies. Additionally, the statute requires the establishment of a formal mechanism for referral of victims for the provision of assistance. The new law requires front-line responders to refer all potential trafficking victims to the Ministry for Social Policy (MSP) for formal victim identification and state assistance. The government continued its pilot project, in partnership with the OSCE, to develop a referral mechanism in two *oblasts*; 43 victims were identified and assisted within the pilot project framework in 2011, an increase from 20 in 2010. According to the Ministry of the Interior, the government identified 294 victims, compared to 277 in 2010 and 359 in 2009. In 2011, IOM, working with its local NGO partners, provided reintegration assistance to 823 Ukrainian victims, a decrease from 1,085 victims in 2010, about three quarters of whom were victims of labor trafficking. The government did not provide any funding to NGOs providing assistance to victims of trafficking, although it did provide some in-kind assistance to NGOs assisting victims and engaged in other anti-trafficking activities, including administrative expenses and facility space. Government-supported shelters reported providing assistance to 15 trafficking victims in 2011. The government, however, continued to rely on international donors to provide the majority of funding for victim assistance. The government continued to place child trafficking victims in temporary shelters for homeless children that do not offer specialized services for trafficking victims. The government encouraged victims to cooperate with law enforcement in the prosecution of their traffickers; 294 victims assisted in pre-trial trafficking investigations in 2011. Meanwhile, the government made modest improvements in protecting victim witnesses by more frequently using victim-centered methods of collecting testimony. The new human trafficking law provides foreign trafficking victims with the opportunity to apply for a three-month temporary residence permit, which can be extended for participation in judicial proceedings or if the victim's safety would be comprised by his or her repatriation. There were no reports of victims being punished for unlawful acts committed as a direct result of being trafficked; however, three victims were detained for six months because they were not initially recognized as trafficking victims, and another victim was detained while awaiting deportation because there was

not yet a temporary legal status for trafficking victims. The Department on Combating Organized Crime was reportedly more active in proactively investigating human trafficking rings and regularly monitored farms and industrial areas, though those doing the investigations were not the personnel who had previously received specialized training in conducting anti-trafficking investigations. IOM identified 23 foreign victims of trafficking during the reporting period.

Prevention

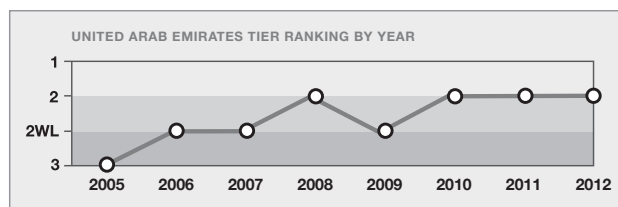
The Government of Ukraine continued its limited trafficking prevention activities during 2011. The government prepared 15 anti-trafficking public service announcements for Ukrainian television, published 136 articles for print and electronic media, and aired 19 radio reports. The government took some steps to regulate private companies involved in the recruitment of Ukrainians for work abroad. The government provided in-kind and limited financial assistance to NGOs for trafficking-prevention activities. Together with IOM, the government conducted five counter-trafficking training sessions for Ukrainian troops prior to deployment for international peacekeeping duties in 2011; these trainings are mandatory for Ukrainian peacekeepers. In January 2012, the government designated the MSP as the national anti-human trafficking coordinator. At the end of the reporting period, the Government of Ukraine adopted the National Plan on Combating Human Trafficking for 2012-2015. The government did not conduct any anti-trafficking prevention campaigns to address demand for commercial sex.

UNITED ARAB EMIRATES (Tier 2)

The United Arab Emirates (UAE) is a destination, and to a lesser extent transit, country for men and women, predominantly from South and Southeast Asia, who are subjected to forced labor and forced prostitution. Migrant workers, who comprise more than 90 percent of the UAE's private sector workforce, are recruited from India, Pakistan, Bangladesh, Nepal, Sri Lanka, Indonesia, Ethiopia, Eritrea, China, Thailand, Korea, Afghanistan, Iran, and the Philippines. Women from some of these countries travel willingly to the UAE to work as domestic servants, secretaries, beauticians, and hotel cleaners, but some are subjected to conditions indicative of forced labor, including unlawful withholding of passports, restrictions on movement, nonpayment of wages, threats, or physical or sexual abuse. Restrictive sponsorship laws for foreign domestic workers often give employers power to control domestic workers' movements, threaten them with abuse of legal processes, and make them vulnerable to exploitation. Men from India, Sri Lanka, Bangladesh, Pakistan, and Nepal are drawn to the UAE for work in the construction sector; some are subjected to conditions of forced labor, including debt bondage as they struggle to pay off debts for recruitment fees. In some cases, employers have declared bankruptcy and fled the country, effectively abandoning their employees in conditions vulnerable to labor exploitation. Some women from Eastern Europe, Central Asia, Southeast Asia, the Far East, East Africa, Iraq, Iran, and Morocco are subjected to forced prostitution in the UAE.

The Government of the United Arab Emirates does not fully comply with the minimum standards for the elimination of

trafficking; however, it is making significant efforts to do so. This year, the government continued to prosecute and punish sex trafficking offenders, though its efforts to combat forced labor were lacking. The government's failure to address labor and other forms of trafficking continues to be a gap in the Emirates' law enforcement efforts against trafficking. However, during the reporting period, in direct response to indicators of forced labor of temporary migrant workers and domestic servants, the government implemented victim identification procedures, drafted a law to protect domestic workers, and continued to aggressively enforce its Wage Protection System, which is intended to ensure the payment of wages to workers. The government continued to implement its anti-trafficking awareness campaigns and to refer identified sex trafficking victims to protective services. In addition, the government invited Dr. Joy Ezeilo, the UN Special Rapporteur on Trafficking in Persons, in April 2012 to conduct a fact-finding mission on trafficking issues in the UAE and offer recommendations to strengthen government efforts against trafficking. Nonetheless, labor trafficking victims remained largely unprotected and, due to the government's lack of capacity to identify victims of forced labor among vulnerable populations, victims may be punished for immigration and other violations.



Recommendations for the United Arab Emirates:

Significantly increase efforts to investigate, prosecute, and punish labor trafficking offenses, and convict and punish trafficking offenders, including recruitment agents and employers who subject workers to forced labor; enact and implement the draft law addressing the protection of domestic workers' rights; institute formal procedures to identify proactively victims of trafficking among vulnerable groups such as workers subjected to labor abuses, those apprehended for violations of immigration laws, domestic workers who have fled their employers, and foreign females in prostitution; provide protection services to all victims of trafficking, including by extending protection to victims of forced labor on par with victims of forced prostitution; ensure trafficking victims are not incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked, including victims of forced labor; enforce prohibitions on withholding of workers' passports; extend labor law protections to domestic workers; and reform the sponsorship system so it does not provide excessive power to sponsors or employers in granting and sustaining the legal status of workers.

Prosecution

The UAE government sustained its strong law enforcement efforts against sex trafficking during the reporting period, but again failed to take any discernible measures to investigate or punish forced labor offenses. The UAE prohibits all forms of trafficking under its federal law Number 51 of 2006, which prescribes penalties ranging from one year in prison to life imprisonment, as well as fines and deportation if the trafficker is an expatriate. These penalties are sufficiently stringent

and commensurate with those prescribed for other serious crimes, such as rape. In November 2010, the Dubai authorities established a special court to expedite human trafficking prosecutions in that Emirate. During the reporting period, the UAE government continued to combat sex trafficking, investigating 44 cases in 2011, two of which involved victims under the age of 18. Thirty-seven of these cases were prosecuted under the anti-trafficking law, which is a significant decrease from the 58 sex trafficking cases prosecuted in 2010. According to the government's 2011-2012 annual human trafficking report, the 37 prosecutions yielded 111 arrests and involved 51 victims; 19 traffickers were convicted and punished with prison terms including life imprisonment. Despite the UAE's prohibition of labor trafficking offenses, the government only reported the prosecution of one forced labor case under the anti-trafficking law. In January 2011, two women were charged with forced labor offenses for forcing a woman to work in a massage parlor; they were also charged with forced prostitution of two other victims. The prosecution was still ongoing at the end of the reporting period. The government failed to report any convictions or punishments for forced labor during the reporting period. Prohibitions against practices that greatly contribute to forced labor, such as the widespread withholding of workers' passports, remained unenforced. The government continued to respond to workers' complaints of unpaid wages, but this response was largely limited to administrative remedies, including fines or mediation to recover the wages; seldom did the government criminally investigate or punish an employer. The government's inter-ministerial National Committee to Combat Human Trafficking (NCCHT) and Dubai authorities continued to train judicial and law enforcement officials and staff of the government's social services agency on human trafficking issues. The Ministry of Interior (MOI) also conducted 47 internal training courses for over 1,000 anti-trafficking specialists in 2011, and anti-trafficking courses were added to police academies' curriculums. The NCCHT also finalized a data collection methodology to establish a central database for law enforcement officers working on anti-trafficking cases. The government did not report any investigations, prosecutions, or convictions for government complicity in trafficking offenses. The government reported actively cooperating with other countries and international agencies on international trafficking investigations during the year. For example, UAE cooperated with Azerbaijani authorities to extradite three Azerbaijani traffickers who were listed on an INTERPOL watch list.

Protection

The UAE government made sustained, yet uneven, progress in protecting victims of trafficking during the reporting period. Although it continued to provide services to victims of sex trafficking, it demonstrated no efforts to improve care for victims of forced labor. The government continues to fund shelters for female and child victims of trafficking and abuse in Abu Dhabi, Dubai, Ras al Khaimah, and Sharjah. These facilities provide medical, psychological, legal, educational, and vocational assistance to victims of trafficking. While the government does not provide shelter services for male victims of trafficking, in 2011, the Ministry of Labor in Dubai provided alternative options for some laborers who were abandoned by their employers, including repatriation, filing a grievance against the employer, or locating a new employer. In the first half of 2011, the Dubai shelter assisted 19 victims of trafficking and the Abu Dhabi shelter assisted 29 women and children trafficking victims, which is a significant decrease from the

49 and 71 victims the shelters assisted in 2010. The Ras Al Khaimah and Sharjah shelters assisted 15 and 14 victims, respectively, in 2011. Two victims referred to shelter services in 2011 were UAE nationals who were forced into prostitution by family members. Once identified, victims reportedly were not punished for unlawful acts committed as a direct result of being trafficked, such as prostitution offenses. Authorities report that government officials, including the police, as well as houses of worship and community centers, refer victims to shelters. The government reportedly identified and referred 32 sex trafficking victims to care facilities in the first nine months of 2011. The government continued to implement aggressively its anti-trafficking awareness campaigns, and the MOI implemented new victim identification procedures during 2011. Police stations designated personnel and implemented standard operating procedures to identify victims of both sex and labor trafficking; however, some victims may have remained unidentified due to capacity issues. As a result, some victims of sex trafficking, who the government did not identify, may have been penalized through incarceration, fines, or deportation for unlawful acts committed as a direct result of being trafficked. To attempt to remedy this problem, the government reportedly has a referral process to improve the identification of trafficking victims in detention or prison and refer them to a local shelter; NGOs report the referral system works well in practice. Moreover, in January 2012, shelter representatives reported that the MOI implemented a system to place suspected trafficking victims in a transitional facility, instead of a detention center, until victim identification is completed.

The government encouraged identified victims of sex trafficking to assist in the investigation and prosecution of traffickers by providing victims with housing and sometimes employment. Nonetheless, the UAE continues to fail to recognize forced labor victims, particularly if they are over the age of 18 and entered the country voluntarily. While the UAE government exempts victims of trafficking from paying fines accrued for overstaying their visas, the government did not offer victims of labor trafficking – likely the most prevalent form of trafficking in the UAE – shelter, counseling, or immigration relief. Domestic workers who fled from their employers often accessed limited assistance at their embassies, but largely were presumed to be violators of the law by UAE authorities. The UAE government did not actively encourage victims of labor trafficking to participate in investigations or prosecutions, and it did not initiate proactive investigations of forced labor offenses committed against these victims. In addition, although training for law enforcement officials included training on victim identification, the government does not have formal procedures for proactively identifying victims of trafficking among high risk persons with whom they come in contact. As a result, victims of forced labor may have been punished for unlawful acts committed as a direct result of being trafficked, such as immigration violations. The government did not provide long-term legal alternatives to the removal of foreign trafficking victims to countries where they faced retribution or hardship.

Prevention

The UAE government continued to make anti-trafficking prevention efforts a priority during the reporting period. The government and Dubai police conducted anti-trafficking information and education campaigns within the UAE and with source country embassies, and expanded

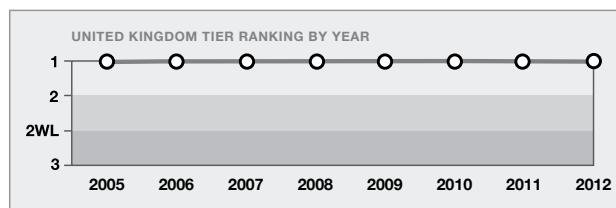
an advertisement campaign, which was implemented in 2010 in the Abu Dhabi and Al Ain international airports, to additional international airports throughout the country. The government also restricted the issuance of tourist visas to certain vulnerable populations that had been subject to sex trafficking. The UAE's Cabinet of Ministers approved a draft law in January 2012 protecting the rights of domestic workers, which awaited presidential approval and subsequent implementation at the end of the reporting period. The NCCHT re-launched its website to raise awareness of trafficking and established a toll-free hotline to report labor abuses. The MOI also conducted lectures on forced labor issues, which reached nearly 52,000 foreign workers in companies and institutions across the country. The government was transparent about its anti-trafficking efforts, as it continued to publish an annual public report on its anti-trafficking measures. In April 2012, the government also invited the UN Special Rapporteur on Trafficking in Persons to conduct an assessment on trafficking in the UAE and provide recommendations to increase government awareness and strengthen efforts to combat trafficking. Government authorities produced and translated into source country languages pamphlets on workers' rights and resources for assistance for distribution to migrant workers. In addition, the Dubai Police's Human Trafficking Crimes Control Center reported it conducted 1,648 inspections of labor camps in 2011 and received 668 complaints to its labor hotline; however, none of the cases received by the hotline were deemed labor trafficking. Additionally, the government sustained its Wage Protection System (WPS), an electronic salary monitoring system intended to ensure workers receive their salaries. Monitored by the Ministry of Labor, the WPS has penalized over 600 employers who have failed to register their wage payments. Approximately 2.85 million workers and 205,000 of the 250,000 registered companies have enrolled in the WPS since its launch in 2009. In 2011, the UAE also implemented a system to verify contracts with some labor source countries to protect workers from contract substitution and other fraudulent activities. The government, however, did not take any measures to reduce the demand for commercial sex acts in the UAE or child sex tourism by UAE nationals.

UNITED KINGDOM (Tier 1)

The United Kingdom (UK) is a destination country for men, women, and children primarily from Africa, Asia, and Eastern Europe who are subjected to sex trafficking and forced labor, including domestic servitude. Authorities reported that victims continued to be forced to commit benefit fraud and other forms of coerced criminality. Unaccompanied migrant children in the UK represent an especially vulnerable group for trafficking. Some UK children are subjected to sex trafficking within the country. Migrant workers in the UK are subjected to forced labor in agriculture, construction, food processing, domestic service, nail salons, and food services. According to a 2011 report issued by an NGO that assists migrant domestic workers, domestic workers in diplomatic households were vulnerable to trafficking and abuse, including acts of violence and coercion. However, during the reporting period, it was not clear what actions, if any, the government took to address the treatment of domestic workers employed by foreign diplomats posted in the UK. Children and male adults, mostly from Vietnam and China, continued to be forced and coerced to work on cannabis farms; however, according to a 2011 UK police report, the number of cases involving Vietnamese children decreased

slightly from the last reporting period, likely as a result of tougher law enforcement targeting these farms. According to UK officials, Nigeria, China and Vietnam continued to be the top three source countries for trafficking victims found in the UK; however, authorities identified trafficking victims from over 36 countries in 2011. UK men were subjected to forced labor within the UK and in other countries in Europe during the year. During the year, Scottish police reported an increase in unaccompanied and trafficked children arriving from Afghanistan and Iraq. Experts report trafficking increased in Northern Ireland during the reporting period; trafficking victims are often moved by traffickers between Ireland and Northern Ireland.

The Government of the United Kingdom fully complies with the minimum standards for the elimination of trafficking. The Government of the United Kingdom continued to investigate and prosecute trafficking offenders. The transparent nature of the UK government and the significant level of information available allowed NGOs and the government to make comprehensive, candid assessments of the UK's anti-trafficking efforts during the year. The majority of prosecutions and convictions for trafficking offenders continued to take place in England; however, authorities in Scotland and Northern Ireland secured their first convictions for human trafficking in 2011. The national government continued to vigorously prosecute trafficking offenders, and authorities increased implementation of the 2009 anti-slavery law and prosecution of forced labor offenses. The UK government began implementing a new anti-trafficking strategy and continued to implement its National Referral Mechanism (NRM) to identify and refer victims for care. Anti-trafficking experts, however, continued to report inadequate protections for child trafficking victims. They also reported serious concerns that trafficking victims were inadvertently deported, or otherwise penalized as offenders during the year. Late in the reporting period, the government amended its regulations to prohibit all migrant workers in the UK from changing employers.



