

## Protection

During the year, the government made modest progress in protecting trafficking victims, while demonstrating improved partnerships with NGOs and international organizations to identify and provide services to victimized women and children. As it did in Damascus during the previous reporting period, the government donated building space for a trafficking victims' shelter in Aleppo, which opened in January 2010. These two shelters, operated by local NGOs, offered legal, medical, and psychological counseling services to approximately 30 female trafficking victims in 2009. The government continued to lack procedures for identifying potential victims among vulnerable populations; as a result, victims of trafficking may have been arrested and charged with prostitution or violating immigration laws before being deported or punished. There were reports, however, that some women arrested on such charges and subsequently identified as victims of trafficking were referred to shelters; this is a positive development. In 2009, for example, the Ministry of Social Affairs and Labor referred 21 Asian labor trafficking victims to the shelter in Damascus. Despite this, referral of victims to shelters remained *ad hoc* and inconsistent, at times requiring lobbying from NGOs or international organizations to secure their release from detention centers. In limited cases, immigration authorities worked with foreign embassies, international organizations, and NGOs to establish the identity and citizenship of victims and provide needed assistance. The government did not encourage victims to assist in investigations or prosecutions of their traffickers and did not provide foreign victims with legal alternatives to their removal to countries in which they may face hardship or retribution.

## Prevention

During the past year, the government made modest efforts to prevent trafficking. It did not conduct any campaigns to educate government officials or the general public about trafficking. In early 2010, the government began drafting a national plan of action against trafficking. In March 2009 and in partnership with IOM, the Ministry of Social Affairs and Labor co-hosted a conference on preventing the exploitation of and providing protective services to abused domestic workers. In 2009, the government monitored public and private-sector industries through surprise inspections to ensure no children under the age of 15 were employed, but did not release statistics on the results of these inspections. While the work of domestic servants is not covered under Syria's labor law, newly promulgated Decree 27 of March 2009 and Decree 108 of December 2009 provide stricter regulations concerning domestic worker recruitment agencies and guidelines for employment contracts; enforcement of these decrees could prevent forced labor. These decrees allow the Prime Minister's Office to revoke an agency's license if it: fails to repatriate domestic workers at its own expense; imports domestic workers under the age of 18 or under false pretenses; or physically abuses, tortures, or exploits

a domestic worker. In addition, they require employment contracts be issued by the Ministry of Interior and contain standardized regulations regarding the provision of monthly paychecks, clothing, food, medicine, living quarters, and time off. Beyond prosecuting clients and brothel proprietors, the government took no specific actions to reduce the demand for commercial sex acts. Syria is not a party to the 2000 UN TIP Protocol.

## TAIWAN (Tier 1)

Taiwan is a destination, and to a much lesser extent, source and transit territory for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Most trafficking victims in Taiwan are workers from Vietnam, Thailand, Indonesia, and the Philippines, employed through recruitment agencies and brokers to perform low-skilled work in Taiwan's manufacturing industries and as home caregivers and domestic workers. Many of these workers fall victim to labor trafficking by unscrupulous brokers and employers, who force workers to perform work outside the scope of their contract and often under exploitative conditions. Some employers of domestic workers and home caregivers forbid their employees from leaving their residences, except on days off, making them extremely vulnerable to labor trafficking and other abuses and unable to seek help. Some women and girls from the China and Southeast Asian countries are lured to Taiwan through fraudulent marriages and deceptive employment offers for purposes of commercial sexual exploitation and forced labor. Migrant workers are reportedly charged up to \$7,700 in recruitment fees typically in their home countries, resulting in substantial debt that may be used by brokers or employers as a coercive tool to subject the workers to forced labor. Labor brokers often assist employers to forcibly deport "problematic" employees, thus allowing the broker to fill the empty quota with a new foreign worker who must pay brokerage fees, which may be used to maintain them in a situation of forced labor. Brokers used threats and the confiscation of travel documents as a means to control workers. Some women from Taiwan are recruited through classified ads to travel to Japan, Australia, the UK, and the United States for employment, where they are forced into prostitution. Taiwan is a transit territory for Chinese citizens who enter the United States illegally and may become victims of debt bondage and forced prostitution in the United States.

Taiwan authorities fully comply with the minimum standards for the elimination of trafficking. During the reporting period, Taiwan authorities identified 329 trafficking victims and provided victims with work permits, allowing them to earn income while assisting in the prosecution of their traffickers. Authorities also conducted training for law enforcement officials on victim identification and protection, and partnered with NGOs and foreign governments to improve their response to human trafficking on the island. Taiwan's efforts to

prosecute offenders of both sex and labor trafficking should be improved. Authorities should continue to train law enforcement officials, prosecutors, and judges on the 2009 anti-trafficking law and make robust efforts to investigate, prosecute, and convict both sex and labor trafficking under this law.

**Recommendations for Taiwan:** Extend labor protections to all categories of workers including workers in the domestic service sector and caregivers to prevent labor trafficking; continue efforts to investigate, prosecute, and convict trafficking offenders using the anti-trafficking law enacted in June 2009; ensure that convicted trafficking offenders receive sufficiently stringent sentences; continue to expand the training of victim identification measures and the anti-trafficking law to law enforcement personnel, prosecutors, and judges; conduct anti-trafficking training for officials in the Council of Labor Affairs (CLA) and labor inspectors; make efforts to ensure victims are aware of the option to assist in prosecutions and understand the implications of their participation; increase coordination between prosecutors and NGOs sheltering victims to keep victims informed of the status of their cases; accelerate funding mechanisms for government-to-NGO victim protection programs; increase efforts to identify and fund foreign language translators for shelters and hotline staff; and, continue efforts to increase public awareness about all forms of trafficking.