Recommendations for the United Kingdom: Ensure that trafficking victims, including children coerced into criminal activity, are not penalized for acts committed as a result of their trafficking; ensure that law enforcement priorities to combat organized crime are effectively balanced with a victim-centered response to protect trafficking victims; conduct an assessment to determine why more non-EU trafficking victims are not officially recognized as trafficking victims despite the significant number of potential non-EU trafficking victims referred via the NRM; consider requiring incoming domestic workers, including those employed by foreign diplomats, to be interviewed in private to ensure they are familiar with their rights and protections in the UK; continue to train law enforcement and the legal community in the UK on the slavery-based approach of the 2009 Act, which explicitly criminalizes slavery and forced labor without the precondition of smuggling; establish a system of guardianship for children who are extremely vulnerable to trafficking; share technical

expertise and training to raise awareness and improve the law enforcement and victim protection response in UK overseas territories; and appoint a rapporteur or similar mechanism in each region to make self-critical assessments and improve the UK's anti-trafficking results.

Prosecution

The Government of the United Kingdom continued to investigate and prosecute trafficking offenders; during the year it began implementation of its slavery statute to investigate and prosecute forced labor crimes. The UK prohibits all forms of trafficking through its 2009 Coroners and Justice Act, 2003 Sexual Offenses Act, and its 2004 Asylum and Immigration Act, which prescribe penalties of a maximum of 10, 14, and 14 years' imprisonment, respectively. The sentence for sex trafficking is commensurate with that available for other serious crimes. The 2009 Coroners and Justice Act explicitly criminalizes slavery without a precondition of smuggling into the UK. Human trafficking offenses in England, Wales and Northern Ireland are governed by the 2003 Sexual Offenses Act, the 2004 Asylum and Immigration Act and the 2009 Coroners and Justice Act. The UK Home Office leads the anti-trafficking response in England and Wales, in Northern Ireland the Northern Ireland Department of Justice leads, and in Scotland trafficking issues are handled by the Scottish police.

The national government increased implementation of its 2009 anti-slavery law during the year, but has not yet convicted a trafficking offender using this law. According to the Crown Prosecution Service, between April and December 2011, the British government prosecuted 87 offenses of trafficking for sexual exploitation. There were 29 offenses of labor trafficking or other forms of exploitation, prosecuted under the Asylum and Immigration Act; and 11 offenses for slavery and servitude prosecuted under the Coroners and Justice Act. The government did not provide comprehensive sentencing data for convicted trafficking offenders in 2011; however, the government reported the average penalty for convicted trafficking offenders in 2011 was 27.2 months' imprisonment, and the average sentence for non-sex trafficking sentences was 55.2 months. Scotland's human trafficking offenses are prosecuted under the Criminal Justice (Scotland) Act of 2003, the equivalent of the UK's Sexual Offenses Act. The provisions of the UK's Asylum and Immigration Act 2004 extend to Scotland, as well as the Coroners and Justice Act, the UK's slavery amendment. During the year, an official inquiry into human trafficking in Scotland made ten recommendations to improve Scotland's response to trafficking, including that a comprehensive trafficking law in Scotland harmonize its laws and overall strategy with the rest of the UK. In October 2011, Scotland achieved its first trafficking conviction and sentenced two sex trafficking offenders to three years and four months, and another to 18 months' imprisonment. The offenders reportedly coerced 14 women into forced prostitution through threats of violence in brothels around Scotland and Northern Ireland. Scottish authorities reported other trafficking offenders are convicted under other laws, but did not provide further details on these cases. During the year, country experts noted lenient sentences for trafficking offenses in the UK, in fact, courts in England handed down some significant penalties for trafficking offenders. In March 2012, a court in Birmingham sentenced two trafficking offenders to nine and ten and a half years' imprisonment for subjecting Romanian women to forced prostitution. In October 2011, a British court convicted and sentenced a Bulgarian man to six years for forced prostitution.

In another case in March 2012, a court in England convicted a Romanian couple of subjecting a seven-year old Romanian girl to domestic servitude. The man was sentenced to nine and a half years in prison; the woman was sentenced to nine years. In September 2011, British authorities arrested and charged five suspects and initiated prosecution under Section 71 of the Coroners and Justice Act, which criminalizes slavery. In addition to men from the UK, the traffickers subjected 24 men from Romania, Russia, Poland, Latvia, and Lithuania to forced labor at a Travellers' camp in Bedfordshire. In July 2011, the Crown Prosecution Service issued amended legal guidance to prosecutors instructing them not to prosecute trafficking victims for any crimes committed as a direct result of their trafficking. During the year, however, a court of appeals affirmed a conviction of an alleged trafficking victim for crimes he committed as a result of his trafficking. In this case, the court affirmed the conviction of a Vietnamese boy for cannabis cultivation, despite disclosing details of coercion, including threats to his life, after he voluntarily consented to be smuggled into the UK. Despite expert evidence presented during court proceedings, including the cannabis factory being locked from the outside, the court found his subsequent exploitation did not amount to forced labor.

Protection

The UK government continued to implement its NRM in identifying and referring to care a significant number of trafficking victims in 2011; however, anti-trafficking experts cited ongoing concerns regarding implementation of this mechanism, resulting in unidentified and identified victims being detained, punished, or deported. Furthermore, local experts continued to report an inadequate level of protection for child trafficking victims; a number of rescued children placed in the care of local authorities continued to go missing. The government reported that it proactively identified and referred 294 potential trafficking victims from July through September 2011 through its NRM, which included a 45-day reflection period in 2011. During the reporting period, however, local victim protection experts continued to report flaws in the identification system in the UK. These experts report that their limited role in formal victim identification leads to trafficking victims not being recognized as such and thus criminalized or deported without access to assistance. NGOs criticized a narrow focus of the NRM on victims' immigration status, reporting that as a result, EU nationals were more likely to receive a "positive grounds conclusion" or otherwise be officially recognized as trafficking victims by UK authorities. According to official data, the most common countries of origin for the 294 NRM referrals included Nigeria, Vietnam, the UK, Slovakia, China, and Uganda. As of January 2012, 40 percent, or 117 of the 294 people referred to the NRM, were found to have been trafficked. The most common countries of origin for persons so identified were the UK, Slovakia, Romania and Lithuania. Moreover, NGOs continued to report that UK authorities focused on the credibility of a potential victim too early in the identification process, noting that most victims who have only recently escaped control of their traffickers do not always reveal the truth about their experiences when first questioned; this continued to result in victims' detention and imprisonment, including forced repatriations of trafficking victims, putting them at great risk of hardship or retribution upon their return. Anti-trafficking experts continued to report that many other victims were not referred through the NRM, as victims do not see the benefits of referral, are afraid of retribution by their traffickers, or are

fearful of the consequences of being brought to the attention of authorities because of their immigration status. During the year, the Scottish authorities provided the equivalent of \$1,182,456 to two NGOs to provide comprehensive services to trafficking victims identified in Scotland. Scottish authorities identified 94 potential trafficking victims; 55 of which received a “positive conclusive decision.” According to the Northern Ireland Department of Justice (DOJNI), police identified 50 potential trafficking victims between January and December 2011. DOJNI referred victims into the asylum system and also referred some victims to NGOs for specialized care and assistance. It provided funding to two NGOs to provide assistance to victims in 2011.

According to an NGO that has assisted victims of domestic servitude in the residences of diplomats from Africa and the Middle East, UK immigration law does not allow diplomatic domestic workers to change their employer in the UK. During 2011, NGO service providers asked the government to apply the private household domestic worker visa holder regime, which allowed change of employer, to domestic workers in diplomatic households to reduce their dependency on one employer and prevent domestic servitude. Instead, in April 2012, the Home Office announced new rules for all migrant domestic workers in the UK, which now denies all workers the possibility of changing employers. Anti-trafficking experts strongly criticized this move.

The UK government established a new model of victim care under the anti-trafficking strategy it adopted in 2011. It provided approximately the equivalent of \$3.14 million to a central government contractor to coordinate provision of care for victims in 2011, an increase in comparison to the \$1.45 million previously provided on an annual basis to specialist NGO care providers. Police referred trafficking victims to the central government contractor for care in 2011. Specialist NGO providers reported that the new general contract did not proactively identify victims, but only accepted referrals made by police. Civil society organizations reported the support model is time-bound and victims receive support for only 45 days. Local experts continue to note serious concerns about trafficking victims being criminalized and punished for crimes committed because of coercion. NGO and government reports published during the year noted that trafficked children in the prostitution sector, cannabis cultivation, or who commit petty crimes are often subjected to criminal proceedings instead of recovery and care. Specifically, a 2011 ECPAT Report noted that trafficked children who are forced to cultivate cannabis are not recognized as victims of a crime but are treated as criminals, often prosecuted for drug or immigration offenses. The government encouraged victims to assist in trafficking investigations and prosecutions by offering renewable one-year residence permits to foreign victims who decide to cooperate with law enforcement; it reported granting 48 trafficking victims such permits between April 2009 and March 2011. In that same time period, 162 trafficking victims were granted one-year residency permits due to personal circumstances, including humanitarian protection and discretionary leave. The UK government continued to provide foreign victims with legal alternatives to their removal to countries where they face hardship or retribution through asylum procedures.

Prevention

In July 2011, the UK government adopted a new government strategy on trafficking. Some anti-trafficking experts in the

UK criticized the strategy for its emphasis on border control. The United Kingdom Human Trafficking Center, under the direction of the Serious Organized Crime Agency, continued to serve as a multi-agency, centralized point for the development of expertise among governmental, inter-governmental, and non-governmental stakeholders involved in anti-trafficking. Official training programs included mandatory sessions on human trafficking for new police officers. In April 2011, authorities in Northern Ireland completed a three-month Blue Blindfold campaign that targeted approximately 500,000 residents to raise their awareness of trafficking. The government provided anti-trafficking training to UK troops prior to their deployment abroad as part of international peacekeeping missions in 2011.

Overseas Territories of the United Kingdom

Turks and Caicos

Turks and Caicos Islands (TCI) reportedly was a destination country for sex trafficking and forced labor. The large population of migrants from Haiti, the Dominican Republic and Jamaica are the most vulnerable to sex trafficking and forced labor, and the estimated 2,000 stateless children and adolescents in TCI are especially at risk, according to local experts. Local stakeholders, including law enforcement officials, reported specific knowledge of sex trafficking occurring in bars and brothels during the reporting period and noted that trafficking-related complicity by some local government officials was a problem. During the previous reporting period, the TCI government initiated anti-trafficking legislation that included measures to improve identification of and assistance for trafficking victims. The absence of specific legislation prohibiting trafficking as defined by the 2000 UN TIP Protocol, the absence of trafficking victim protection procedures and policies, and little public awareness about human trafficking were obstacles to progress during the reporting period, according to local stakeholders and experts.

Bermuda

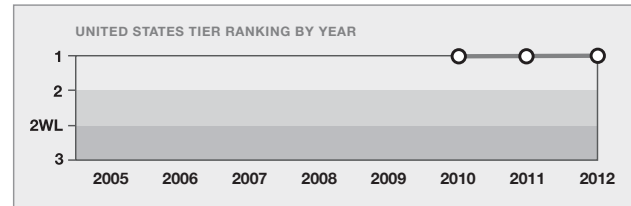
Migrant workers are employed in Bermuda under a strict system of government work permits obtained by employers on behalf of the foreign workers. There were some reported cases of employers confiscating passports and threatening complaining migrant workers with having to repay the entire cost or the return portion of their airline tickets. Bermuda authorities and NGOs reported victims rarely lodge formal complaints out of fear of deportation. The Bermuda Industrial Union in 2009 began offering union protection to some migrant workers. There was one trafficking victim from Bermuda identified in the United States during the reporting period.

UNITED STATES OF AMERICA (Tier 1)

The United States is a source, transit, and destination country for men, women, and children – both U.S. citizens and foreign nationals – subjected to forced labor, debt bondage, involuntary servitude, and sex trafficking. Trafficking in persons can occur in many licit and illicit industries or markets, including in brothels, massage parlors, street prostitution,

hotel services, hospitality, agriculture, manufacturing, janitorial services, construction, health and elder care, and domestic service, among others. Individuals who enter the United States without legal status have been identified as trafficking victims, as have persons identified in visa programs for temporary workers that fill labor needs in many of the industries described above. There have also been allegations of visa holders employed as domestic workers being subjected to forced labor by personnel of foreign diplomatic missions and international organizations posted to the United States. Abuse of third-country nationals (TCNs) providing services for overseas government contracts has been reported in the media and was a focus of congressional hearings during the reporting period. During the same period, federal and state human trafficking data indicate more investigations and prosecutions have taken place for sex trafficking than labor trafficking; however, victim service providers reported assisting significantly higher numbers of foreign national victims in cases of labor trafficking than in cases of sex trafficking. NGOs noted increasing reports of children recruited into criminal activity, particularly at the U.S.-Mexico border, as well as traveling sales crews and peddling rings utilizing the forced labor of children and adults. The top countries of origin for foreign victims in fiscal year (FY) 2011 were Mexico, Philippines, Thailand, Guatemala, Honduras, and India. A sex trafficking victim from the United States was identified in Croatia.

The U.S. government fully complies with the minimum standards for the elimination of trafficking. Federal law enforcement prosecuted cases resulting in convictions of sex and labor trafficking offenders; demonstrated increased legal sophistication in the investigation, prosecution, and conviction of traffickers; and strengthened federal coordination efforts to improve identification of cases at the federal level. Despite decreased funding levels in FY 2011, the federal government continued to provide multi-faceted support for victim services. Greater numbers of trafficking victims and their immediate family members obtained immigration relief through T nonimmigrant status (the T visa), which can lead to lawful permanent residence and an opportunity to apply for citizenship after five years as a lawful permanent resident. The federal government also continued to address weaknesses in overseas procurement policies and in specific visa programs and continued its public awareness campaigns. Despite this significant progress, the federal government was not able to integrate all federal data on federally-prosecuted human trafficking cases or to disaggregate fully victim identification data, in part because numerous agencies, initiatives, and programs each serve distinct roles in a multifaceted anti-trafficking effort. Further, federal and state worksite inspectors lacked sufficient resources and training to increase victim identification appreciably, and NGOs reported that victim funding levels were inadequate to provide comprehensive long-term victim care and key legal services. The U.S. government annually reports on its activities to combat human trafficking in a report compiled and published by the Department of Justice (DOJ), which includes detailed information on funding and recommendations for improved performance; in addition, it electronically published a list of its accomplishments in combating human trafficking, organized by agency and by strategic objective.



Recommendations for the United States: Improve data collection on and analysis of human trafficking cases at the federal, state, and local levels; increase federal resources dedicated to investigating and prosecuting trafficking offenders; increase outreach to and training of federal, state, and local law enforcement, including training on the provision of Continued Presence (CP) and of law enforcement certification for T and U visas for trafficking victims; foster federal partnerships with law enforcement agencies to encourage training, referral protocols, and dedicated and incentivized personnel at the state, local, tribal, and territorial levels; strengthen implementation of and increase resources related to government-wide enforcement of the “zero tolerance” policy in federal contracts, including mandatory training for the federal acquisition workforce and federal inspectors; foster new partnerships with survivor groups, victim advocates, and the private sector; institute universal training on the detection of human trafficking for all relevant Department of Labor (DOL) investigators; increase victim identification training for immigration detention and removal officers and systematize screenings for trafficked persons in all immigration detention centers; increase funding for victim services, including legal services and long-term holistic care; offer comprehensive victim services to all identified, eligible victims, including U.S. citizens, and provide services regardless of type of immigration relief sought, if any; develop consistent and standardized procedures for consular processing of T visas (for family members) and U visas and ensure appropriate training for consular officers to reduce vulnerabilities in T and U visa programs; reduce vulnerabilities in temporary visa programs, including student visa and nonimmigrant temporary worker visa programs; conduct annual briefings for domestic workers of foreign diplomats to ensure that they are aware of their rights; increase cooperation between the private and public sectors to encourage business practices that rid supply chains of human trafficking; continue to increase the incorporation of anti-trafficking efforts into existing government structures; expand anti-trafficking outreach, services, and training in the insular areas and tribal communities; and undertake efforts to provide universal training to federal employees about trafficking in persons and the procurement of commercial sex, the demand for which can contribute to the incidence of sex trafficking.

Prosecution

The U.S. government demonstrated progress in its federal anti-trafficking law enforcement efforts throughout the reporting period. U.S. law prohibits peonage, involuntary servitude, forced labor, and sex trafficking, as well as confiscation or destruction of documents, such as passports, in connection with trafficking. The Trafficking Victims Protection Act of 2000 (TVPA) and subsequent reauthorizations have refined the U.S. government’s response to trafficking. U.S. criminal law also prohibits conspiracy and attempts to violate these provisions, as well as obstructing enforcement of these provisions. Sex

trafficking prosecutions involving minors do not require a demonstration of the use of force, fraud, or coercion.