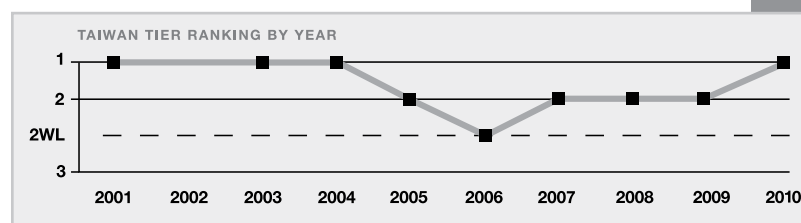
### Prosecution

Taiwan authorities made progress in anti-trafficking law enforcement during the reporting period. Taiwan's Human Trafficking and Prevention Control Act, which went into effect in June 2009, combined with portions of the Criminal Code, criminalizes trafficking for both commercial sexual exploitation and forced labor, and provides up to seven years' imprisonment – penalties commensurate with those prescribed for other serious crimes. The Labor Standards Law, which prohibits forced labor, does not apply to an unknown number of Taiwan nationals and the nearly 160,000 foreign workers employed as private nursing caregivers and domestic workers – approximately half of Taiwan's migrant workforce. Authorities reported four sex trafficking convictions under Article 231-1 and 10 convictions under Article 296-1, which prohibits interference of personal freedom, and sentenced the 12 offenders to three to 10 years' imprisonment. Three trafficking convictions under Article 296-1 involved a labor brokerage group that confiscated workers' documents and forced workers to open bank accounts and apply for debit cards, which were confiscated. The workers' salaries were directly deposited to their bank accounts, to which the brokers had sole access. The case is currently under appeal. The Ministry of Justice reported at the end of 2009 there were four cases being prosecuted under the anti-trafficking law enacted in 2009, involving 43 alleged offenders; these cases have not yet completed trial. There were continued reports some local officials took bribes to turn a blind eye

to trafficking, and allegations some legislators attempted to influence local Bureau of Labor Affairs' mediation sessions between employers and migrant workers to the employer's favor. Authorities did not investigate or prosecute any officials for trafficking-related corruption during the reporting period.

### Protection

During the reporting period, authorities greatly improved efforts to identify and protect victims of trafficking. Victim identification efforts improved during the reporting period, and NGOs reported the identification of more victims by government authorities. In 2009, 329 victims were placed in these shelters, an increase from 65 trafficking victims sheltered in 2008. Authorities utilize formal victim identification procedures, though some observers note victim identification was inconsistent and should be further improved. NGOs asserted some trafficking victims were not identified by authorities and instead held in immigration detention facilities. The National Immigration Agency (NIA) partnered with NGOs to open two new shelters for trafficking victims in 2009. There are a total of 19 shelters dedicated to sheltering trafficking victims under the administration of various government agencies. The NIA and CLA formed partnerships with local NGOs to manage the shelters and provide victim support services, including medical, financial, and legal assistance; psychological counseling; interpretation assistance; language classes; and, occupational training programs. Authorities allowed NGOs to visit detention facilities and conduct their own victim identification process, and the government recognized three victims identified by NGOs in this manner. Shelter operators assisted victims in finding employment and provided residents with bicycles or transportation services for their transportation to work. National Immigration Agency shelters began to allow some victims, who found work further from the shelters, to reside off-campus. While victims legally had the option of whether or not to assist in the prosecution of their traffickers, NGOs noted many victims did not fully understand this option or were not informed of the judicial process.



Since the implementation of the new anti-trafficking law began in June 2009, trafficking victims received continued residency and temporary work permits. These measures significantly improved victim treatment and led to greater victim cooperation in trafficking prosecutions. Nevertheless, the length of trials and lack

of communication between shelter staff and prosecutors should be improved. Taiwan law allows victims to be questioned or cross-examined outside the court or via video conference, or other methods to separate the victim from the defendant, or in cases where the victim has returned to his or her country, though this option has not yet been practiced under the new law. The anti-trafficking law also allows courts to accept statements made by trafficking victims as evidence in a trial if the victim is unable to testify due to psychological or physical trauma or has returned to his or her country. Victims who face threats on return to their home countries have the opportunity to obtain permanent residency in Taiwan, though no victims have yet received this new benefit. The National Immigration Agency's budget for trafficking victim assistance services was over \$1.5 million; however, its budget for 2010 is \$1.1 million. CLA allocated \$3.4 million for 25 Foreign Labor Consultant Service Centers and two International Airport Service Centers, which provide migrant workers with administrative and legal advice and referral services. These centers collectively recovered \$3.7 million in 2,485 wage dispute cases. The Immigration Act allows foreign workers to legally remain in Taiwan until pending claims against their employers are fully resolved. Authorities used the Money Laundering Act to freeze a suspected labor trafficking offender's assets to make them available as restitution to victims if the offender is convicted. CLA contracted a local NGO to run a new 24-hour worker counseling hotline in five languages, which received over 40,000 calls in the last half of 2009. Hotline operators report being unable to find enough qualified operators to staff the hotline in all of the required languages; some observers note adjusting labor laws limiting the industries which migrant workers may find employment would alleviate this problem. Taiwan also continued operation of an island-wide hotline for foreign spouses seeking assistance.

### Prevention

Taiwan authorities' efforts to combat trafficking abroad were hampered by a lack of formal diplomatic relations with source country governments and an inability to participate in regional fora and international organizations. Furthermore, authorities failed to provide labor protections to the estimated 160,000 foreign workers in the domestic service sector which may have contributed to the prevention of forced labor among this vulnerable group of migrants. In 2009, authorities amended regulations to forbid employers from collecting loan payments or other fees and deductions from foreign workers. Taiwan demonstrated a commitment to trafficking prevention efforts, spending over \$1.6 million in anti-trafficking public awareness campaigns in 2009, an increase from the previous year. The Ministry of Interior ran anti-trafficking advertisements in newspapers and public spaces, including movie theaters, subway stations, and buses. Authorities initiated an outreach program to enhance foreign workers' understanding of their rights and resources available