Penalties prescribed under these statutes are sufficiently stringent and commensurate with penalties prescribed under U.S. law for other serious offenses. Penalties range from five to 20 years' imprisonment for peonage, involuntary servitude, forced labor, and domestic servitude. Penalties for sex trafficking range up to life imprisonment with mandatory minimum sentences of 10 years' imprisonment for sex trafficking of minors and 15 years' imprisonment for sex trafficking by force, fraud, or coercion, or sex trafficking of minors under age 14. In January 2012, the Department of the Treasury issued Internal Revenue Service guidance making mandatory restitution payments non-taxable when made pursuant to the TVPA to compensate trafficking victims.

By the end of the reporting period, all states but Wyoming had enacted anti-trafficking statutes. All 50 states prohibit the prostitution of minors under state and local laws that predate the TVPA.

Federal trafficking offenses are investigated by federal law enforcement agencies such as the Federal Bureau of Investigation (FBI), U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI), DOL's Office of the Inspector General, as well as the Department of State's (DOS) Diplomatic Security Service (DSS) Human Trafficking Unit, which was fully staffed September 2011. Trafficking offenses were prosecuted by DOJ, which maintains 94 federal prosecution offices and two specialized units – the Human Trafficking Prosecution Unit (HTPU) and the Child Obscenity and Exploitation Section. The HTPU was not fully staffed during the reporting period.

The federal government tracks its activities by fiscal year, which runs from October 1 through September 30. During FY 2011, 40 DOJ-led task forces reported over 900 investigations that involved more than 1,350 suspects. ICE HSI reported investigating 722 cases possibly involving human trafficking. At the end of FY 2011, the FBI had 337 pending human trafficking investigations with suspected adult and foreign minor victims. In FY 2011, DOJ charged 42 cases involving forced labor and sex trafficking of adults by force, fraud, or coercion. Of these, half involved primarily sex trafficking and half involved primarily labor trafficking, although several involved both sex and labor trafficking. Including federal cases involving sex trafficking of minors, DOJ prosecuted a total of 125 human trafficking cases in FY 2011. A total of 118 defendants were charged in FY 2011 in forced labor and adult sex trafficking cases, representing a 19 percent increase over the number of defendants charged in such cases the previous year and the highest number ever charged in a single year. During the same period, DOJ secured 70 convictions in forced labor and adult sex trafficking cases. Of these cases, 35 were predominantly sex trafficking and 35 were predominantly labor trafficking, although multiple cases involved both. The combined number of federal trafficking convictions totaled 151, including cases involving forced labor, sex trafficking of adults, and sex trafficking of minors, compared to 141 such convictions obtained in 2010. These numbers do not reflect DOJ prosecutions of cases involving the commercial sexual exploitation of children that were brought under statutes other than the TVPA's sex trafficking provision. According to DOJ's Bureau of Justice Statistics, the average prison sentence imposed for federal trafficking crimes during FY 2011 was

11.8 years, and terms imposed ranged from 10 months' to 50 years' imprisonment. During the reporting period, federal prosecutors secured life sentences against sex traffickers in several cases.

Notable prosecutions included those of sex and labor traffickers who used threats of deportation, violence, and sexual abuse to compel young, undocumented Central American women and girls into hostess jobs and forced prostitution in bars and nightclubs on Long Island, New York. Based on a bilateral prosecution brought by U.S. and Mexican authorities against a transnational sex trafficking ring, Mexican authorities secured sentences of up to 37 years' imprisonment against three traffickers. DOJ also secured the conviction of a sex trafficker in Dallas, Texas who targeted young, U.S. citizen single mothers from troubled backgrounds for forced prostitution; the conviction of an MS-13 gang member who forced a 12-year-old victim into prostitution in Virginia; and the conviction of a defendant in Chicago who used beatings, threats, and sexual assault to force Eastern European victims to work in massage parlors and prostitution.

Traffickers were also prosecuted under a myriad of state laws, but comprehensive data is not currently collected on state prosecutions and convictions. Reports indicated at least several dozen prosecutions at the state level involving forced prostitution, including the prostitution of minors, domestic servitude, commercial sexual exploitation of youth – including lesbian, gay, bisexual, and transgender (LGBT) youth – and exploitation of individuals with mental illness for forced labor. Although state prosecutions continued to increase, protocols, policies, and training for relevant law enforcement officials and assigned dedicated personnel within state prosecutors' offices were slow to be put in place. Existing state trafficking in persons laws continued to be under-utilized due to resource constraints, inconsistent understanding of the nature of the crime, and greater familiarity with prosecuting other related crimes.

During the reporting period, the FBI continued development of technology to incorporate human trafficking offenses in the annual statistics collected from police forces nationwide. FBI also conducted training to ensure that such data is collected and reported beginning in 2013.

During the reporting period, DOJ, in cooperation with DHS and DOL, launched six Anti-Trafficking Coordination Teams (ACTeams) in select pilot districts around the country. The ACTeams streamline coordination among federal prosecutors and federal agents and enhance federal interagency investigations and prosecutions. DOJ also continued to fund 40 anti-trafficking task forces nationwide, comprising federal, state, and local law enforcement investigators and prosecutors, labor enforcement officials, and victim service providers; by the end of FY 2011, the number of task forces had been reduced to 29, as funding for several task forces expired. Six of the 40 task forces were Enhanced Collaboration Model Task Forces, which aim to enhance the cooperation of law enforcement agencies and victim service organizations that have demonstrated a multidisciplinary, comprehensive approach to combating all forms of trafficking, regardless of whether victims were citizens or noncitizens, adults or children. DSS's Human Trafficking Unit participated in anti-trafficking training, task forces, and investigations.

Available data from state and local law enforcement agencies involved in human trafficking task forces indicate that, on the state and local levels, sex trafficking investigations and prosecutions outnumber labor trafficking. During FY 2011, the majority of victim service providers associated with those task forces were funded specifically to serve foreign national victims of human trafficking. According to these service providers, they served more victims of labor trafficking than sex trafficking. Other programs funded the provision of services to U.S. citizen victims. Of these victims served with federal funding in 2011, most were victims of sex trafficking.

There was one allegation of a local law enforcement official being complicit in a sex trafficking case involving minors during the reporting period. The suspect was charged in federal court with obstruction of a trafficking investigation. The prosecution was ongoing at the close of the reporting period.

The U.S. government increased its law enforcement training efforts during the reporting period. In FY 2011, DOJ held three regional training forums across the United States to bring together active DOJ task forces with investigators and victim service providers; its funded task forces provided approximately 570 trainings and reached more than 27,000 individuals. The FBI provided comprehensive anti-trafficking training to more than 760 new agents and support personnel, gave specialized training for agents assigned to FBI civil rights squads in field offices, and also trained hundreds of state and local law enforcement officers. The DHS Federal Law Enforcement Training Center trained over 2,000 state, local, and federal officers during FY 2011 in human trafficking indicators. DHS Customs and Border Protection offered basic human trafficking training to its law enforcement personnel. ICE HSI provided advanced training to veteran special agents and overview training to all agents attending the ICE training academy. ICE HSI also trained or provided anti-trafficking materials to more than 47,000 individuals. U.S. Citizenship and Immigration Services (USCIS) conducted numerous in-person and web-based trainings and presentations on human trafficking and on immigration benefits for victims. The Department of Defense (DOD) also provided mandatory online training to all its personnel.

Protection

The U.S. government sustained its protection measures by continuing efforts to increase victim identification and service provision to identified victims, although state and federal funding for victim services decreased in this reporting period. The U.S. government has formal procedures to guide officials in victim identification and referral to service providers, funds an NGO-operated national hotline and referral service, and funds NGOs that provide trafficking-specific victim services.

The U.S. government supported foreign national and U.S. citizen victims during trafficking investigations and prosecutions by increasing the number of victim assistance coordinators assigned to field offices to assist victims cooperating in trafficking investigations and prosecutions. It also provided funding to victim service providers to support eligible victims during the criminal justice process; however, in some cases, funding was reportedly insufficient to cover victim needs during the course of the investigation and prosecution. The TVPA authorizes DHS to provide two principal types of immigration relief to foreign trafficking victims: 1) the law enforcement-sponsored Continued Presence, which allows

temporary immigration relief and work authorization where federal law enforcement states that an individual is a victim of a severe form of trafficking and a potential witness in an investigation or prosecution; and 2) the self-petitioning T nonimmigrant status (T visa), which allows for valid immigration status for up to four years for victims who are physically present in the United States and who comply with any reasonable law enforcement requests for assistance with an investigation or prosecution of a human trafficking case. There is no requirement that victims testify in court. A trauma exception exists that permits certain victims to be eligible for the T nonimmigrant status without meeting the law enforcement requirement, if they are unable to cooperate due to physical or psychological trauma. Victims under the age of 18 are not required to assist law enforcement. Victims may also include certain family members in their application for T nonimmigrant status; recipients and their family members are authorized to work and are eligible for federal public benefits and services. After three years, or the completion of the investigation or prosecution, victims in T nonimmigrant status are eligible to apply for permanent resident status and later may be subsequently eligible for citizenship.

Another immigration benefit available is the self-petitioning U nonimmigrant status (U visa), which allows for legal immigration status for up to four years for victims of certain crimes, including trafficking, who have suffered substantial physical or mental abuse as a result of such crimes and who cooperate or are willing to cooperate with reasonable law enforcement requests in the investigation or prosecution of the qualifying criminal activity. The petition for U nonimmigrant status must be filed with and approved by DHS. Victims may also apply for U visas on behalf of certain family members. U visa holders and their family members are authorized to work and after three years are then eligible to apply for permanent resident status and later may subsequently be eligible for citizenship. The number of U nonimmigrant visas granted where human trafficking is the qualifying crime is not tracked.

The number of foreign national trafficking victims that received immigration relief related to trafficking increased in FY 2011, but NGOs continued to express concern that numbers remained low in proportion to the number of trafficking victims identified in the United States. In FY 2011, CP was issued to 283 potential victim-witnesses, an increase from 186 in FY 2010. T nonimmigrant status was granted to 557 victims and 722 immediate family members of victims, representing a significant increase from 447 and 349, respectively, in the previous period.

In 2011, the United States' Return, Reintegration, and Family Reunification program for victims of trafficking reunited 69 family members with trafficked persons in the United States.

Federally-funded victim assistance included case management and referrals, medical care, dental care, mental health treatment, sustenance and shelter, translation and interpretation services, immigration and legal assistance, referrals to employment and training services, and transportation assistance. When CP is granted or a potential victim has made a bona fide application for T nonimmigrant status, the Department of Health and Human Services (HHS) can issue a certification letter that enables a foreign national victim to receive federal public benefits and services to the same extent as a refugee. In FY 2011, HHS issued 463 certifications to foreign national

adults and 101 eligibility letters to foreign national children, compared to 449 for adults and 92 for children in FY 2010.

During FY 2011, HHS funds supported 122 NGO service providers who provided trafficking victim assistance to 366 potential foreign national victims and 341 certified foreign national victims, of which 93 received both pre- and post-certification services. This represents a 30 percent decrease compared with the total number served in FY 2010.

HHS awarded \$4.7 million in FY 2011 for case management services for foreign national victims to three NGOs for the provision of services through a nationwide network of NGO sub-awardees and also completed funding a five-year victim services contract, providing approximately \$1.9 million to one NGO for the provision of services through a similar nationwide network of NGO sub-awardees.

Under the HHS services program, there is a maximum reimbursement amount allowed per month for each victim for the 12 months during which a victim can be assisted, with some exceptions allowed. NGOs reported cases in which they reached these funding limits and were no longer able to provide services to victims waiting for their traffickers' cases to come to trial, and reported having to supplement government funds with private donations to adequately support their efforts on behalf of victims. NGOs also asserted that, in a number of cases, HHS incorrectly denied minor trafficking victims interim benefits. During FY 2011, HHS received 134 requests for assistance, of which 29 requests for interim assistance were denied and one such denial was appealed.

During FY 2011, DOJ had active grants with 42 victim service organizations across the United States. Data collected from the year July 2010 to June 2011 indicated that grantees enrolled 706 victims as new clients. In 2011, DOJ again funded a grant program that includes a focus on adult U.S. citizen victims, including Native Americans.

In FY 2011, DOJ awarded grants to 17 victim service organizations totaling approximately \$6.7 million. This included victim services programs within six Enhanced Collaborative Model Task Forces. DOJ provided annual funding to victim service organizations with a demonstrated history of providing trauma-informed, culturally competent services to male and female victims of sex trafficking and labor trafficking.

Federal funding streams and grants for victim services remained inadequately structured for providing comprehensive care options for all types of trafficking victims, resulting in disparate treatment of victims, including turning away some victims. Some victims were assisted with funding from both DOJ and HHS, and current data collection systems do not allow for cross-referencing to avoid duplication. NGOs reported the need for increased funding for legal services and noted concern about HHS's policy that HHS funds may not be used to provide legal representation for victims or potential victims of trafficking in immigration matters. In 2012, HHS changed its policy to allow for the provision of legal representation within the allocated funds. Legal services may be provided using funds for victim service provision from DOJ. NGOs noted that overall funding amounts for legal services are limited and not sufficient.

The federal government continued to provide victim protection training to federal, state, and local law enforcement as well as to NGO service providers. HHS staff conducted trainings

for ICE and FBI agents and various state and regional NGOs on victim identification. ICE HSI held a national training on victim assistance to over 250 victim assistance specialists and special agents with collateral duties for victim assistance from offices throughout the United States and U.S. insular areas. All USCIS asylum field offices conducted training on identifying trafficking victims in the context of affirmative asylum adjudications, which is required for all incoming asylum officers. DHS created a cross-component working group to ensure that age-appropriate care and services are provided to unaccompanied alien children (UACs) encountered by DHS personnel. ICE Enforcement and Removal Operations (ERO) developed a new risk classification assessment system to train ICE ERO officers to conduct immigration intakes and screen all immigration detainees at initial intake for a number of vulnerabilities, including human trafficking. The Department of Education (ED) consolidated and augmented its existing work around child safety to build a more comprehensive program to educate school districts, including a fact sheet, web page, webinars created in collaboration with other federal agencies, conference sessions, and training.

In March 2011, DOJ conducted training on human trafficking to over 30 State Farmworker Monitor Advocates (SMAs), where they learned how and where to refer complaints filed by migrants and seasonal farmworkers alleging human trafficking violations.

Victim protection frameworks and principles were not codified in most state laws. NGOs reported that service options varied widely from state to state and region to region and that existing services are often disproportionately available to women and children survivors of sex trafficking as opposed to all victims irrespective of gender or what type of trafficking they suffered. NGOs noted further that state social services personnel lacked training and that state funds for shelter and supported housing for all victims, but especially male victims, were insufficient.

Federal, state, and local law enforcement agencies face ongoing challenges in victim identification. The federal government conducted numerous trainings on victim identification for state and local law enforcement officials. Despite these increased trainings, laws, and regulations, NGOs noted that some federal, state, and local law enforcement officials were reluctant to identify individuals as trafficking victims when they have participated in criminal activity, facilitated their own smuggling, and/or were subjected to debt bondage or peonage by a smuggler.

While federal, state, and local grant programs exist for vulnerable children and at-risk youth, including those who are on the streets, NGOs reported that identified child trafficking victims faced difficulties accessing needed services. In particular, NGOs stated that minor victims are often referred to shelters that are not fully equipped to address all of the complex issues of trafficked youth including the psychological effects of human trafficking. In an effort to fill this gap, HHS conducted some training for providers of services to runaway and homeless youth. However, more trafficking-specific training to youth outreach and shelter programs would enable outreach workers to better identify and assist child trafficking victims. DOJ continued grants for services coordination, technical assistance, and comprehensive services to U.S. citizen child victims of both sex and labor trafficking. Data collected from July 2010 to June 2011 indicated that 107 citizen child victims received services through this program.

UACs who come to the attention of federal authorities are placed in the care and custody of HHS, which screens such children for trafficking victimization and, where appropriate, conducts an eligibility determination. HHS screened over 7,500 UACs during FY 2011, of which 42 were believed to be trafficking victims. If any UACs are found to be victims of trafficking, they are eligible for federally funded long-term foster care through the same program that cares for unaccompanied refugee minors in the United States.

The TVPA provides that victims should not be incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. NGOs reported some cases of prosecutions of trafficking victims. In 2010, the most recent year for which data are available, 112 males and 542 females under 18 years of age – some of whom were likely trafficking victims – were reported to the FBI as having been arrested for prostitution and commercialized vice, a decrease from 167 males and 624 females in 2009. Jurisdictions continued to formulate responses to help decrease arrests of child victims and increase understanding of trafficked persons as victims. By December 2011, only eight states had passed laws that prevent charging children with prostitution, although under the TVPA minors induced to perform commercial sex acts regardless of force, fraud, or coercion are considered victims of trafficking.

Prevention

The U.S. government made progress on efforts to prevent trafficking, continuing efforts aimed at ensuring that government procurement of goods and labor services is free from forced labor, examining visa categories for vulnerabilities, and conducting public awareness activities. The cabinet-level President's Interagency Task Force to Monitor and Combat Trafficking in Persons continued coordination of federal efforts to combat trafficking in persons, supported by the Senior Policy Operating Group.