to them under Taiwan law, which included handing out over 400,000 bilingual service cards and multi-lingual pamphlets on workers' rights, and publishing public service announcements in foreign language publications circulated among Taiwan's migrant worker population. Authorities also printed and distributed pocket cards with trafficking warning indicators to local police, and also published anti-trafficking field manuals for law enforcement, immigration, detention, and judicial officials, which included victim identification procedures, case management guidelines, and relevant laws and regulations. Authorities conducted numerous anti-trafficking training and conferences, and partnered with NGOs and foreign officials to participate in these events. In 2009, over 4,500 Taiwan officials, academic, civic groups, and first responders received anti-trafficking training. Taiwan's 2010 anti-trafficking action plan formalizes partnerships between authorities, NGOs, and academics into an interagency task force that meets every two months to coordinate anti-trafficking efforts. Authorities did not make efforts to reduce the demand for commercial sex acts during the year. A ban on for-profit marriage brokers took effect during the reporting period; there are currently 23 non-profit marriage agencies registered in Taiwan. The Children's Welfare Bureau conducted child sex tourism awareness campaigns through the Internet, press conferences, advertisements, a commercial film, and an online game. The bureau also sent to travel agencies 50,000 baggage tags with information on how to recognize and report child sex tourism. While Taiwan has a law with extraterritorial application criminalizing the sexual exploitation of children by Taiwan passport holders traveling abroad, authorities have not prosecuted anyone for child sex tourism abroad since 2006.

## TAJIKISTAN (Tier 2 Watch List)

Tajikistan is a source country for women and children subjected to trafficking in persons, specifically forced prostitution, and for men, women, and children in conditions of forced labor. Women from Tajikistan are subjected to forced prostitution in the UAE, Russia, Saudi Arabia, and Turkey. These women often transit Kyrgyzstan before reaching their destination country. IOM estimates that a significant percentage of Tajikistan's one million labor migrants are victims of forced labor, primarily after voluntarily migrating to Russia in search of work. Men from Tajikistan are subjected to conditions of forced labor in Russia's agricultural and construction sectors and, to a lesser extent, the same sectors in Kazakhstan and Afghanistan. Tajik children are exploited within Tajikistan during the annual cotton harvest. Tajik children are also trafficked within Tajikistan for prostitution and forced labor, including forced begging. Some adult government employees, including doctors and teachers, were required by Tajik authorities to pick cotton for up to two weeks in lieu of their regular duties during the 2009 cotton harvest.

Some teachers were forced to pick cotton in addition to their regular duties and were not compensated for this labor.

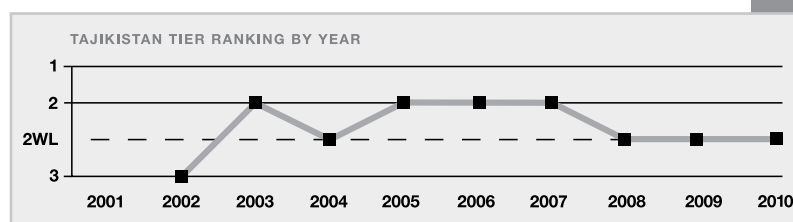
The Government of Tajikistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making made significant efforts to do so. Despite these efforts, the government did not demonstrate progress in ending its practice of compelling adults and children to pick cotton during the annual harvest and did not investigate, prosecute, convict, or punish any officials complicit in this forced labor. Therefore, Tajikistan is placed on Tier 2 Watch List for the third consecutive year. A partnership that the government had forged with law enforcement authorities in Dubai led to the identification and repatriation of at least 10 victims of forced prostitution in February 2010.

In April 2009, the president issued a decree banning the use of student labor used during the harvest, including forced child labor. In many cotton-growing districts, however, this decree was not implemented. In some cases, local government officials required school administrators to force schoolchildren to work in the cotton fields. Children in many villages were transported directly from school to the fields, often without parental permission. Teachers in many towns threatened students with expulsion, or scolded them in front of their classmates, if they did not comply. Some students were forced to work in the fields as early as age 9, received little or no pay for their labor, and often received no food while working. Unlike in the past, however, schools remained open and students attended class during the cotton harvest.

**Recommendations for Tajikistan:** Enforce the prohibition of coerced labor of children and adults in the annual cotton harvest through such practices as monitoring school and university attendance and inspecting cotton fields during the harvest; vigorously investigate and prosecute trafficking offenses, especially those involving forced labor, and convict and punish trafficking offenders, including local officials who force individuals to participate in the cotton harvest, with imprisonment; educate school administrators about Tajik laws against forced labor; increase funding and resources available to the anti-trafficking police unit; continue to build partnerships with foreign counterparts in order to conduct joint law enforcement investigations and repatriate Tajik victims from abroad; develop a formal victim identification and referral mechanism; continue to provide victim identification and victim sensitivity training to border guard and law enforcement authorities; encourage NGO care providers to be present during victim interviews with law enforcement; provide financial or in-kind assistance to existing trafficking shelters; make efforts to improve trafficking data collection and analysis; and conduct a trafficking awareness campaign targeting both rural and urban parts of the country, including raising awareness in rural villages about how offers of marriage may be used to deceive women and traffic them into forced prostitution.

## Prosecution

The Government of Tajikistan reported modest anti-trafficking law enforcement efforts during the reporting period. However, it again did not address systemic government complicity in the use of forced or coerced labor during the annual cotton harvest. Article 130.1 of the criminal code prohibits both commercial sexual exploitation and forced labor, and prescribes penalties of five to 15 years' imprisonment, which are sufficiently stringent and commensurate with other serious crimes, such as rape. Although it was added to the criminal code in 2003, officials have not yet successfully used Article 130.1 to prosecute any trafficking offenders. The government has opened at least two cases under Article 130.1 since the government forged a partnership with law enforcement authorities in Dubai.



In 2009, authorities reported investigating at least nine individuals suspected of trafficking, compared with 23 trafficking investigations in 2008. The government reported prosecuting at least three cases for human trafficking against nine individuals in 2009, compared with 23 cases prosecuted in 2008. Courts convicted three trafficking offenders in 2009, compared with 17 convictions reported in 2008. Investigation, prosecution, and conviction data reported in 2008 likely included cases involving baby selling, which is activity that is beyond the scope of this report. The government reported that three individuals were sentenced for terms of five to 10 years' imprisonment for trafficking offenses in 2009.

Tajik law enforcement made concerted efforts to forge stronger anti-trafficking partnerships with counterparts in the UAE and Russia during the reporting period. For example, in February 2010 five Tajik law enforcement officials traveled to Dubai to facilitate a sex trafficking investigation, which subsequently resulted in the repatriation at least three Tajik victims of forced prostitution and the identification of 10 suspected traffickers; the investigation was on-going at the conclusion of the reporting period. Despite this progress, very limited financial resources allocated to the anti-trafficking unit and the general high police turn-over rate continued to stymie Tajikistan's ability to combat human trafficking.

Reports of children and adults forced or coerced to pick cotton in some regions during the 2009 cotton harvest were not followed up by government efforts to investigate, prosecute, convict, or punish any officials complicit in this criminal activity. In 2008, authorities investigated 12



local government officials and teachers for forcing school age and university students to pick cotton; some of those education officials were reprimanded for their actions, but no officials were convicted of criminal offenses based on this conduct in 2008.

### Protection

The government demonstrated modest efforts to assist trafficking victims during the reporting period. Tajik diplomats in Dubai reported that they provided shelter to nine victims of sex trafficking at the government's Consulate General in 2009. The State National Security Committee referred at least 10 victims to IOM for assistance following a Tajik police investigation in the UAE in February 2010. The government worked with OSCE to develop systematic procedures for victim identification and referral for assistance. However, these procedures were not finalized or implemented during the reporting period. Foreign-funded NGO shelters remained the primary source of victim services – including shelter, medical assistance, rehabilitative counseling, legal aid, and vocational training – available in Tajikistan. The government did not provide financial or in-kind assistance to any NGO or organization that provided victim assistance in 2009. The government, however, increased its diplomatic staffing in the UAE and Russia to assist trafficking victims and to coordinate with local immigration officials in trafficking cases. All the victims identified during this trip were kept in a temporary police detention facility in UAE prior to their repatriation to Tajikistan. In 2009, IOM assisted 48 victims, compared with 38 victims in 2008. In total, IOM and the government identified at least 63 victims of trafficking during the reporting period. Government authorities assisted with the repatriation of 12 victims from Dubai during the reporting period. Victims were encouraged to participate in trafficking investigations and prosecutions. However, some authorities remained untrained and unskilled in interviewing and caring for victims of trafficking. There were no reports of identified victims fined or otherwise penalized by government officials for unlawful acts as a direct result of their being trafficked during the reporting period.

### Prevention

Tajikistan demonstrated limited efforts to raise awareness of trafficking during the reporting period. The government conducted a limited anti-trafficking informational campaign in 2009. The Prosecutor General's Office reported that in 2009 officials appeared on two Tajik television programs to promote awareness of human trafficking. The government did not fund any NGOs that conducted awareness efforts. The officials reported that these programs were shown on a recurring basis. NGO's interviews with sex trafficking victims in Dubai revealed that many recruiters traveled to rural villages in Tajikistan and promised women marriage to wealthy Arab men in the UAE.

## TANZANIA (Tier 2 Watch List)

Tanzania is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. The incidence of internal trafficking is higher than that of transnational trafficking, and is usually facilitated by family members, friends, and brokers' offers of assistance with education or finding lucrative employment in urban areas. The use of young girls for forced domestic labor continues to be Tanzania's largest human trafficking problem. Girls from rural areas of Iringa, Singida, Dodoma, Mbeya, Morogoro, and Bukoba regions are taken to urban centers and Zanzibar for domestic servitude; some domestic workers fleeing abusive employers fall prey to forced prostitution. Tourist hotels reportedly coerce some Tanzanian and Indian girls employed as cleaning staff into prostitution. Boys are subjected primarily to forced labor on farms, but also in mines, in the informal sector, and possibly on small fishing boats. Smaller numbers of Tanzanian children and adults are subjected to conditions of involuntary domestic servitude and commercial sexual exploitation in surrounding countries, South Africa, Saudi Arabia, the United Kingdom, and possibly other European countries. During the year, trafficking victims, primarily children, from Burundi, Rwanda, Kenya, and Uganda were identified in Tanzania, particularly in the agricultural, mining, and domestic service sectors. Malawian men are subjected to forced labor as fishermen on Tanzania's lakes. Indian women legally migrate to Tanzania for work as entertainers in restaurants and nightclubs; some are reportedly forced into prostitution after their arrival. Small numbers of Somali and Chinese women are also subjected to conditions of commercial sexual exploitation in Tanzania. Citizens of neighboring countries may voluntarily migrate through Tanzania before being forced into domestic servitude and prostitution in South Africa, Europe, and the Middle East.

The Government of Tanzania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government made little progress in implementing its 2008 anti-trafficking law, in part due to poor inter-ministerial coordination and lack of understanding of what constitutes human trafficking; most government officials remain unfamiliar with the act's provisions or their responsibility to address trafficking. Moreover, the ministries involved in anti-trafficking efforts failed to communicate or cooperate with each other and had no budgetary resources allocated to combating the crime. The government, which has never convicted a trafficking offender, charged only one suspected trafficker during the reporting period and achieved no convictions. Therefore, Tanzania is placed on Tier 2 Watch List.