DOL carries out civil law worksite enforcement and its field investigators are often the first government authorities to detect exploitative labor practices. DOL's Wage and Hour Division (WHD) targets industries employing vulnerable workers, such as agriculture, garment, janitorial, restaurant, and hotel/motel. WHD does not collect enforcement data on trafficking in persons specifically. While DOL investigators assist law enforcement partners in their human trafficking investigations and coordinate with task forces, primarily helping to calculate restitution amounts for victims, they are not mandated to investigate human trafficking. Systematic trafficking-specific training for DOL inspectors was not implemented during the reporting period; however, some inspectors participated in interagency training. DOL focused on implementing tools to sharpen law enforcement efforts, which may include remedies for trafficking victims, such as issuing protocols for WHD to support certification requests for U visa applicants and hiring U visa coordinators in each region. The U.S. Equal Employment Opportunity Commission (EEOC), which investigates discrimination charges against employers, filed three lawsuits involving human trafficking issues in FY 2011. EEOC partnered with DOJ to strengthen cooperation with law enforcement and develop victim identification training for EEOC attorneys and investigators.

The U.S. government undertook multiple efforts to reduce the demand for commercial sex and forced labor in the reporting period. DHS and DOS deployed an online, interactive training

for the entire federal acquisitions workforce on combating human trafficking, as well as on factors contributing to human trafficking, such as the demand for commercial sex. The U.S. Agency for International Development (USAID) adopted a Counter-Trafficking in Persons Code of Conduct that prohibits all USAID personnel, contractors, and grantees during the period of performance of their employment, contracts, or awards from engaging in trafficking in persons, procuring commercial sex acts, or using forced labor. USAID began implementing the code in July 2011 through agency-wide counter-trafficking training. USAID launched a new Counter-Trafficking in Persons Policy in February 2012 that outlines concrete, measurable principles, and objectives to focus USAID's anti-trafficking efforts. DOD dishonorably discharged one service member for violating DOD's prohibition relating to the procurement of commercial sex. DOL published an updated list of 130 goods from 71 countries that it had reason to believe were produced by child labor or forced labor in violation of international standards. DOL also updated a list of products produced, mined, or manufactured with forced or indentured child labor, which requires any contractor to the federal government who supplies products on the list to certify they have made a "good faith effort" to determine that the products supplied were not made under these conditions. DHS continued to enforce the prohibition against importing such products under the relevant statute, the Smoot-Hawley Tariff Act of 1930, and during the reporting period ICE HSI continued to actively investigate alleged violations. NGOs and researchers reported the use of forced labor (including forced child labor) to make products, or components of products, that continue to be imported to the United States for sale. While many of these products are banned from U.S. commerce, U.S. law currently allows the importation of forced labor-produced products, such as cocoa, that are not produced domestically in sufficient quantity to meet U.S. consumer demand. Through a grant from DOS, an NGO developed a web- and mobile-based application that helps users understand how their lives intersect with modern slavery by demonstrating how consumer demand for cheap goods can drive markets for forced labor and calls on consumers to change their purchasing habits.

Allegations against federal contractors engaged in commercial sex and labor exploitation continued to surface in the media and became an issue of congressional interest. NGOs asserted the presence of trafficked individuals within the workforce of private contractors in countries such as Iraq and Afghanistan. In FY 2011, DHS suspended, proposed debarment of, or debarred five companies and eight individuals for involvement with forced labor. The inspectors general at DOS, DOD, and USAID continued their audits of federal contracts to monitor vulnerability to human trafficking and issued public reports of their findings and recommendations. DOD's Inspector General noted that DOD conducted at least two investigations into allegations of forced labor, which remained ongoing at the close of the reporting period. USAID continued its program to track contractor compliance proactively and ensure that all of its grants and contracts contained clauses authorizing USAID to terminate in the event its partners or their employees engage in trafficking or forced labor. USAID's Inspector General conducts routine audits and investigations and responds to all allegations of trafficking in persons abuse related to any USAID programs or activities. If trafficking violations have taken place, it will send a referral for suspension or debarment to the Compliance Division of the Office of Acquisition and Assistance. No USAID contracts or grants, however, were suspended or terminated during FY 2011.

In February 2010, DOL issued regulations under the H-2A program to enhance protections related to nonimmigrant temporary agricultural workers and U.S. workers who perform the same jobs. DOL's and DHS's H-2A regulations prohibit foreign recruiters from charging nonimmigrant temporary agricultural workers certain fees. NGOs reported that some recruiters adjusted their practices by charging fees related to workers obtaining their visas, levying charges under the guise of "service fees." DOL's WHD issued guidance under the H-2A program in May 2011 clarifying fees that may not be charged by employers or agents, and identifying those that may be charged by independent third-party facilitators.

NGOs reported that workers fear seeking assistance because of blacklisting and other retaliation methods used against workers who complain about their working conditions. DOL regulations address these issues by imposing on employers an obligation not to retaliate against employees who have grievances. Failure to comply with this obligation can result in removal from program participation.

NGOs noted vulnerabilities in the J-1 Summer Work Travel program that can be indicators for human trafficking, including reports of fraudulent job offers, inappropriate jobs, job cancellations on arrival, and housing and transportation problems. In September 2011, the ninth and final defendant in a human trafficking ring accused of trafficking women through the J-1 program to work in exotic dance clubs pled guilty and awaited sentencing at the close of the reporting period. In addition, numerous media reports highlighted vulnerabilities that are common indicators of human trafficking, including threats, intimidating practices, and irregular pay. In response, DOS undertook a process of fundamental reform of the program in 2011 that limited certain jobs, increased vetting of job offers and third parties, required implementing program sponsors to use extra caution when placing students in positions at employers in business that are frequently associated with trafficking in persons, and strengthened oversight and monitoring, thereby reducing participants' vulnerability to trafficking.

The U.S. government continued prevention efforts within its A-3 and G-5 visa categories, which allow persons to enter the United States as domestic workers employed by foreign diplomatic or consular personnel or by foreign employees of international organizations ("foreign mission personnel"). DOS continued its work to help protect these workers, including by requiring that foreign missions "pre-notify" DOS that their personnel intend to hire a domestic worker before such workers apply for A-3 and G-5 visas. DOS tracks workers' registration upon their arrival in the United States and requires that their salary payments be made by check or made directly into bank accounts that are set up in their own name; cash payments are prohibited. During the reporting period, there were five allegations of various forms of abuse and domestic servitude, including civil lawsuits against, and criminal investigations of, foreign mission personnel. DOS followed procedures to closely review and, where appropriate, to deny pre-notification approvals for A-3 and G-5 workers of foreign mission personnel in the United States against whom serious allegations of abuse had been lodged. Under U.S. law, a foreign mission will lose the ability to sponsor additional domestic workers if the secretary of state determines that there is credible evidence that a domestic worker was abused by foreign mission personnel and that the mission tolerated the abuse; no suspensions occurred within the reporting period.

A-3 and G-5 visa holders who filed civil lawsuits against their former employers were eligible for temporary immigration relief and work authorization.

The U.S. government continued measures to inform and educate the public, including potential victims, about the causes and consequences of human trafficking. DHS, in collaboration with DOS, created an online, interactive general awareness training on human trafficking, which is available to the public. HHS funded 11 projects to conduct outreach, public awareness, and identification efforts. HHS continued to fund an NGO to operate a national human trafficking hotline that received over 16,000 phone calls in FY 2011, a 43 percent increase from the previous fiscal year. U.S. embassies and consulates worldwide continued distribution of a "know your rights" pamphlet and verbal briefings for approved student or work-based visa applicants.

DHS continued international and domestic awareness campaigns, including through multilingual television and radio announcements, billboards, newspaper advertisements, online resources, victim assistance materials, and indicator cards for law enforcement and first responders. DOD produced a new public service announcement on combating trafficking in persons that aired on the network for the U.S. armed services. ED raised awareness of human trafficking and the commercial sexual exploitation of children and provided technical assistance to interested schools.

U.S. laws provide extraterritorial jurisdiction over child sex tourism offenses perpetrated overseas by U.S. citizens. DHS made three criminal arrests resulting in five indictments and eight convictions in child sex tourism cases in FY 2011. The DOS Bureau of Consular Affairs Passport Services took action during the reporting period to preclude issuance of passports in the case of two individuals who were convicted of child sex tourism crimes that subjected them to passport restriction.

U.S. Insular Areas

The U.S. insular areas consist of American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. Federal authority over these areas resides in the Department of the Interior (DOI). The insular areas are source, transit, and destination locations for men, women, and children subjected to forced labor, debt bondage, and sex trafficking. While the U.S. government has compacts of free association with Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands, they are independent of the United States and thus discussed and ranked in separate narratives.

The territory of American Samoa is believed to be a transit and destination island for human trafficking. In FY 2011, there were no new reported human trafficking cases. The legislature in American Samoa did not pass a bill, introduced in October 2009, which would criminalize human trafficking as a felony offense.

CNMI is a source, destination, and transit island for men, women, and children subjected to forced labor and sex trafficking. During the reporting period, the U.S. Attorney's Office charged two men with conspiracy to commit sex trafficking, and financially benefitting from a sex trafficking venture, involving Chinese women. In CNMI, DOI's Office

of Insular Affairs – Federal Ombudsman’s office referred matters it considers to constitute human trafficking to federal investigative agencies and the U.S. Attorney’s Office. The CNMI Human Trafficking Intervention Coalition (HTIC), along with representatives from Guam, sponsored a human trafficking regional training conference focused exclusively on human trafficking that was the first of its kind in the CNMI. Since the regional conference, the U.S. Attorney’s Office has sponsored additional human trafficking and immigration-related training to community stakeholders. The first civil rights conference, which included human trafficking training, was also held in September 2011.

The territory of Guam is a source and destination location for men, women, and children subjected to forced labor and sex trafficking. During the reporting period, there were no new reported human trafficking cases. With local and federal partners, the U.S. Attorney’s Office held a two-day Pacific regional conference on trafficking in persons, which was the first of its kind. Since then, the U.S. Attorney’s Office has sponsored additional human trafficking and immigration related training to community stakeholders. The first civil rights conference, which included human rights training, was also held in Guam. Sentencing and forfeiture proceedings are pending for a 69-year-old Guam bar owner who was convicted in the previous reporting period for conspiracy, sex trafficking, and coercion and enticement to travel for purposes related to prostitution, for a scheme to force young women and one minor girl into prostitution at his bar.

The Commonwealth of Puerto Rico is a source, transit, and destination island for men, women, and children subjected to forced labor and sex trafficking. In Puerto Rico, women from the Dominican Republic are held in forced prostitution, particularly in the sex tourism industry, and in conditions of domestic servitude. Puerto Rican girls are subjected to commercial sexual exploitation. NGOs continued efforts to bring the issue to the attention of the legislature, law enforcement, service providers, and the public at large. Puerto Rico has no local anti-trafficking law, although an outstanding proposal to revise the penal code to include trafficking exists. In June 2011, federal law enforcement entities conducted a week-long training for Puerto Rican law enforcement and their counterparts from Mexico and Central America.

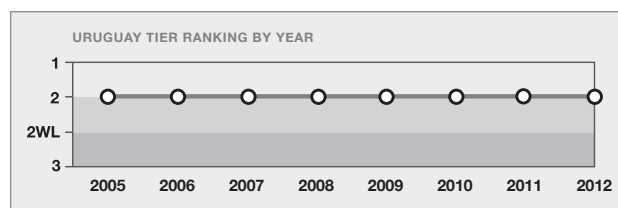
The U.S. Virgin Islands is a transit island for human trafficking. Traffickers use the island as a transit point for migrants from the Caribbean, who are then taken to the United States for commercial sexual exploitation. One case of Brazilian nationals attempting to use the U.S. Virgin Islands as a transit point for smuggling women into the United States and then forcing them into prostitution was stopped by U.S. authorities in June 2011.

URUGUAY (Tier 2)

Uruguay is a source country for women and children subjected to sex trafficking and forced labor. Most victims are women and girls exploited in sex trafficking within the country, particularly in urban and tourist areas. Lured by fraudulent employment offers, some Uruguayan women are forced into prostitution in Spain and Italy. Authorities uncovered a case of Uruguayan women and girls subjected to forced prostitution in Argentina after being recruited with false promises of a modeling career. There were isolated reports of foreign girls exploited in domestic

servitude, and officials and civil society organizations noted that foreign migrant workers in agriculture and domestic service were vulnerable to labor exploitation. Authorities continued to report that some cases of human trafficking were linked to local and international crime rings that smuggle narcotics and other contraband.

The Government of Uruguay does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government increased its efforts to provide victim services in partnership with civil society, and initiated its first prosecution under the 2008 anti-trafficking statute. However, law enforcement efforts remained limited, authorities lacked formal procedures for identifying trafficking victims, and specialized services and shelter were inadequate. Anti-trafficking efforts are almost exclusively focused on sex trafficking.



Recommendations for Uruguay: Intensify efforts to investigate and prosecute all forms of trafficking and convict and sentence trafficking offenders; fund specialized services for trafficking victims, particularly outside the capital; increase training for law enforcement officials, labor inspectors, prosecutors, judges, and social workers on how to identify and assist victims of sex and labor trafficking; increase resources for the organized crime court in Montevideo; establish a formal mechanism to identify trafficking victims among vulnerable populations, including people in prostitution and migrant workers; implement a data collection system to maintain official statistics on trafficking cases; consider enacting an action plan or protocol to enhance interagency coordination; incorporate measures against forced labor into guidelines governing the employment of foreign workers in Uruguay; and raise awareness of all forms of trafficking, including forced labor and domestic servitude.

Prosecution

The Government of Uruguay maintained law enforcement efforts against sex trafficking offenders during the reporting period. Article 78 of the immigration law, enacted in 2008, prohibits all transnational forms of trafficking, prescribing penalties of four to 16 years’ imprisonment; these penalties are increased if the victim is a child or if the trafficker uses violence, intimidation, or deceit, and are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. For forced labor offenses occurring within Uruguay’s border, authorities can use Article 280 of the penal code, which prohibits “reducing a person to slavery”, and prescribes sentences between two and six years’ imprisonment; or Article 281, which prohibits “imprisonment for the purposes of profiting from the coercive use of the victim’s services,” and prescribes sentences of six to 12 years’ imprisonment. In the past, Uruguayan courts have convicted trafficking offenders under statutes on sexual exploitation or pimping; however, these statutes prescribe lesser sentences and some

can be commuted to community service or fines. Two judges in the specialized court on organized crime in Montevideo have jurisdiction over trafficking cases, as well as other cases involving sexual exploitation and organized crime. However, this court lacked sufficient human and material resources and faced an enormous caseload, and there was no systematic data collection on trafficking offenses. There was no specialized law enforcement unit dealing with human trafficking crimes, and local police lacked adequate training on how to identify human trafficking cases, raising concerns that not all cases were properly referred to the organized crime court.

Uruguayan officials investigated at least three sex trafficking cases in 2011, and authorities identified 40 cases of children in prostitution during the year, but it is unclear how many of these cases were sex trafficking. Authorities initiated at least two prosecutions during the reporting period, including the first prosecution using the 2008 trafficking-specific statute. Authorities achieved one conviction for sexual exploitation of a minor in a case where a mother prostituted her daughter; the mother received a sentence of five years' imprisonment. In comparison, during the previous reporting period, the Government of Uruguay convicted one trafficking offender and sentenced four offenders under statutes prohibiting the sexual exploitation of children. The government updated training materials for identifying and assisting trafficking victims for members of its diplomatic service, and partnered with international organizations to train law enforcement officials, although it did not provide specialized training on forced labor to its labor inspectors. Authorities conducted a cooperative investigation with Argentine officials during the year. The government did not report the investigation, prosecution, conviction, or sentencing of any public officials for trafficking-related offenses.

Protection

The Uruguayan government continued to provide limited protection to trafficking victims, although few specialized services were available, and international donors provided the bulk of funding for these services. The government did not develop or implement formal procedures for identifying trafficking victims among vulnerable populations, such as adults in prostitution or undocumented migrants. Uruguayan officials did not maintain statistics regarding the number of victims identified or assisted. During the reporting period, the government's National Institute for Adolescents and the Women's Institute in the Social Development Ministry partnered with an NGO to provide services to sex trafficking victims through a pilot program funded by a foreign donor; the government reportedly designated funding to maintain this program once its foreign funding ends in August 2012. Through this program, one NGO provided psychological care and assistance to 18 adult sex trafficking victims, some of whom were deported from European countries where they were exploited. There are no specialized shelters for trafficking victims in the country. Uruguayan authorities referred child victims of trafficking to government shelters for at-risk youth for care; however, these shelters were not always prepared to provide specialized services needed for trafficking victims. The government operated general shelters accessible to adult female victims of abuse, including trafficking victims, and sought to provide them with legal, medical, and psychological care, although it is unclear how many adult trafficking victims, if any, received services at these shelters. Victim care services were uneven outside the capital, and shelters

in the capital could not accommodate the demand. An NGO assisting trafficking victims housed victims in a variety of spaces, as there was limited availability in these shelters. Government-operated shelters did not detain adult trafficking victims involuntarily. There were no specialized services for male trafficking victims. The government failed to budget adequate funding to fulfill victim assistance mandates, and, as a result, many victims relied on NGO and family support. The government encouraged, but did not require, victims to assist in the investigation and prosecution of their traffickers. During the year, there were no reports of identified trafficking victims being jailed, deported, or otherwise penalized for acts committed as a direct result of being trafficked. Beyond access to general asylum, the government offered no specific legal alternatives to trafficking victims' removal to countries where they face retribution or hardship.