**Recommendations for Tanzania:** Enforce the Anti-Trafficking in Persons Act by prosecuting and punishing

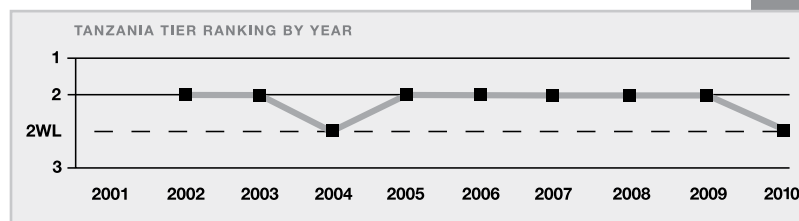
trafficking offenders; following the formation of the Anti-Trafficking Secretariat by the Ministry of Home Affairs and the presidential naming of a Secretary to coordinate inter-ministerial efforts, begin implementation of the law's protection and prevention provisions; establish policies and procedures for government officials to proactively identify and interview potential trafficking victims and transfer them to the care, when appropriate, of local organizations; establish an anti-trafficking fund to support victims, as required under the law; begin compiling trafficking-specific law enforcement and victim protection data at the national level; and provide additional training to law enforcement authorities on anti-trafficking detection and investigative methods.

### Prosecution

The Tanzanian government made negligible anti-human trafficking law enforcement efforts during the reporting period. As in previous years, the government failed to convict trafficking offenses during the reporting period, and was unable to provide information on cases reported in previous periods. The Anti-Trafficking in Persons Act of 2008, which came into effect in February 2009, outlaws all forms of trafficking and prescribes punishments of one to 20 years' imprisonment, punishments that are sufficiently stringent, but not commensurate with those prescribed for other serious crimes. In November 2009, Parliament passed the Child Act which prohibits but does not prescribe punishment for forced child labor. The government investigated cases of human trafficking, but did not secure any convictions. In December 2009, for example, police in Tarime District investigated the case of two men who allegedly abducted two children from Isebania, Kenya and attempted to sell them at a mining site in the Nyamongo area; investigators referred the case to the Director of Public Prosecution's office in Mwanza for prosecution and it will proceed to trial following the completion of preliminary hearings. These men were the first individuals to be charged with a crime under the anti-trafficking law. In December 2009, Tanzanian police assisted British investigators in locating and accessing witnesses in southern Tanzania, following the arrest of two Tanzanians in Birmingham on charges of perpetrating forced labor offenses against their Tanzanian domestic worker. Although the Tanzanian Ministry of Labor, Employment and Youth Development reportedly conducted inspections and issued warnings to violators of child labor statutes, there were no forced child labor cases brought to court in 2009. Likewise, Zanzibar's Ministry of Labor, Youth, Women, and Child Development did not take legal action against any cases of forced child labor. The Office of the Director of Public Prosecution began implementing an electronic case management system countrywide, which will enable the future systematic tracking of cases involving all types of crimes, including human trafficking. Newly-hired law enforcement and immigration officials received anti-trafficking training as part of their introductory coursework.

### Protection

The Tanzanian government's efforts to protect victims of trafficking during the reporting period were modest and suffered from a lack of resources. It continued to rely on NGOs to provide care for victims of trafficking; NGO facilities for shelter and specialized services were limited to urban areas. While the government lacked systematic victim referral procedures, NGOs reported that police, social welfare officers, and community development officers identified and referred approximately 47 trafficking victims to their organizations for protective services in 2009; these government officials also occasionally provided food, counseling, and assistance with family reunification. In the previous reporting period, the government had engaged in partnerships with IOM and NGOs to draft a plan for the referral of trafficking victims for care; it is unclear whether this mechanism was officially instituted or used nationwide in 2009. In December 2009, Tanzanian police worked in partnership with Kenyan authorities to repatriate two Kenyan child trafficking victims to their home country. A 24-hour crime hotline staffed by police officers was available for citizens to make reports about suspected trafficking victims; the hotline received no trafficking tips in 2009. The government did not provide information on the participation of Tanzanian victims in anti-trafficking investigations and prosecutions; the lack of national procedures for victim identification likely led to the deportation of foreign victims before they were identified or able to give evidence in court. The government usually treated foreign victims as illegal migrants and housed them in prisons until deportation. The Anti-Trafficking in Persons Act provides foreign victims legal alternatives to their removal to countries where their safety or the safety of their families may be endangered; the government did not encounter a case that necessitated utilizing these provisions during the reporting period. In December 2009, the Ministry of Health and Social Welfare signed an MOU with IOM to build the capacity of the Department of Social Welfare to assist victims of trafficking.



### Prevention

The government made moderate efforts to prevent human trafficking during the year. Understanding of what constitutes trafficking remained low among government officials and no government ministries launched formal anti-trafficking outreach or awareness raising activities. In December 2009, the Ministry of Foreign Affairs transferred its chairmanship of the inter-ministerial

coordinating committee on human trafficking to the Department of Social Welfare; this committee, which only meets once a year, has, since its establishment in 2006, been an ineffective mechanism for information sharing or coordination of national anti-trafficking efforts. The Ministry of Labor's Child Labor Unit could not provide data on the number of child labor complaints it received in 2009 or the number of exploited child laborers identified and withdrawn by its 90 Labor Officers; inspectors continued to face myriad challenges, including chronic understaffing and lack of transportation to inspection sites. Some local governments allocated funds to respond to child labor and trafficking; Iguna District Council, for example, committed \$5,200 for child labor-related activities in 2009. Local officials also continued partnerships with ILO-IPEC and various NGOs to identify and withdraw an unknown number of children from various forms of forced labor and provide them with educational opportunities. In past reporting periods, some districts incorporated prohibitions against child labor into their by-laws. While there were no reports of local governments taking legal action against parents whose children were absent from school, the resulting fear of penalties is believed to have reduced child labor. Some social welfare officers used IOM-provided materials to informally educate members of the communities in which they work. The government did not make any efforts to reduce the demand for forced labor or commercial sex acts during the reporting period. All Tanzanian soldiers completed a module on the respect of human rights and anti-trafficking interventions as part of their basic curriculum. The government provided additional human rights training, including sessions on women's rights, the protection of civilians, and international humanitarian law, to Tanzanian troops prior to their deployments abroad on international peacekeeping missions.