Prevention

The Uruguayan government sustained prevention efforts during the reporting period; most of these efforts focused on sex trafficking. The Ministry of Social Development continued to chair an interagency committee that coordinated government anti-trafficking efforts; it met on a monthly basis in 2011. This committee focused almost exclusively on sex trafficking of adult women, and it reportedly drafted a protocol to establish an interagency framework for action. Another committee on the commercial and non-commercial sexual exploitation of minors met every other week. Authorities forged a partnership with an NGO to train 30 journalists on human trafficking, and the Ministry of Tourism continued an awareness campaign at the airport and border control stations on commercial sexual exploitation of girls. There were no known efforts to address the demand for forced labor. Authorities provided anti-trafficking training to Uruguayan troops prior to their deployment on international peacekeeping missions during the year.

UZBEKISTAN (Tier 2 Watch List)

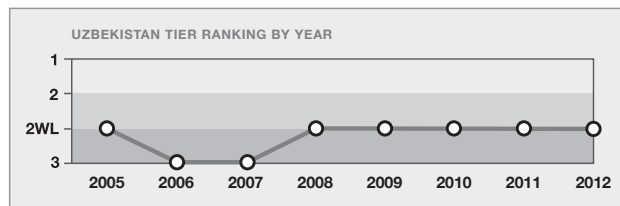
Uzbekistan is a source country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. Domestic labor trafficking remains prevalent during the annual cotton harvest, when many school-age children as young as 10 years old, college students, and adults are victims of government-organized forced labor. There were reports that, during the cotton harvest, working conditions included long hours, insufficient food and water, exposure to harmful pesticides, verbal abuse and inadequate shelter. The use of forced mobilization of adult laborers and child laborers (over 15 years of age) during the cotton harvest was higher than in the previous years. A UNICEF pilot project during the reporting period reduced forced child labor in one region, including by ensuring that schools were kept open.

Uzbek men and women who have emigrated in search of work are forced to labor in Kazakhstan, Russia, and – to a much lesser extent – Ukraine, in domestic servitude and agriculture and in the construction and oil industries. Women and children are subjected to sex trafficking, often through fraudulent offers of employment, in the United Arab Emirates, India, Kazakhstan, Russia, Turkey, Thailand, Malaysia, Republic of Korea, Japan, China, Indonesia, and also within Uzbekistan. In 2011, small numbers of victims from Uzbekistan were identified in the

United States, Turkmenistan, Tajikistan, Belarus, and Georgia. Tajik and Kyrgyz victims were identified in Uzbekistan in the reporting period. In 2011, shelter administrators in Uzbekistan noticed an increase in the number of victims who were targeted due to a mental handicap or learning disability.

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

The Uzbek government continued to force children and adults to pick cotton. As in previous years, the government set a quota for national cotton production and paid farmers artificially low prices for the cotton produced, making it almost impossible for farmers to pay wages that would attract a voluntary workforce. Provincial mayors and governors were held personally responsible for ensuring that the quota was met; they in turn passed along this pressure to local officials, who organized and forced school children, university students, faculty, and other government employees to pick cotton. The government continued to refuse to allow the ILO to monitor the cotton harvest and denied that forced labor of children or adults in the cotton sector exists in Uzbekistan. The government identified fewer sex trafficking and transnational labor trafficking victims during the reporting period.



Recommendations for Uzbekistan: Take substantive action to end the use of forced labor during the annual cotton harvest; investigate and prosecute government officials suspected to be complicit in trafficking, particularly those who forced children and adults to pick cotton during the annual harvest, and convict and punish complicit officials; allow international experts, such as the ILO, to conduct an independent assessment of the use of forced labor during the annual cotton harvest; provide financial support and continue to provide in-kind support to anti-trafficking NGOs to assist and shelter victims; continue efforts to investigate and prosecute suspected trafficking offenses and convict and punish trafficking offenders; and work to ensure that identified victims are not punished for acts committed as a result of being trafficked.

Prosecution

The Government of Uzbekistan demonstrated mixed law enforcement efforts, including efforts to combat sex and international labor trafficking and a lack of efforts to address forced labor in the cotton harvest during the reporting period. Article 135 of the criminal code prohibits both forced prostitution and forced labor, and prescribes penalties of three

to 12 years' imprisonment, which are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. Law enforcement data is opaque in Uzbekistan. In 2011, law enforcement agencies reported conducting 951 trafficking investigations, compared with 529 investigations in 2010. Authorities reported prosecuting 444 trafficking cases in 2011, compared with 632 trafficking cases in 2010, and claimed convictions of 636 trafficking offenders in 2011, compared with 736 and 1,198 offenders purportedly convicted in 2010 and 2009, respectively. The government reported that 434 convicted trafficking offenders were sentenced to time in prison, compared with approximately 476 convicted offenders reportedly sentenced to time in prison in 2010. In 2011, the government reported facilitating and funding four workshops on combating sex trafficking and transnational labor trafficking for law enforcement officials. The government reportedly shared data with several foreign law enforcement agencies to assist in criminal cases against suspected traffickers.

In June 2011, the prime minister reportedly demanded an abundant cotton harvest and threatened jail time for those local administrators who fail to produce state quotas. Authorities applied varying amounts of pressure on governmental institutions, schools, and businesses to organize schoolchildren, university students, teachers, medical workers, government personnel, military personnel, and nonworking segments of the population to pick cotton. Local government officials in regions where cotton is grown closed rural schools and forced children to go to the fields to pick cotton. There were some reports of government officials threatening students with retaliation if they did not work or achieve designated quotas. Teachers were often held accountable by local officials for student cotton quotas; there continued to be reports that students and adults who did not make their quotas were subject to ridicule or abuse by local administrators or police. There were reports that government officials threatened to withhold social benefit payments to the elderly until they picked cotton. The government did not report law enforcement efforts regarding official complicity of forced labor in the cotton harvest.

There were reports of official complicity in other forms of trafficking. Border guards and low-level police officers were reportedly involved in the fraudulent issuance of exit visas, and there were allegations of individual police officers accepting bribes from traffickers. The Office of the Prosecutor General reported that an officer in the city of Tashkent's Criminal Investigation Department received a sentence of nine years in prison on trafficking-related charges, and that an official of the police department in the city of Tashkent is under investigation for similar charges, but did not report additional details to confirm how the activities involved trafficking. By comparison, last year, media reports indicated that some Ministry of Labor officials were convicted for coordinating illegal employment overseas.

Protection

The Government of Uzbekistan demonstrated mixed efforts to identify, assist, and protect victims of trafficking – including efforts to assist victims of sex and international labor trafficking – though it demonstrated no efforts to assist victims of forced labor in the cotton harvest. The government reported that it identified 1,635 victims through *ad hoc* means in 2011 – a decrease from 2,325 and 4,660 victims

purportedly identified in 2010 and 2009, respectively. Police, consular officials, and border guards referred potential female trafficking victims returning from abroad to an NGO for services. The government operates a shelter for male, female, and child trafficking victims that assisted 336 victims in 2011, compared with 225 victims assisted in 2010. Victims are not detained in the shelter; they may freely enter and leave. The government provided shelter and office space to two NGO-run shelters, and victims were eligible for medical assistance from the government. The government continued to provide a small amount of assistance to repatriated child victims of trafficking. A leading NGO identified and assisted 204 victims in 2011. NGOs report that victims who cooperate with law enforcement receive some protection during the trial process. Some victims were penalized for acts committed as a result of being trafficked; victims were sometimes charged with illegal border crossing when they returned to Uzbekistan from abroad. NGOs reported that when they appealed immigration charges against victims, these charges were often dropped; however these charges were less likely to be dropped if the victim refused to cooperate with a trafficking investigation.

Prevention

The government continued public awareness efforts on transnational sex and labor trafficking. Through a pilot project with UNICEF, one provincial leader in the Ferghana valley issued orders that children were not to be used in the cotton harvest and that schools should remain open; UNICEF and local activists reported that all schools remained open in that region during the harvest season. The government did not respond to the international community's calls for an independent assessment of the use of both forced adult and forced child labor during the 2011 cotton harvest. It again permitted UNICEF to conduct observations of forced child labor during the harvest in every region. The Ministry of Labor required all regional leaders to sign an agreement stating that they would keep schools open and not mobilize children, but this was not enforced. There were reports that human rights activists who independently monitored the cotton harvest were detained by government officials. State media showed programs on sex trafficking and transnational labor trafficking. The government continued to provide venues for NGO training programs and awareness-raising activities. In addition, ostensibly in an effort to combat human trafficking, the country introduced regulations that required male relatives of women aged 18 to 35 to submit a statement pledging that the women would not engage in illegal behavior, including prostitution, while abroad; evidence suggests restrictions on migration have a negative effect on preventing human trafficking. Officials in the city of Jizzakh reduced the demand for commercial sex by arresting and prosecuting clients of prostitution. In 2011, the government began issuing biometric passports to all its citizens, in a program scheduled for completion in 2015.

VENEZUELA (Tier 2 Watch List)

Venezuela is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Venezuelan women and girls are found in conditions of sex trafficking within the country, lured from poor interior regions to urban and tourist centers, such as Caracas, Maracaibo, and Margarita Island. Victims are often recruited through false

job offers. In June 2011, a Venezuelan official reported that trafficking victims from Colombia, Peru, Haiti, China, and South Africa were exploited in Venezuela, although it was unclear when these victims were identified. Some Venezuelan children are forced to work as street beggars or as domestic servants, and Ecuadorian children, often from indigenous communities, are subjected to forced labor, particularly in Caracas. Some Venezuelan women are transported from coastal areas by small boats to Caribbean islands, particularly Aruba, Curacao, and Trinidad and Tobago, where they are subjected to forced prostitution. Organized crime is widely believed to be involved in facilitating sex trafficking in Venezuela.

The Government of Venezuela does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Because the assessment of the government's significant efforts is based largely or in part on the government's commitment of future actions over the coming year, Venezuela is placed on Tier 2 Watch List. During the year, the National Assembly approved reforms that will strengthen Venezuela's legal framework against trafficking. Authorities reported convicting two traffickers and identifying and assisting 38 trafficking victims. The government also undertook public information campaigns and training of law enforcement, port and airport staff, and tourism service personnel to identify and prevent trafficking. However, prosecution and conviction efforts appeared to remain weak, and specialized victim services were lacking. The Government of Venezuela did not provide information on its efforts to combat human trafficking for this report, and there was limited public information regarding the nature of the trafficking problem or government efforts to fight it.



Recommendations for Venezuela: Amend existing trafficking laws to prohibit and adequately punish all forms of human trafficking; intensify efforts to investigate and prosecute cases of sex trafficking and forced labor, and convict and punish trafficking offenders; fund specialized services to trafficking victims, in partnership with civil society organizations; implement formal and proactive procedures for identifying trafficking victims among vulnerable populations, such as people in prostitution; enhance interagency cooperation, perhaps through forming a permanent anti-trafficking working group; provide publicly-available information regarding government efforts to combat human trafficking; consider strengthening the government anti-trafficking framework through enacting a national plan; and improve data collection for trafficking crimes.

Prosecution

The Government of Venezuela maintained limited anti-trafficking law enforcement efforts over the last year. Venezuelan law prohibits most forms of human trafficking through its 2007 Organic Law on the Right of Women to a Violence-Free Life. Article 56 of this law prohibits the trafficking of women and girls for the purposes of sexual exploitation, forced labor,

slavery, irregular adoption, or organ extraction, prescribing punishments of 15 to 20 years' imprisonment. Articles 46 and 47 prohibit forced prostitution and sexual slavery, and prescribe penalties of 10 to 20 years' imprisonment. Article 16 of the Organic Law against Organized Crime, enacted in 2005, prohibits transnational sex and labor trafficking, and prescribes penalties of 10 to 18 years' imprisonment. The above penalties are sufficiently stringent, and commensurate with those for other serious crimes, such as rape, but do not address the internal trafficking of men or boys. Although prosecutors could use Venezuela's Child Protection Act and various articles of the penal code to prosecute the internal trafficking of boys, there were no publicly available reports of convictions for this crime during the reporting period and many of these statutes prescribe inadequate penalties – typically a maximum of three months in jail or fines.

In January 2012, the National Assembly adopted a reform of the Organic Law against Organized Crime and Terrorist Financing. This reform does not limit the definition of human trafficking to women and girls and increases penalties against anyone who “promotes, encourages, facilitates, or executes” human trafficking as part of an organized crime group to 20-25 years' imprisonment or to 25-30 years in cases involving minors. A separate draft Organic Law against Trafficking in Persons, written in consultation with civil society organizations, was re-introduced to the National Assembly during the reporting period, but was not passed. In addition to increasing penalties for trafficking crimes and prohibiting the internal trafficking of men and boys, the draft law would establish provisions on victim protection and interagency coordination.

The government reportedly investigated and arrested individuals in several sex trafficking cases. In 2011, authorities initiated two prosecutions for sex trafficking crimes. During the reporting period, a Caracas court convicted two women of sex trafficking crimes; they were each sentenced to five years' imprisonment, but were granted parole, conditional on court appearance every eight days. In comparison, in 2010 there were no publicly available reports of convictions of human trafficking offenders. Authorities reported training thousands of law enforcement officers and immigration officials on how to identify and assist trafficking victims and how to investigate trafficking cases, sometimes collaborating with international organizations. There were no public allegations that Venezuelan government officials were complicit in human trafficking, and the Venezuelan government did not report any investigations, prosecutions, convictions, or sentencing of public officials.

Protection

The government sustained limited efforts to assist trafficking victims during the reporting period. There was no public information regarding the government's development or implementation of formal procedures for identifying trafficking victims among vulnerable populations and referring them to victim services. The government did not operate shelters or provide other services specifically for trafficking victims, but provided limited funding to some NGOs operating shelters, and government shelters for victims of domestic violence or at-risk youth reportedly were accessible to trafficking victims. NGOs provided the majority of specialized services. Authorities reported assisting 38 trafficking victims in 2011, including three Ecuadorian girls who had been subjected to forced labor. In comparison, during the previous year

the government did not publicly report on the number of victims it assisted, although the media reported on a case involving 11 girls exploited in sex trafficking. Government-provided psychological and medical examinations reportedly were available to trafficking victims, but NGOs reported that additional victim services, such as follow-up medical aid, legal assistance with filing a complaint, job training, and reintegration assistance, remained lacking.

There was no information publicly available about whether the government encouraged victims to assist in the investigation and prosecution of their traffickers. Also, there were no reports of victims being jailed or penalized for unlawful acts committed as a direct result of being trafficked. Foreign victims who faced retribution if returned to their country of origin could apply for refugee status; however, the government did not report whether any trafficking victims applied for or received this status over the past year. There were no publicly available reports of government assistance to repatriated Venezuelan trafficking victims during the reporting period.

Prevention

The Venezuelan government engaged in efforts to prevent human trafficking over the year by raising public awareness through anti-trafficking campaigns and by training airport and tourism service personnel in tourist destinations, including Nueva Esparta, Anzoategui, and Zulia states. Most of these efforts focused on sex trafficking and child sex tourism. The government continued to operate a national 24-hour hotline through which it received trafficking complaints; however, NGOs reported that it was of limited use. The Interior and Justice Ministry's directorate of crime prevention is responsible for coordinating anti-trafficking law enforcement efforts. Officials reported on anti-trafficking efforts to the media on an *ad hoc* basis. There were no publicly-available reports of new investigations, prosecutions, or convictions for child sex tourism during the year. No specific activities to reduce the demand for commercial sex acts or forced labor were reported during the year.

VIETNAM (Tier 2)

Vietnam is a source and, to a lesser extent, a destination country for men, women, and children subjected to sex trafficking and conditions of forced labor. Vietnam is a source country for men and women who migrate abroad for work either on their own or through predominantly state-affiliated labor export companies in the construction, fishing, agriculture, mining, logging, and manufacturing sectors, primarily in Taiwan, Malaysia, the Republic of Korea (South Korea), Laos, the United Arab Emirates, and Japan, as well as in China, Thailand, Cambodia, Indonesia, the United Kingdom (UK), the Czech Republic, Cyprus, Sweden, Trinidad and Tobago, Costa Rica, Russia, Libya, Saudi Arabia, Jordan, and elsewhere in the Middle East and North Africa; some of these workers subsequently face conditions of forced labor. Vietnamese women and children subjected to sex trafficking throughout Asia are often misled by fraudulent labor opportunities and sold to brothels on the borders of Cambodia, China, and Laos, with some eventually sent to third countries, including Thailand and Malaysia. Some Vietnamese women are forced into prostitution in Thailand, Malaysia, Singapore, and in Europe.

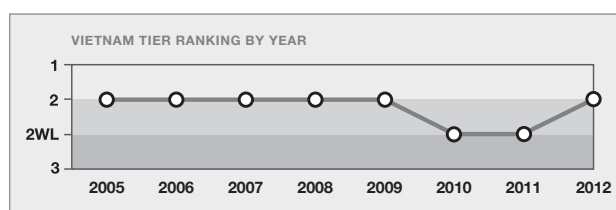
Vietnam's labor export companies, most of which are affiliated with state-owned enterprises, as well as unlicensed middlemen brokers, have been known to charge workers in excess of the fees allowed by law for the opportunity to work abroad. This forces Vietnamese workers to incur some of the highest debts among Asian expatriate workers, making them highly vulnerable to debt bondage and forced labor. A study on migration trends conducted in 2010 of 1,265 Vietnamese migrants from three northern districts who had gone abroad for work found that nearly all faced high recruitment fees that put them in a state of debt bondage for years; the majority of those that had to return to Vietnam early – after one to two years – were not able to earn enough to pay off those debts. Upon arrival in destination countries, some workers find themselves compelled to work in substandard conditions for little or no pay despite large debts and with no credible avenues of legal recourse. Some of Vietnam's recruitment companies reportedly did not allow workers to read their contracts until the day before they were scheduled to depart the country, after the workers had already paid significant recruitment fees, often incurring debt. Some workers reported signing contracts in languages they could not read. There also have been documented cases of recruitment companies being unresponsive to workers' requests for assistance in situations of exploitation.

Vietnamese and Chinese organized crime groups are involved in the forced labor of Vietnamese children on cannabis farms in the UK, where they were subject to debts of up to \$32,000. Reports indicate that many of these Vietnamese victims flew with an agent to Russia, were transported via trucks through the Ukraine, Poland, the Czech Republic, Germany, France, and then arrived in the UK. In 2011, a number of Vietnamese women were trafficked to Thailand to act as surrogate birth mothers for foreigners. There are also reports of some Vietnamese men, women, and children subjected to forced labor within the country as well as abroad. In both sex and labor trafficking, debt bondage, confiscation of identity and travel documents, and threats of deportation are commonly utilized to intimidate victims. Some Vietnamese women moving to China, Taiwan, Hong Kong, Macau, and increasingly to South Korea as part of internationally brokered marriages are subsequently subjected to conditions of forced labor (including as domestic servants), forced prostitution, or both. There are reports of trafficking of Vietnamese, particularly women and girls, from poor, rural provinces to urban areas, including Hanoi, Ho Chi Minh City, and newly developed urban zones, such as Binh Duong. While some individuals migrate willingly, they may subsequently be sold into forced labor or commercial sexual exploitation.

Vietnamese children from rural areas are subjected to commercial sexual exploitation. Children also are subjected to forced street hawking, forced begging, or forced labor in restaurants in the major urban centers of Vietnam, although some sources report the problem is less severe than in years past. Some Vietnamese children are victims of forced and bonded labor in urban family-run house factories and rural privately-run gold mines. NGOs report that traffickers' increasing use of the Internet to lure victims has led to a rising number of middle-class and urban-dwelling Vietnamese to fall prey to human trafficking. There are reports that individuals who failed to meet work quotas were punished through beatings and other physical abuse. Vietnam is a destination for child sex tourism with perpetrators reportedly coming from Japan, South Korea, China, Taiwan, the UK, Australia, Europe, and

the United States, although this problem is not believed to be widespread.

The Government of Vietnam does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government issued a decree laying out responsibilities for drafting circulars and decrees on protection, prevention and prosecution to fully implement Vietnam's new, comprehensive anti-trafficking law, which was adopted in March 2011 and took effect in January 2012. During 2011, the government used existing laws to criminally prosecute some labor trafficking offenses; in many cases prosecutors relied on Article 139, "Appropriating Properties Through Swindling." Rehabilitation centers for drug users and people in prostitution, run by the Vietnamese government, continued to subject residents to forced agricultural, construction, and manufacturing labor – a form of human trafficking – despite international criticism. The Government of Vietnam failed to provide adequate remedies to overseas workers who experienced debt bondage or other forms of forced labor. During the reporting period, the government drafted new victim identification procedures. In 2011, the government finalized and disseminated a five year (2011-2015) national action plan on human trafficking and announced the allocation of the equivalent of \$15 million to implement this plan, which covers all forms of trafficking and coordinates the government's anti-trafficking responses through the National Steering Committee on Human Trafficking chaired by Deputy Prime Minister Nguyen Xuan Phuc. Although police officials acknowledged that internal trafficking and trafficking of men may constitute significant segments of the country's trafficking problem, the government took no discernible actions to increase efforts to address these particular forms of trafficking during the year.



Recommendations for Vietnam: Issue required guidance to fully implement the new anti-trafficking law, including through the application of stringent criminal penalties for all forms of trafficking; train front-line officers and judicial officials on the provisions of the anti-trafficking law, with a specific focus on recognizing victim exploitation as the essential element of trafficking crimes; criminally prosecute those involved in forced labor, the recruitment of persons for the purpose of forced labor, or fraudulent labor recruitment and apply stringent penalties to convicted offenders; immediately cease the practice of forcing Vietnamese citizens into commercial labor in government-run drug rehabilitation centers; adopt policies for the proactive identification of victims among vulnerable groups, such as Vietnamese migrant workers who have been subjected to forced labor and ensure that they are provided with victim services; develop formal procedures to this end, using internationally recognized indicators of forced labor, such as the confiscation of travel documents by employers or labor brokers, and train relevant officials in the use of such procedures, including internationally recognized indicators of forced labor such as the confiscation of travel documents by employers or labor brokers; continue efforts

to protect Vietnamese workers going abroad through memoranda of understanding and agreements with additional destination countries that include measures to protect Vietnamese workers; take measures to protect victims of labor trafficking to ensure that workers are not threatened or otherwise punished for protesting labor conditions or for leaving their place of employment; improve interagency cooperation on anti-trafficking efforts; in order to monitor and evaluate efforts to implement the national plan of action, improve data collection and data sharing at the national level on trafficking prosecutions, particularly labor-related prosecutions; and implement and support a visible anti-trafficking awareness campaign directed at clients of the sex trade.

Prosecution

The Government of Vietnam continued its law enforcement efforts to combat trafficking. In March 2011, the National Assembly passed a comprehensive anti-trafficking law, which expands the definition of trafficking in persons to include forms of trafficking not prohibited in the penal code under articles 119 and 120 and includes provisions for victim care and trafficking prevention. This law went into effect in January 2012, although criminal penalties for the newly enumerated trafficking offenses have not yet been established. In order to hold perpetrators criminally accountable for trafficking crimes prohibited under the anti-trafficking law, the Supreme People's Court must issue detailed guidance establishing the criminal penalties for the new crimes. The law's expansion of the definition of trafficking in persons was not applied during the reporting period despite the law's coming into effect in January 2012 because the government has yet to issue the necessary guidance.

The government reported the majority of traffickers were prosecuted under articles 119 and 120 of the penal code, which can be used to prosecute some forms of trafficking, including labor trafficking. These articles prescribe sufficiently stringent punishments of two to seven years' imprisonment, which are commensurate with penalties prescribed for other serious offenses, such as rape. Judicial officials have interpreted the penal code provisions on human trafficking to apply only to cases that involve a third-party exchange of payment, and this led to some trafficking cases being criminally prosecuted as human smuggling. Other cases were administratively punished under the country's labor laws, which do not provide criminal penalties for labor trafficking. These penal code provisions, unlike the new law, do not criminalize an attempt to commit a trafficking offense.

In September 2011, authorities rescued 23 children in bonded labor in a small privately-owned garment workshop; because recruitment and exploitation of the children was performed by the same individual, authorities reported the case could not be prosecuted under articles 119 or 120 and instead chose to adjudicate this trafficking case as a labor violation with an administrative fine and an official warning. In December 2011, the court sentenced two individuals, convicted for transporting 33 victims to China and attempting to exploit them, to 30 and 36 months' probation human smuggling for a offense under the penal code. Authorities reported this cases could not be prosecuted under articles 119 and 120 because the traffickers had not succeeded in receiving payment for the victims in China, thus highlighting the drawback to reliance on these penal code provisions.

Vietnam's central data collection systems remained inadequate to provide law enforcement statistics, such as trafficking prosecutions and convictions during the year segregated by type of trafficking. The Supreme People's Procuracy reported that between December 1, 2010 and November 30, 2011, authorities prosecuted 153 cases of trafficking and related offenses, the same number of cases reported during the previous year. Exact numbers of convictions were not available, but National Steering Committee 130, the government's anti-trafficking coordinating body, estimated the government convicted more than 350 offenders under articles 119 and 120 of the country's penal code, compared with 274 convictions in the previous year. The government reported convicting seven offenders and sentencing them to prison terms ranging from four to 18 years under these articles for labor trafficking during the year; as in the past, however, the government did not provide details of the nature of these cases to substantiate the claim that they constituted labor trafficking. The government continued primarily to pursue prosecutions in international sex trafficking cases, and overall law enforcement efforts were inadequate to address all forms of human trafficking in Vietnam.

Contract disputes between Vietnamese workers and their Vietnam-based labor recruitment companies or companies overseas – including for fraudulent recruitment and conditions that are indicative of forced labor – are left largely to the labor export recruiting company to resolve. Although workers have the legal right to take cases to court, in practice few have the resources to do so, and there is no known record of a Vietnamese labor trafficking victim successfully achieving compensation in court; thus, in practice, workers are left without reasonable legal recourse in such cases. The government continued to work with international organizations during the year to train law enforcement officials, border guard officials, and social workers on trafficking.

Many NGOs indicated that trafficking-related corruption continued to occur at the local level, where officials at border crossings and checkpoints accepted bribes from traffickers, and, where at times, officials opted not to intervene on victims' behalf when family relationships existed between traffickers and victims. Since October 2010, the government reported two convictions of public officials for trafficking related offenses under Article 120 of the penal code; however, due to design of the Supreme Court's database, it could not be determined whether these convictions were obtained during the current reporting year, nor were details on the convictions available. Investigation was ongoing in a case against a local official, initiated during the previous reporting period, suspected of accepting bribes to illegally register marriages between foreign men and Vietnamese women, some of whom may have been trafficking victims.

Government and NGO sources report that lack of financial resources, inadequately trained personnel, cumbersome mechanisms for interagency cooperation, poorly coordinated enforcement of existing legal instruments across the country, and the current legal structure that is ill-suited to supporting the identification and prosecution of trafficking cases remain obstacles to greater progress in the country's anti-trafficking efforts.

Protection

The Vietnamese government made sustained efforts to protect victims, primarily those subjected to transnational sex trafficking, but it did not make efforts to adequately identify victims among vulnerable populations or protect victims of labor trafficking or internal trafficking. Victim protection plans outlined in the anti-trafficking law have not yet been implemented. The government did not develop or employ systematic nationwide procedures to proactively and effectively identify victims of trafficking among vulnerable populations, such as women arrested for prostitution and migrant workers returning from abroad, and victim identification efforts remained poor across all identified migration and trafficking streams.

Credible figures for the number of trafficking victims identified during the year were not available, but Vietnam's National Steering Committee on Trafficking in Persons reported that 430 Vietnamese trafficking victims were identified by Vietnamese authorities, 250 victims were identified and repatriated by foreign governments or NGOs, and 120 victims self-identified. These estimated statistics include some cases in which children were abducted and sold for adoption. The majority of identified victims were women and children, although the border guard reported rescuing and assisting at least eight adult male trafficking victims. An NGO reported all 27 victims it assisted in repatriating to Vietnam during the year had been exploited in Malaysia or Thailand, but information about additional repatriated victims – such as countries they had been exploited in – was unavailable; this included details for the 48 victims the government reported assisting in 2011 at embassies overseas. At a minimum, Vietnamese embassies provided documentation for the victims to be repatriated. Support for the victims was provided on a case-by-case basis and varied from temporary shelter to financial and administrative support based upon their needs. Financial assistance was provided through the Fund for Assisting Overseas Vietnamese.

The government continued to act as a perpetrator of forced labor, subjecting drug users and persons formerly in prostitution to forced labor in treatment centers. During the year, an international NGO documented a limited number of cases in which individuals in such shelters who failed to meet work quotas were punished through beatings and other physical abuse. The government reported stopping the construction of new centers, but current regulations mandate the use of “therapeutic labor” for residents within these existing government-run centers. While authorities have formal procedures for receiving victims and referring them to care, the referral system is recognized to have significant deficiencies, failing to identify victims who do not return via official border crossings and victims who do not want to be identified by authorities due to social stigma or other reasons. The government did not provide adequate legal protection from forced labor or assistance to victims in Vietnam or abroad. During the year, more than 88,000 Vietnamese workers traveled abroad to work through official contracts, and the total number of Vietnamese migrant workers in 40 countries and territories is estimated to be approximately 500,000. In November 2011, Vietnam signed a bilateral agreement with the Belarusian government to facilitate the employment of Vietnamese workers in Belarus and is reportedly in the process of drafting a similar agreement with Israel; it is unclear whether agreements signed with governments of labor demand countries had provisions to prevent human trafficking and

protect trafficking victims. Vietnam maintains labor attaches in the nine countries receiving the largest number of Vietnamese migrant workers; however, it does not maintain embassies in some countries where there are reports of trafficking. In some places where there are embassies, diplomatic personnel responded weakly to protect migrant workers; the government acknowledged that its diplomats lacked sufficient training and oversight. Government regulations do not prohibit private employers from withholding the passports of workers in destination countries, and Vietnamese companies were known to withhold workers' travel documents, a known contributor to trafficking. The government did not publish data about individual cases where consular or other officials identified or assisted Vietnamese workers subjected to forced labor abroad. Although workers have the right in principle to sue labor export companies, there has been no indication of victims receiving legal redress in Vietnamese courts for such claims.

The government's Vietnamese Women's Union (VWU), in partnership with NGOs and with foreign donor funding, continued to operate three trafficking shelters in Vietnam's largest urban areas; the shelters provided counseling and vocational training to female sex trafficking victims. The VWU and border guards also operate smaller shelters that provide temporary assistance to migrants in need at some of the most heavily used crossing points. At times victims were housed in Ministry of Labor Invalids, and Social Affairs (MOLISA) social protection centers that provide services to a wide range of vulnerable groups, although officials acknowledged that victims were better served in trafficking-specific shelters. In many areas shelters are rudimentary, underfunded, and lack appropriately trained personnel. The government has allocated the equivalent \$1,600,000 over five years for victim protection efforts; in February 2012, it issued guidelines for the use and management of these funds, but it is not known whether any funds were distributed. In 2011, the government took preliminary action to implement a set of National Minimum Standards for service provision to trafficking victims. MOLISA trained staff in 13 provinces on these standards; however, formal nationwide implementation of the guidelines remains on hold pending issuance of the relevant decrees and circulars governing victim protection in the anti-trafficking law. There are no shelters or services specifically dedicated to assisting male victims, child victims, or victims of labor trafficking, although existing shelters reportedly provided services to some male and child victims. NGOs report some victims opt not to stay at a victim support facility or receive social services due to a fear of social stigma from identifying as a trafficking victim. Trafficking victims are eligible for a cash subsidy of up to the equivalent of \$50, paid through local authorities; the government did not provide statistics on the number of victims who received this benefit, but it estimated approximately 60 percent of identified victims received the subsidy. The government continued to provide contributions of office space and personnel to international organizations conducting anti-trafficking projects.

The government reportedly encourages victims to assist in the prosecution of their traffickers, although the Vietnamese government generally does not provide police-assisted witness protection to victims of crime. NGOs reported that 44 victims participated in criminal proceedings in 2011. Victims were often reluctant to participate in investigations or trials due to social stigma, particularly as it relates to prostitution, fear of retribution in their local communities, and lack of incentives for participation. Victims sometimes received

modest compensation from traffickers, but no data were available to determine how often this occurred. Vietnamese law protects trafficking victims from facing criminal charges for actions taken as a direct consequence of being trafficked; however, inadequate efforts to identify victims among vulnerable populations may have led to some victims being treated as law violators. There were no legal alternatives to the removal of foreign victims to countries where they face retribution or hardship.

Prevention

With assistance and cooperation from international organizations, NGOs, and foreign donors, the Vietnamese government increased efforts to prevent trafficking in persons. In August 2011, the prime minister gave final approval to a five-year national plan of action on human trafficking passed earlier in the year. In December 2011, the Ministry of Foreign Affairs (MFA) launched an online migration website providing prospective migrants with access to information about the legal guidelines governing recruitment companies; however, the government did not increase efforts to enforce these regulations, and overall efforts to regulate recruitment companies and marriage brokers remained weak. MOLISA reported that in 2011, the government investigated 38 labor recruiting companies and issued minimal fines ranging from the equivalent of \$750 to \$2,000 to 15 companies for a number of administrative violations; some violations, such as charging excessive recruitment fees, were indicative of human trafficking, but no trafficking cases were identified from these efforts and no criminal prosecutions were initiated against labor recruitment companies. The government organized two training workshops for tourism operators to raise awareness of child sex tourism. Authorities did not report any other efforts to reduce the demand for commercial sex or forced labor. Vietnam is not a party to the 2000 UN TIP Protocol.