## THAILAND (Tier 2 Watch List)

Thailand is a source, destination, and transit country for men, women, and children who are subjected to trafficking in persons, specifically forced labor and forced prostitution. Individuals from neighboring countries and from as far away as Russia and Fiji migrate to Thailand fleeing conditions of poverty. Migrants from Burma, who make up the bulk of migrants in Thailand, seek economic opportunity and escape from military repression. The majority of trafficking victims identified within Thailand are migrants who have been forced, coerced, or defrauded into forced labor or commercial sexual exploitation. Trafficking victims within Thailand were found employed in maritime fishing, seafood processing, low-end garment production, and domestic work. In particular, Burmese, Cambodian, and Thai men were found trafficked onto Thai fishing boats that traveled throughout Southeast Asia, and who remained at sea for up to several years, did not receive pay, and were threatened and physically beaten. Observers noted that traffickers (including

labor brokers) who bring foreign victims into Thailand generally work as individuals or in unorganized groups, while those who enslave Thai victims abroad tend to be more organized. Migrants, ethnic minorities, and stateless people in Thailand are at a greater risk of being trafficked than Thai nationals. Undocumented migrants remain particularly vulnerable to trafficking, due to their economic status, education level, language barriers, and lack of understanding of their rights under Thai law. Some children from neighboring countries have been forced to sell flowers, beg, or work in domestic service in urban areas. Most Thai trafficking victims abroad who were repatriated back to Thailand with assistance from the Thai government had been exploited in Bahrain, Malaysia, the Maldives, and Singapore. Some Thai men who migrate for low-skilled contract work in Taiwan, Malaysia, South Korea, Israel, the United States, and Gulf States are subjected to conditions of forced labor and debt bondage. During the year, Thai workers were subjected to conditions of forced labor in Sweden, Poland, and the United States for work in slaughterhouses, on construction sites, and on farms. Men are generally trafficked within Thailand for the purpose of labor, although women and children are also trafficked in labor cases. Commercial sexual exploitation and forced prostitution generally involve victims who are women and girls. Sex tourism has historically been a significant problem in Thailand, and likely is a factor in trafficking for commercial sexual exploitation.

The Government of Thailand does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued implementation of its comprehensive anti-human trafficking law that came into force in 2008, continued training on the law, and conducted awareness-raising activities on human trafficking. Despite these significant efforts, the government's overall effort to address forced labor and forced prostitution of foreign migrants and Thai citizens did not make adequate progress; therefore Thailand is placed on Tier 2 Watch List. The Thai government made limited efforts to identify trafficking victims, but reports and confirmed cases of large numbers of trafficking victims exploited within the country and Thai citizens exploited in other countries persisted. While corruption is believed to be widespread within the Thai law enforcement community, the government did not report investigations into any trafficking-related cases. Given the significant scope and magnitude of trafficking in Thailand, there were a low number of convictions for both sex and labor trafficking, and of victims identified among vulnerable populations.

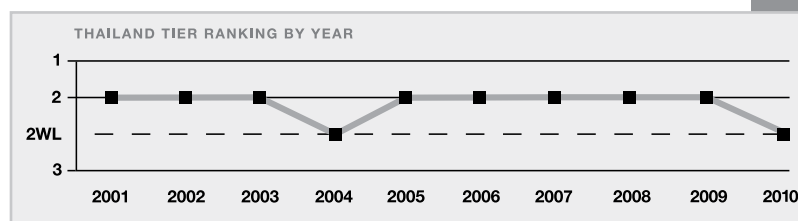
**Recommendations for Thailand:** Improve efforts to identify victims of trafficking among vulnerable populations, in particular undocumented migrants; increase efforts to investigate, prosecute, and convict both sex and labor trafficking offenders; improve efforts to investigate, prosecute, and convict officials engaged in

trafficking-related corruption; ensure that offenders of fraudulent labor recruitment and exploitation of forced labor receive stringent criminal penalties; improve labor inspection standards and procedures to better detect workplace violations, including instances of trafficking; allow all adult trafficking victims to travel, work, and reside outside of shelters; provide legal alternatives to the removal of trafficking victims to countries in which they would face retribution or hardship; develop and implement mechanisms to allow adult foreign trafficking victims to reside in Thailand, as well as to seek and find employment outside shelters; ensure complaint mechanisms such as hotlines are staffed by personnel conversant in migrants' languages; make greater efforts to educate migrant workers on their rights, their employers' obligations to them, legal recourse available to victims of trafficking, and how to seek remedies against traffickers; and increase anti-trafficking awareness efforts directed at employers and clients of the sex trade.

### Prosecution

The Thai government made limited progress in its anti-trafficking law enforcement efforts during the reporting period. The Royal Thai Police reported investigating 134 trafficking cases from June 2008 to November 2009, but was unable to provide any details regarding cases it reported to involve trafficking during the year. The Office of the Attorney General reported that prosecutors initiated 17 trafficking-related prosecutions in 2009 and eight in the first two months of 2010. Thailand's 2008 anti-trafficking law criminally prohibits all forms of trafficking and prescribes penalties from four to ten years' imprisonment – penalties that are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. At least eight trafficking-related convictions were handed down in 2009, including five in labor-trafficking related cases. Sentences for offenders convicted in 2009 in trafficking-related cases ranged from two years to death, though some convicted offenders were released pending appeal. Frequent personnel changes hampered the government's ability to make greater progress on anti-trafficking law enforcement efforts. The government did not report investigating or prosecuting any registered Thai labor brokers involved in the trafficking of Thai workers abroad during the year. The justice system remained slow in its handling of criminal cases, including trafficking cases. The government has not yet tried a 2006 case involving forced labor of Burmese workers in a shrimp processing factory. In November 2009, Thai courts convicted two Thai citizens for subjecting Burmese migrants to forced labor in their Samut Sakhon shrimp processing factory and sentenced them to five and eight years' imprisonment, the first human trafficking conviction involving Thailand's problematic fisheries-related industries. In November 2009, authorities, in partnership with NGOs, rescued 51 Burmese workers from a locked room near a fishing port, where it is believed they would have been sent as laborers on fishing vessels. A court

convicted one individual in this case and sentenced him to two years' imprisonment; the case reportedly remains under investigation. Authorities have not arrested any offenders involved in the July 2006 case of 39 deaths on a fleet of six fishing vessels from conditions of malnutrition due to the captains' failure to provide food and freedom to the seafarers. Corruption remained widespread among Thai law enforcement personnel, and there were reports that local police, including some who have taken anti-trafficking training, protected brothels, other commercial sex venues, and seafood and sweatshop facilities from raids or inspections. There was no information indicating that there was any tolerance for trafficking at an institutional level. Nonetheless, the government did not report investigations or prosecutions of Thai officials for trafficking-related corruption.



### Protection

The Thai government demonstrated mixed efforts to protect foreign and Thai victims of trafficking. Thai immigration authorities reported identifying at least 60 victims of trafficking in 2009, although observers asserted improved efforts are needed to identify victims of trafficking among vulnerable populations, including among thousands of foreigners deported for immigration violations each month. The Ministry of Social Development and Human Security (MSDHS) reported 530 foreign trafficking victims identified and assisted in 2009, most of whom were victims of forced labor, as well as 79 Thai citizens who were repatriated after being trafficked abroad. The Ministry of Foreign Affairs reported assisting and repatriating 309 Thai nationals classified as trafficking victims. Thai law protects identified victims from being prosecuted for acts committed as a result of being trafficked. However, adult trafficking victims identified by authorities were sometimes detained in government shelters for up to several years. Foreign victims could not opt to reside outside of shelters or leave before Thai authorities were prepared to repatriate them. The Thai government opened three additional trafficking shelters for men, who were recognized under Thai law in 2008 as potential victims. The government refers victims of trafficking to one of nine long-stay regional shelters run by the MSDHS, where they receive psychological counseling, food, board, medical care, and legal assistance. Foreign trafficking victims are not offered legal alternatives to their removal to countries where the victims may face hardship or retribution. Though Thailand's 2008 trafficking law



contains a provision for granting foreign victims the right to seek employment while awaiting conclusion of legal processes, the Thai government does not appear to have provided victims with this right. As such, foreign victims of trafficking are not provided the same opportunities as other foreign nationals who seek and receive permission to work in Thailand. During the year, the government revised and redistributed systematic trafficking victim screening procedures to guide law enforcement and other front line responders in the process of victim identification.

The formal repatriation process between Thai and foreign authorities was often lengthy, sometimes causing victims to remain in government shelters for up to several years. This resulted in attempts by some victims to escape from government shelters. The government provided limited incentives for victims to participate in the investigation and prosecution of their traffickers, including reported efforts to help victims receive compensatory damages from employers in forced labor cases, but reports indicate that the government did not systematically make victims aware of this option. Long stays in shelters in some cases acted as disincentives to doing so. Language barriers, fear of traffickers, distrust of government officials, slow legal processes, and the inability to earn income during trial proceedings all played a role in the decision of some victims to not participate in the Thai legal process, including criminal prosecutions. During the year, the Thai government implemented the *Nationality Verification and Granting an Amnesty to Remain in the Kingdom of Thailand to Alien Workers* program to register and protect undocumented migrants (who are more vulnerable to trafficking) by bringing them into the formal labor market and providing them with related benefits. However, observers reported concerns that Burmese migrants are vulnerable to exploitation, including trafficking, due to unique provisions of the program.

### Prevention

The Thai government made limited efforts to prevent human trafficking, including awareness raising activities by the Prime Minister and other senior officials. At times partnering with international organizations and NGOs, the government conducted various activities that targeted potential victims in high-risk groups and/or aimed to prevent and eliminate child labor and forced labor. The government did not sufficiently address some structural vulnerabilities to trafficking created by its migrant policies, namely the travel requirements and fees associated with its “nationality verification” process that increase vulnerability to debt bondage and trafficking. The Ministry of Foreign Affairs reported spending \$185,000 on trafficking protection and prevention activities throughout the year. The government implemented a trafficking awareness campaign targeted at youth in Thailand. It also partnered with NGOs to host awareness raising events, and worked with an international organization on efforts to prevent child

and forced labor. The MSDHS organized several anti-trafficking awareness sessions for government officials and civil society representatives. The Thai government cooperated in the extradition of several foreign child sex tourists, but made limited efforts to reduce the domestic demand for commercial sex acts. Thai authorities worked with NGOs in occasional police raids to shut down brothels and conducted awareness-raising campaigns targeting tourists’ demand for child sex tourism. In 2009, Thai and Burmese authorities signed a Memorandum of Understanding on cooperation in human trafficking. The Thai government also developed plans of actions under other existing agreements with Laos and Vietnam. Thailand is not a party to the 2000 UN TIP Protocol.

## TIMOR-LESTE (Tier 2)

Timor-Leste is a destination country for women from Indonesia and China subjected to trafficking in persons, specifically nonconsensual commercial sexual exploitation. To a lesser extent, it is also a destination country for men from Burma subjected to forced labor in construction and other fields, and recently for men from Cambodia and Thailand subjected to forced labor on fishing boats. Some migrant women in Dili report being locked up upon arrival, and forced by brothel ‘bosses’ and clients to use drugs and/or alcohol while providing sexual services. Some women kept in brothels were allowed to leave the brothel only if they paid USD 20 an hour. Male victims are forced to labor on fishing boats with little space, no medical care, and poor food. Traffickers used debt bondage through repayment of fees and loans acquired during their recruitment and/or transport to Timor Leste to achieve consent of some of the men laboring on the fishing vessels. Victims report traffickers subjected them to threats, beatings, chronic sleep deprivation, insufficient food and fresh water, and total restrictions on freedom of movement - victims on fishing vessels rarely or never went ashore during their time on board. Transnational traffickers may be members of Indonesian or Chinese organized crime syndicates, and the trafficking offenders who use male victims on fishing boats are reportedly Thai.