YEMEN (Tier 3)

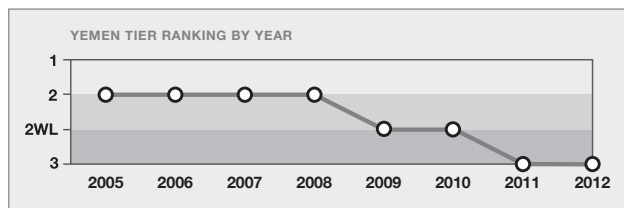
Yemen is a country of origin and, to a much lesser extent, a transit and destination country for men, women, and children subjected to forced labor and sex trafficking. Some Yemeni children, mostly boys, migrate to the Yemeni cities of Aden and Sanaa, or travel across the northern border to Saudi Arabia and, to a lesser extent, to Oman where they end up working in forced labor in domestic service, small shops, or as beggars. Some of these children are forced into prostitution by traffickers, border patrols, other security officials, and their employers once they arrive in Saudi Arabia. Some parents may have refrained from sending their children to Saudi Arabia for fear of them encountering violence in northern Yemen, while other Yemeni children attempting to reach Saudi Arabia were abducted by rebel groups to serve as combatants. A Saudi study conducted in 2011 reported that most beggars in Saudi Arabia are Yemenis between the ages of 16 and 25. The Yemeni government and international NGOs estimate that there are approximately 1.7 million child laborers under the age of 14 in Yemen, some of whom are subjected to conditions of forced labor. In addition, some sources report that the practice of chattel slavery still exists in Yemen; while no official statistics exist detailing this practice, sources report that there could be 300 to 500 men, women, and children sold or inherited as slaves in Yemen, including in the Al-Zohrah district of Al-Hudaydah Governorate, west of Sanaa, and the Kuaidinah

and Khairan Al-Muharraq districts of the Hajjah Governorate, north of the capital.

To a lesser extent, Yemen is also a source country for girls subjected to sex trafficking within the country and in Saudi Arabia. Girls as young as 15 are exploited for commercial sex in hotels and clubs in the governorates of Sanaa, Aden, and Taiz. The majority of child sex tourists in Yemen originate from Saudi Arabia, with a smaller number possibly coming from other Gulf nations. Yemeni girls who marry Saudi tourists often do not realize the temporary and exploitative nature of these agreements, and some are subjected to sex trafficking or abandoned on the streets of Saudi Arabia. Yemen is a transit and destination country for women and children from the Horn of Africa. UNHCR estimated that nearly 103,000 refugees and asylum-seekers from the Horn of Africa crossed the Gulf of Aden to reach Yemen during 2011, twice the number from 2010. Ethiopian and Somali women and children travel voluntarily to Yemen with the hope of working in other Gulf countries, but some are subjected to sex trafficking or domestic servitude in Yemen. Others migrate based on fraudulent offers of employment as domestic servants in Yemen, but upon arrival are subjected to sex trafficking or forced labor. Some female Somali refugees are forced into prostitution in Aden and Lahj governorates, and Yemeni and Saudi gangs traffic African children to Saudi Arabia. Smugglers capitalize on the instability in the Horn of Africa to subject Africans to forced labor and prostitution in Yemen.

Despite a 1991 law that stipulates that recruits to the armed forces must be at least 18 years of age, credible reports indicate that children as young as 11 have been conscripted into official government armed forces – as well as into government-allied tribal militias and militias of the Houthi rebels – since the sixth round of the intermittent war in Sa'ada from August 2009 to January 2010. A local NGO estimated that children may make up more than half of some tribes' armed forces, both those fighting with the government and those allied with the Houthi rebels. The number of child soldiers reportedly increased during this reporting period as pro- and anti-government military units recruited tribesmen directly into their ranks.

The Government of Yemen does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Throughout 2011, Yemen faced prolonged political, economic, and security crises, leading to the nearly complete collapse of government services. Following the signing of a Gulf Cooperation Council-sponsored political transition deal in November 2011, the creation of a new government in December 2011, and the election of a new president in February 2012, the government still faced severe challenges through the end of the reporting period. Due to these prolonged crises, the Government of Yemen's anti-trafficking efforts, including dedicating resources and attention to the issue, were severely curtailed during this reporting period. The Government of Yemen was unable to provide law enforcement data to contribute to this report, and it did not institute formal procedures to identify and protect victims of trafficking or take steps to address trafficking for commercial sexual exploitation.



Recommendations for Yemen: Increase law enforcement efforts against trafficking in persons, including trafficking of women, men, and children for sex trafficking and forced labor; take measures to investigate and eradicate the practice of chattel slavery in Yemen, including by enforcing the prohibition against slavery, including against slave “owners”; expand victim protection services, including rehabilitation of victims of forced prostitution; make greater efforts to stop the forcible recruitment of child soldiers and provide protection services to demobilized children; institute a formal victim identification mechanism to identify and refer trafficking victims to protection services; implement educational and public awareness campaigns on trafficking to include information on the sex trafficking of children and adults; and adopt and dedicate resources to a national plan of action to combat trafficking.

Prosecution

The Government of Yemen reported no progress in enforcing laws against human trafficking during the reporting period. Article 248 of Yemen’s penal code prescribes up to 10 years’ imprisonment for anyone who “buys, sells, or gives as a present, or deals in human beings; and anyone who brings into the country or exports from it a human being with the intent of taking advantage of him.” Although this statute’s prescribed penalty is commensurate with that prescribed for other serious crimes, such as rape, its narrow focus on transactions and movement means that many forms of forced labor and forced prostitution are not criminalized. Article 161 of the Child Rights Law specifically criminalizes the prostitution of children. The government did not report official statistics on its efforts to investigate, prosecute, convict, or sentence trafficking offenders. The Ministry of Interior operated women’s and children’s units during part of the reporting period that could be used to investigate trafficking offenses; however, the unit effectively shut down in early 2011. The government made no known efforts to investigate or punish the practice of chattel slavery. There was no evidence of prosecutions or punishments of government officials for complicity in trafficking during the reporting period.

Protection

The Yemeni government’s efforts to protect victims decreased during the reporting period. The government continues to lack formal victim identification procedures to proactively identify and assist victims of trafficking among vulnerable groups, such as women arrested for prostitution or individuals detained for illegal immigration. As a result, the Government of Yemen did not ensure that victims of trafficking were not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. Although the government, in partnership with UNICEF and NGOs, operated two reception centers to rehabilitate child labor trafficking victims in Sanaa and Harath, it is unknown whether these

centers continued to operate during the political crisis or how many children – if any – were assisted in these centers during the reporting period. The government does not provide protection services to adult victims of either forced prostitution or forced labor. The government did not encourage victims to assist in investigations or prosecutions of their traffickers. The government did not provide assistance to its nationals who were repatriated as victims of trafficking. Although the government acknowledged the use of child soldiers, it took no measures to provide protective or rehabilitation services to child soldiers.

Prevention

The Yemeni government made no efforts to prevent trafficking during the reporting period. It was not clear if the government’s interministerial anti-trafficking committee met during the year. Although the government formulated a national action plan on trafficking in 2008, the government made no progress implementing the plan during the last year. Government-funded anti-trafficking public awareness and education campaigns halted because of the political crisis. Moreover, the government did not take any measures to reduce the demand for commercial sex acts or address the problem of child sex tourism. In 2010, the Ministry of Interior’s Women and Children Unit and the Ministry of Justice developed and implemented a program for taxi and bus drivers to identify and report potential trafficking victims witnessed in their modes of transportation; however, it is unknown if this program continued throughout the entire reporting period. The government has not yet developed a universal birth registration system and many children, especially in rural areas, were never registered or registered only after several years, depriving them of a key identity document and consequently increasing their vulnerability to trafficking. It was unknown whether the government enforced its 2009 decree aimed at preventing trafficking through “temporary marriages.” The government made no significant efforts to prevent the recruitment of child soldiers, as demonstrated in the observed increase of child soldiers in pro- and anti-government military units during the reporting period. The peacekeeping unit in the Yemeni armed forces receives regular pre-deployment training on severe forms of human trafficking. Yemen is not a party to the 2000 UN TIP Protocol.

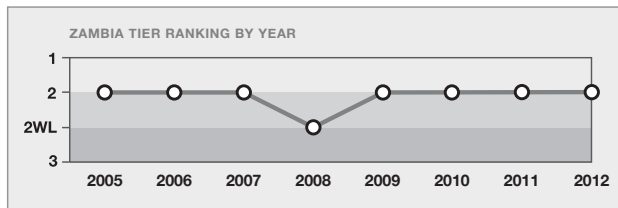
ZAMBIA (Tier 2)

Zambia is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Most trafficking occurred within the country’s borders and involved women and children from rural areas exploited in cities in domestic servitude or other types of forced labor in the agriculture, textile, and construction sectors, as well as in small businesses such as bakeries; there are also reports of Chinese, Indian, and Lebanese nationals in forced labor in textile factories and bakeries. Zambian boys and girls are recruited into prostitution by women who formerly engaged in prostitution. Children are also brought from villages and made to serve as guides for groups of blind beggars. While orphans and street children are the most vulnerable, children of affluent village families are also vulnerable to trafficking, because sending children to the city for work is perceived to confer status. Zambian trafficking victims have been identified in South Africa, the Democratic Republic of the

Congo, and Namibia; Zambian boys are taken to Zimbabwe for prostitution.

To a lesser extent, Zambia is a destination for migrants from Malawi and Mozambique who are forced into labor or prostitution after arriving in Zambia. The transnational labor trafficking of Indians and Bangladeshis through Zambia for use in construction continued, and was linked to criminal groups based largely in South Africa. Congolese children and Somali nationals are also smuggled through Zambia; some may become victims of trafficking after reaching South Africa. An increasing number of Chinese and Indian men recruited to work in Chinese- or Indian-owned mines in Zambia's Copperbelt Province are reportedly kept in conditions of forced labor by mining companies.

The Government of Zambia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government completed upgrades to one shelter and more than quadrupled the national anti-trafficking budget from the equivalent \$3 million to \$13 million. It prosecuted four suspected trafficking offenders and conducted training for officials in both Zambia and neighboring countries. The government, however, did not dedicate adequate law enforcement attention to internal trafficking, including forced labor in the mining sector, child prostitution, or domestic servitude. Although government-provided protection for victims remained weak, officials identified 120 potential trafficking victims and provided services to 68 of them through its continued partnerships with international organizations and NGOs. Shelter space remained insufficient, and the government held victims in jail alongside traffickers for extended periods. The government has yet to develop and implement systematic procedures for the identification of trafficking victims and their referral to care; in some cases, when unable to locate a trafficking offender, the government deported potential victims.



Recommendations for Zambia: Implement the 2008 anti-trafficking act by ensuring the use of a broad definition of human trafficking that does not rely on evidence of movement, but rather focuses on exploitation, consistent with the 2000 UN TIP Protocol; amend the trafficking law so that force, fraud, or coercion are not required for cases involving children under the age of 18 to be considered sex trafficking crimes; staff and convene the National Committee, as required by the 2008 anti-trafficking act; investigate and prosecute internal trafficking cases, including companies and individuals who use forced labor in the mining sector; continue to train police, immigration officials, prosecutors, and judges on investigating and prosecuting trafficking crimes; differentiate the process of victim identification from the prosecution of cases, delinking the identification and protection of trafficking victims from the successful prosecution of a trafficker; develop bilateral agreements for cooperation with additional governments in the region, including the DRC and South Africa; formalize

and implement victim identification and referral procedures; screen children accused of crimes for evidence of coercion by traffickers; continue to improve government services for trafficking victims through the establishment of additional shelters; increase the number of labor inspectors; institute a unified system for compiling information on human trafficking cases and trends for use by all stakeholders; and continue to conduct public awareness campaigns.

Prosecution

The Government of Zambia maintained strong anti-trafficking law enforcement efforts during the reporting period through the prosecution of four trafficking offenders and the first-ever allocation of trafficking-specific funding to law enforcement entities. It did not, however, convict any trafficking offenders. Although the Anti-Human Trafficking Act of 2008 criminalizes human trafficking, it requires the use of threat, force, intimidation, or other forms of coercion for a child to be considered a sex trafficking victim. The Act prescribes penalties ranging from 20 years' to life imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government increased its anti-trafficking budget from the equivalent of \$3 million to \$13 million, which included the first-ever allocation of trafficking-specific funding to the Zambia Police Service's Victims Support Unit (VSU). In 2011, the VSU revised its intake forms to include trafficking as a reportable offense.

In 2011, the government investigated several potential trafficking cases and prosecuted four suspected offenders; one led to an acquittal, and three prosecutions remained ongoing at the close of the reporting period. After Zambia Immigration intercepted their illegal transport of foreign nationals in fall 2011, authorities charged two alleged offenders with attempted trafficking; these two cases remain pending trial. The government failed to dedicate adequate attention to internal trafficking cases, including child prostitution, domestic servitude, and forced labor in the mining sector. Authorities reported investigating only one case of internal trafficking, in which they charged a suspect under the 2008 anti-trafficking act with forcing a 14-year-old Zambian girl to perform domestic labor; although the suspect was released from prison, the investigation is ongoing. Although the government expressed interest in addressing well-documented problems of forced labor in the mining sector, and the Minister of Mines threatened to revoke the license of a Chinese-run coal mine over poor safety standards, the government did not take tangible steps to address specific instances of reported forced labor in the sector.

Building on a foreign donor-funded train-the-trainer program, Ministry of Home Affairs (MHA) officials led two trainings for 50 law enforcement officials in Northern and Copperbelt Provinces. Specific anti-trafficking training is included in all law enforcement courses at the police training academy, covering the 2008 anti-trafficking act, investigation techniques, identification of victims, and protection of victims and witnesses. The government increased its partnerships in the region by concluding anti-trafficking cooperation memoranda of understanding with Angola and Namibia in March 2012. In summer 2011, Zambian immigration officers traveled to Malawi to train immigration officers on human trafficking.

Protection

The government increased its capacity to provide victim protection during the reporting period through the completion of upgrades to one shelter. It continued, however, to rely on international organizations and local NGOs to provide the majority of victim care, without affording any direct financial assistance to such entities. Zambia Immigration Service and the VSU identified a total of 70 potential victims and referred 18 to IOM or a local NGO for care. The Ministry of Community Development, Mother and Child Health (MCDMCH) referred 50 children in prostitution to an NGO for care. The government continued to increase the availability of shelter options for victims; during the reporting period, it identified four shelters in need of repair and completed such upgrades to one shelter in Luapula Province, which will have a capacity to provide care for 40 victims.

Given a continued shortage of adequate shelter, the government jailed trafficking victims alongside their traffickers for months at a time. The government provided some direct services, including medical care and counseling, to an unknown number of trafficking victims through both the government-run University Teaching Hospital in Lusaka and NGO-run community response centers, which are staffed by VSU officials. While existing NGO shelters offered limited accommodation for women and children, no services were available for men. Additionally, efforts to identify and refer victims remained *ad hoc*. The MCDMCH and the MHA collaborated with the UN Joint Program on Human Trafficking on a three-day workshop in Eastern and Western Provinces in January 2012 to provide training on local implementation of an anti-trafficking action plan and development of an effective outreach strategy.

The government offered legal alternatives to the removal of victims to countries where they may face hardship or retribution; during the reporting period, Zambian Immigration provided temporary residency and a travel document to one Rwandan victim of sex trafficking identified by UNHCR and assisted by IOM. The MCDMCH drew on existing social assistance programs to repatriate at least one Zambian and one foreign victim during the year. Without proper procedures for the identification of victims and adequate shelter space, the government arrested, jailed, and penalized victims for unlawful acts committed as a direct result of being trafficked, including children accused of crimes; for example, when authorities were unable to locate the trafficking offenders in trafficking cases under investigation, victims were routinely deported without receiving victim services. Officials encouraged victims to assist in the investigation and prosecution of traffickers; during the reporting period, the government provided sign-language interpretation and other assistance to three speech- and hearing-impaired Zambians to facilitate their testimony in court.

Prevention

The Zambian government maintained its efforts to prevent trafficking during the reporting period. In 2011, the government continued implementation of its 2011-2012 National Action Plan and drafted a 2012-2015 plan in March 2012. The government's efforts are coordinated through the National Secretariat; the National Committee, a higher-level policy-making body, remains under formation, awaiting one final appointment. The six members of the Secretariat met monthly and held meetings on specific cases as necessary. The government continued strong partnerships with IOM,

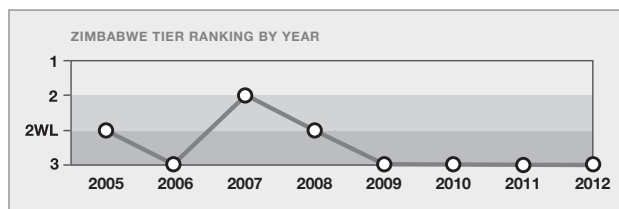
the ILO, and UNICEF through the UN Joint Program on Human Trafficking, enabling targeted prevention activities during the year, including the "Break the Chain of Human Trafficking" campaign that brought trafficking awareness to urban centers and rural areas in 2011 and early 2012. In January 2011, the government passed Statutory Instrument 3 establishing minimum wages and conditions of employment for domestic workers and granting labor inspectors access to inspect informal establishments, including private homes, to detect exploitation; there is no evidence the government began implementation of the instrument during the year. As part of the implementation of the National Action Plan, the Ministry of Information, Broadcasting, and Labor (MIBL) trained 50 labor officers on the 2008 anti-trafficking act, the labor act, and the 2011-2012 national action plan and partnered with the ILO to train an additional 154 staff during the year. In November 2011, the MIBL also trained recruitment agencies on trafficking; currently, the MIBL is investigating allegations of fraudulent recruitment for employment. Nonetheless, effective action to combat labor trafficking was hampered by an inadequate number of labor inspectors; while the government claims that 81 inspectors are necessary to carry out an adequate inspection schedule across Zambia, the MIBL currently employs only 13. The MIBL launched 10 district-level Labor Networks in November and December 2011, and appointed a Labor Network Coordinator to oversee these efforts; the networks, comprised of labor, immigration, police, and social welfare officers, will prevent and track cases of labor trafficking. The government did not make efforts to reduce the demand for commercial sex acts during the reporting period. The Ministry of Home Affairs and Ministry of Defense provided anti-trafficking training to Zambian troops prior to their deployment abroad on international peacekeeping missions.

ZIMBABWE (Tier 3)

Zimbabwe is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Women and girls from Zimbabwean towns bordering South Africa and Zambia are subjected to prostitution in brothels that cater to long-distance truck drivers. Some victims of forced prostitution are subsequently transported across the border to South Africa where they suffer continued exploitation. Zimbabwean men, women, and children are subjected to forced labor in agriculture and domestic service in rural areas, as well as domestic servitude and sex trafficking in cities and towns. Family members often recruit children and other relatives to travel from rural areas to cities, where they are subjected to domestic servitude or other forms of forced labor after arrival; some children, particularly orphans, are lured with promises of education or adoption. Additionally, the practice of *ngozi*, or giving of a family member to another family to avenge the spirits of a murdered relative, creates a vulnerability to trafficking. The individuals given to the wronged family, often girls, are sometimes forced to labor or to marry a member of the new family. Children are forced to carry out illegal activities, including drug smuggling. Although security forces still control access to the diamond-producing Marange district, NGO sources indicate that forced labor abuses have ended, including previously reported allegations of Zimbabwean security services forcing young men and boys to mine for diamonds.

Zimbabwean men, women, and boys migrate illegally to South Africa, where some are forced to labor for months on farms, in mines, or in construction without pay before their employers report them to authorities for deportation; reports indicate employers use the pretense of regularization to withhold passports. Many Zimbabwean women and some children willingly migrate to South Africa, often with the assistance of taxi drivers who transport them to the border at Beitbridge or nearby; some of the migrants are transferred to criminal gangs that subject them to violent attacks, rape, deception, and, in some cases, sex trafficking in Musina, Pretoria, Johannesburg, or Durban. Zimbabwean women and men are lured into exploitative labor situations in Angola, Mozambique, the United Arab Emirates, Malaysia, Nigeria, and South Africa with false offers of employment in agriculture, construction, information technology, and hospitality; some subsequently become victims of forced labor or forced prostitution. Women and girls are also lured to China, Egypt, the United Kingdom, and Canada under false pretenses, where they are subjected to prostitution. Men, women, and children from Bangladesh, Somalia, India, Pakistan, the Democratic Republic of the Congo, Malawi, Mozambique, and Zambia are trafficked through Zimbabwe *en route* to South Africa. Chinese nationals reportedly are forced to labor in restaurants and mines in Zimbabwe. Women and children from border communities in neighboring countries are trafficked to Zimbabwe for forced labor, including domestic servitude, and prostitution. Also, one Chadian child in domestic servitude was identified in Zimbabwe.

The Government of Zimbabwe does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. While high-level officials, including the president, showed increased interest in trafficking issues during the year, tangible efforts to combat trafficking in persons remained minimal. The government failed to finalize or submit its draft anti-trafficking legislation to the cabinet, which is the first step in introducing it for parliamentary consideration. As trafficking is not defined by Zimbabwean law, the government lacks a legal framework to anti-trafficking law enforcement efforts. The government did not provide evidence that it investigated or prosecuted trafficking offenses in 2011. It continued to rely on IOM to provide law enforcement training, identify and protect victims, and lead prevention efforts.



Recommendations for Zimbabwe: Finalize and pass draft anti-trafficking legislation in line with the 2000 UN TIP Protocol; prosecute, convict, and punish trafficking offenders under existing legislation; formalize procedures for identifying victims and transferring them to the care of appropriate governmental or non-governmental service providers; incorporate trafficking crimes into police procedures for recording and reporting crime data; and launch a broad awareness-raising campaign on the nature of trafficking and the availability of assistance for victims.

Prosecution

The Government of Zimbabwe undertook no discernible anti-trafficking law enforcement efforts during the year. It did not investigate or prosecute trafficking offenders, and neither finalized nor introduced a comprehensive anti-trafficking bill to the Cabinet. Zimbabwean law does not prohibit all forms of trafficking in persons. The Labor Relations Amendment Act prohibits forced labor and prescribes punishments of up to two years' imprisonment; these penalties are not sufficiently stringent. The Criminal Law (Codification and Reform) Act also prohibits procuring a person for unlawful sexual conduct, inside or outside of Zimbabwe, but prescribes less than stringent penalties of up to two years imprisonment. If the victim is under 16, the sentence can be up to 10 years imprisonment. The Act also prohibits coercing or inducing anyone to engage in unlawful sexual conduct with another person by threat or intimidation, prescribing sufficiently stringent penalties of one to five years imprisonment. Pledging a female for forced marriage or to compensate for the death of a relative or any debt or obligation, is punishable under the Act, with penalties of up to two years imprisonment. None of these penalties are commensurate with penalties prescribed for other serious crimes, such as rape. The Ministry of Home Affairs (MHA) and Ministry of Justice failed to finalize or submit the draft anti-trafficking bill to the Cabinet, which is the first step in introducing it for parliamentary consideration.

The government did not investigate or prosecute forced labor or forced prostitution offenses during the reporting period. The Zimbabwe Republic Police's (ZRP) Victim Friendly Unit (VFU) has responsibility for investigating cases involving women and children, which may include trafficking victims, and the referral of victims to support services. Although NGOs and IOM referred the cases of eight trafficking victims to authorities, the VFU did not report investigating these cases. The January 2011 appeal to the high court by a Chinese construction company which allegedly exploited seven Zimbabweans in forced labor in Angola was not finalized during the reporting period. In December 2011, IOM held a three-day anti-trafficking workshop for 10 legislators from the Portfolio Committee on defense and home affairs. Following the workshop, the legislators conducted a fact finding mission at the Beitbridge and Plumtree border posts. The government did not provide funding or in-kind support for anti-trafficking trainings held by international donors and did not make efforts to independently train its staff. IOM and the MHA began drafting a memorandum of understanding to establish cooperation on training and capacity building on a variety of issues, including trafficking. Overall corruption in law enforcement and the judiciary remained serious and unaddressed problems. Victims refused to report or pursue cases of trafficking because they fear that their traffickers could bribe police or judges. There was anecdotal evidence of limited government involvement in or tolerance of trafficking on a local level and at border crossing points. There were no reports of trafficking offenses committed by Zimbabwean peacekeepers deployed abroad.

Protection

The Zimbabwean government made negligible efforts to protect trafficking victims during the year, continuing to rely on NGOs and IOM to identify victims and provide care. During the reporting period, IOM and NGOs identified and assisted at least eight trafficking victims, providing them

with safe shelter, psycho-social support, family tracing, and reunification. Despite the existence of a government process for referring trafficking victims, the Zimbabwean police and department of social services again failed to refer any victims to IOM or NGOs for care in 2011. Government-run shelters and programs were in place to assist and provide counseling and long-term shelter to vulnerable and orphaned children, including trafficking victims; it is not known whether they provided any services to trafficking victims during the year. At its centers at Beitbridge and Plumtree border crossings, trained Department of Social Welfare staff worked closely with IOM and NGOs to ensure the protection of vulnerable children. The department of immigration continued to require all deportees from South Africa and Botswana to attend an IOM briefing on safe migration, which includes a discussion of trafficking. With the exception of deportees from South Africa and Botswana, the government's law enforcement, immigration, and social services authorities did not have formal procedures with which to proactively identify victims of trafficking among vulnerable populations, such as women in prostitution and irregular migrants. The lack of systematic victim identification procedures impaired the government's ability to ensure that trafficking victims were not inappropriately incarcerated or otherwise penalized for unlawful acts committed as a direct result of being trafficked. For example, the Department of Immigration reported the arrest and deportation of 100 Nigerian and Chinese nationals, some of whom may have been trafficking victims. However, in 2011, the department of immigration offered temporary residency to one victim and assisted in their repatriation during the year.

Prevention

The government demonstrated minimal efforts to prevent trafficking during the reporting period. The inter-ministerial task force on trafficking, made up of senior government officials, did not meet during the reporting period, did not execute any anti-trafficking programming, and continued to lack a national plan of action. The government did not launch any anti-trafficking awareness campaigns during the reporting period. The government did not provide information on any efforts it may have made to ensure that its military personnel deployed abroad on international peacekeeping missions did not facilitate or engage in human trafficking. The government did not make efforts to reduce the demand for commercial sex acts. In his September 2011 speech at the opening of Parliament, President Mugabe emphasized the need for Parliament to become a party to and domesticate the 2000 UN TIP Protocol. The cabinet sent a motion to accede to the protocol to Parliament in December 2011, where it was reviewed and later returned to the MHA for revision; however, the cabinet has not submitted a revised motion to Parliament.

SOMALIA (Special Case)

Somalia remains a Special Case for a tenth consecutive year due to the lack of a viable central government. Control of its geographic area is divided among the self-declared independent Republic of Somaliland and the semi-autonomous region of Puntland, with the remainder of the country nominally under the control of the Transitional Federal Government (TFG). Somalia currently lacks a national governing structure that could assume responsibility for addressing the country's human trafficking problem. During the reporting period,

fighting continued between TFG troops, allied militias, and African Union forces against anti-TFG forces and the terrorist group al-Shabaab. The TFG remained preoccupied with the task of securing government representatives and installations from attacks by such elements and completing key tasks required for a transition to a representative government by the August 20, 2012 deadline. The government was, therefore, not able to address human trafficking in any organized manner. In addition, the TFG currently lacks the necessary means to identify, investigate, and address systemic issues in Somalia, including those related to forced labor and forced prostitution. Its capacity to address human trafficking will not significantly increase without tangible progress in re-establishing governance and stability in Somalia.

Scope and Magnitude: Information regarding trafficking in Somalia remains extremely difficult to obtain or verify; however, the Somali territory is believed to be a source and transit country for men, women, and children subjected to forced labor and sex trafficking. As in previous years, trafficking victims were primarily trafficked within the country from Somalia's south and central regions to the Puntland and Somaliland regions in the north. Somali women and girls may be subjected to sex trafficking in Garowe, Las Anod (Sool region), and pirate towns such as Eyl and Harardheere. Girls are reportedly taken from coastal regions, particularly Bossaso, Puntland and placed in pirates' homes to be exploited in domestic and sexual servitude. Trafficking offenders reportedly used drugs to render victims unconscious during transport. In Somali society, certain groups are traditionally viewed as inferior and are marginalized, hence Somali Bantus and Midgaan are sometimes kept in servitude by more powerful Somali clan members as domestic workers, farm laborers, and herders. Due to an inability to provide care for all family members, some Somalis willingly surrender custody of their children to people with whom they share family relations and clan linkages; some of these children may become victims of forced labor or sex trafficking. While most child laborers work within their households or family businesses, some children may be forced into labor in agriculture, herding livestock, or in the construction industry.

Human smuggling is widespread in Somalia, and evidence suggests that smugglers use the same networks and methods as those used by trafficking offenders. Men, women, and children in internally displaced persons (IDP) camps or congregated along coastal areas hoping to be smuggled to nearby African countries, Europe, or the Middle East remained particularly vulnerable to trafficking. There were reports of trafficking offenders preying on young women and children, mostly IDPs from south and central Somalia, at marketplaces and in the streets, falsely promising them lucrative jobs outside Somalia. Dubious employment agencies facilitate human trafficking, targeting individuals desiring to migrate to the Gulf states for employment. Somali women are smuggled, sometimes via Djibouti, to destinations in the Middle East, including Yemen and Syria, as well as to Sudan, Kenya, and South Africa where they are subjected to conditions of domestic servitude and forced prostitution. Somali men are subjected to conditions of forced labor as herdsmen and menial workers in the Gulf states. Somali children are reportedly smuggled to Saudi Arabia through Yemen and then placed into forced begging. Members of the Somali diaspora use fake offers of marriage to lure unsuspecting victims, many of whom are relatives, to Europe or the United States, where they are forced into prostitution and domestic servitude. Ethiopian women are

smuggled through Somalia to Yemen and onward to other destinations in the Middle East where they are subsequently forced into domestic servitude and prostitution.

According to the UN, the recruitment and use of children in Somalia's armed conflict has been increasing over the past years, particularly among al-Shabaab, which is estimated to have abducted as many as 2,000 children for military training in 2010 alone (the last year in which reporting is available). UN sources documented 46 incidents of unlawful recruitment and use of child soldiers by the TFG and its allied militia in July and August 2011, and observers recorded that the number of children wearing TFG uniforms in Mogadishu increased during the reporting period; this is believed to be due largely to a lack of systematic and stringent age screening procedures. During the reporting period, the TFG publicly reiterated its policy of not recruiting children into the Somali National Security Forces. New recruits for TFG forces were screened for child soldiers (including a medical screening) before inclusion in Uganda-based training programs. Children were included in Somalia's numerous clan and other militias and, without established birth registration systems, it remained difficult to determine the exact age of persons conscripted into armed groups.

During the reporting period, the terrorist group al-Shabaab used systematic force and deception to target vulnerable children, sometimes as young as eight years old, for membership in their militias. Al-Shabaab reportedly increased recruitment at Koranic and general schools and other educational facilities and threatened to punish teachers and parents who refused to send their children to the training camps. Al-Shabaab continued to use children for direct participation in hostilities and other support functions in southern and central Somalia, including for planting roadside bombs and other explosive devices, carrying out assassinations, portering, domestic servitude, and serving as human shields during incursions. The UN reported al-Shabaab's recruitment of over 180 boys and girls in Lower Juba in May and June 2011 and another 168 boys in July and August. Al-Shabaab also continued to forcibly recruit young girls who were then "married" to its militia leaders and used for sexual servitude, logistical support, and intelligence gathering.

Government Efforts: The respective authorities operating in Somalia's three regions made few concrete efforts to address human trafficking during the reporting period; anti-trafficking efforts were weak on all fronts – prosecution, protection, and prevention – in all regions of Somalia. There is a severe lack of capacity in every part of the country to adequately address the problem. Understanding of human trafficking and how to identify and address it remained low among government officials and the general population. None of the three regions have laws that specifically prohibit human trafficking, although the pre-1991 penal code outlawed forced and compulsory labor, and local laws prohibited forced labor, involuntary servitude, and slavery in Somaliland. In December 2010, the Puntland Parliament enacted provisions under Islamic law prohibiting the death of smuggled or trafficked persons and prescribing punishments of between one and five years' imprisonment. In April 2012, Puntland courts sentenced a Somali man to 12 years' imprisonment for attempting to traffic nine children between the ages of seven and 14 from southern Somalia to Yemen, via Puntland, for forced labor. The court transferred custody of the children to a local UNICEF-funded NGO until their parents could be identified. In 2012, Puntland's anti-

trafficking unit intercepted five children in Galkacyo who they identified as potential trafficking victims. There were no known investigations or prosecutions of suspected trafficking crimes in Somaliland or TFG-controlled areas during the reporting period. No governments provided protective services to victims of trafficking, although IOM and local organizations provided rented houses and reintegration services to rescued trafficking victims in Puntland and Somaliland. These facilities were dedicated to trafficking victims and accessible to male and female Somali and foreign victims. These organizations also placed child victims with families for care. During the reporting period, IOM and its local partners provided medical and psychological assistance, food, clothes, vocational training, and seed money for establishing small businesses to 27 victims of trafficking – five in Puntland and 22 in Somaliland. IOM reported that clan elders referred a total of 68 suspected trafficking victims in Somaliland and Puntland to its attention, including five in Puntland, 62 in Somaliland, and one in Kenya. Neither the governments of Puntland, TFG, nor Somaliland provided financial or in-kind assistance to these organizations. During the reporting period, Somaliland immigration officials, the Crime Investigation Department within the police, and social services providers began using an IOM-developed screening checklist to refer potential trafficking cases to IOM. Officials from Puntland and Somaliland governments also formalized a referral process to guide officials in transferring trafficking victims detained, arrested, or placed in protective custody to NGOs that provided care. In July 2011, TFG forces arrested and jailed three boys (12, 13, and 14 years of age) for association with military activities. Despite requests made by local elders, the TFG refused to release the boys.

No governments made known efforts to prevent trafficking in persons, neither conducting anti-trafficking information or education campaigns nor making any discernible efforts to reduce the demand for commercial sex acts. IOM facilitated the formation of Counter Trafficking Task Forces (CTTF) in both Puntland and Somaliland, which were comprised of representatives from several ministries. It also provided two months of training for the task force members to develop action plans to combat trafficking; however, due to a lack of project funding and ministry turn-over in both governments, the action plans were not completed during the reporting period. In November 2011, the TFG entered into negotiations to finalize a UN-sponsored action plan to address the recruitment and use of child soldiers. In December, the TFG's Chief of Staff of the National Security Force appointed two child protection points of contact. The TFG agreed to allow third-party monitoring of its training facilities located in Uganda. Somalia is not a party to the 2000 UN TIP Protocol.