The Government of Timor-Leste does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. During the year, the government created specific prohibitions of human trafficking in its newly established Penal Code. It also enacted the Witness Protection Act, informally referred victims to NGOs for assistance, arrested suspected trafficking offenders, and offered foreign victims relief from deportation. The government, however, did not investigate persistent reports of lower-level police and immigrations officials accepting bribes from traffickers.

**Recommendations for Timor-Leste:** Increase investigations, prosecutions, and punishment of trafficking offenders; train more law enforcement

officers on victim identification; utilize provisions of the Witness Protection Act to assist trafficking victims; finish developing and institute formal national procedures for referring victims to service providers; and investigate, prosecute, and punish government officials who accept bribes from sex traffickers.

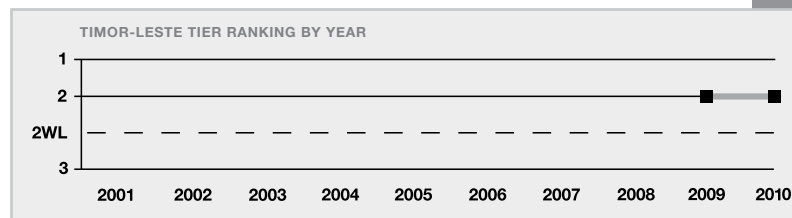
### Prosecution

The Government of Timor-Leste demonstrated an increase in anti-trafficking law enforcement efforts over the past year. The government arrested nine suspected trafficking offenders, though it has not yet prosecuted or convicted any of them. The Ministry of Justice finalized revisions to the Timor-Leste Penal Code, which defines and punishes the crime of trafficking, and provides protection to witnesses and victims. The new Penal Code built upon the Immigration and Asylum Act of 2003, which had no specific provisions for trafficking. Articles 163, 164, and 165 of the penal code specifically prohibit trafficking, and Articles 162 and 166 prohibit slavery and the sale of persons. The Articles prescribe sufficiently stringent penalties ranging from four to 25 years' imprisonment, which are commensurate with punishments prescribed under law for other serious crimes, such as rape. Specific provisions prohibit trafficking offenses committed against a "particularly vulnerable" person or a minor, which it defines as a person under 17 years of age, as opposed to 18. Although last year the government did not continue its comprehensive anti-trafficking training program for law enforcement, it worked with IOM to plan a far-reaching training program to be held during 2010. There was some evidence that border officials allegedly accept bribes to let victims enter Timor-Leste, thereby facilitating trafficking. There were also reports that some police officers in Dili accepted bribes to allow brothels where potential trafficking victims are forced to engage in prostitution to continue operating. Some international and local NGOs alleged that some lower-level members of the police frequent these establishments. No investigations have been undertaken to explore these reports.

### Protection

During the past year, the government clearly increased protections it offered to victims of trafficking. It continued to ensure victims' access to specialized protection services provided by NGOs and international organizations, as a serious lack of resources and personnel continued to limit the Timorese government's ability to provide services directly. The IOM and NGO PRADET forged a partnership with the government to establish the first shelter for trafficked women and girls, where victims have access to comprehensive direct assistance including shelter, mental and physical health care, counseling, return and repatriation, and integration/reintegration services. The Ministry of Social Solidarity (MSS) provided shelter for trafficked women and, for the first time, men upon request by IOM or other parties. NGO service providers were responsible for the day-to-day care of persons using the MSS shelter in partnerships developed with MSS. The

government did not provide long-term care for victims. It did, however, grant two foreign male victims the right to remain in the country, assisted in acquiring identity documentation from the embassy of their native country, and suspended the deportation processes. In 2009, there were no reports of detentions of trafficked persons, and the government continued to allow lower-level officials to make prompt decisions regarding foreigners' status as trafficking victims. The rights of trafficking victims were respected and victims were not penalized for unlawful acts committed as a direct result of their being trafficked. Trafficked men who have entered the country without documentation were required to appear in court, but courts no longer pursued illegal entry charges against them; victims were instead referred for assistance. Two foreign victims who did not wish to return to their home countries were offered renewable temporary residence that could lead to permanent residency. Officials encouraged trafficked persons to participate in law enforcement investigations. Within the government, so far only the Immigration Department of the Ministry of the Interior followed formal procedures to proactively identify trafficking victims among high-risk populations such as foreign women in prostitution. The government provided some training in preparation for the finalization and implementation of a national victim referral mechanism, expected to be completed in mid-2010. During the year, law enforcement agencies referred 21 confirmed cases of trafficking and four presumed cases of trafficking to IOM or to the embassies of the victims' countries of origin.



### Prevention

The Government of Timor-Leste acknowledges that trafficking is a problem in the country, and sustained its modest level of prevention and public awareness efforts in partnership with NGOs and international organizations. The Minister of Foreign Affairs chaired the Inter-Agency Trafficking Working Group (ITWG) which met three times in Dili with representatives from the civil, religious, diplomatic communities, and representatives from non-governmental and international organizations.

The ITWG established a subcommittee including three Ministries; the Migration Service; the Secretary of State for the Promotion of Equality; the Provedor for Human Rights and Justice; the National Police; the Prosecutor General's Office; and four NGOs. The subcommittee participated in training and three legislation-drafting sessions. Poster and leaflet awareness campaigns conducted by NGOs and international organizations

in cooperation with the government targeted potential victims in Dili and throughout the districts. Officials monitored immigration and emigration patterns for evidence of trafficking; immigration officials in Dili district have had some success identifying potential victims through such monitoring. The government has not taken any steps to reduce the demand for commercial sex acts.

## TOGO (Tier 2)

Togo is a country of origin and transit for men, women, and children who are subjected to trafficking in persons, specifically forced labor in Togo and commercial sexual exploitation in neighboring countries. Victims are usually from rural areas of Togo, and most are children recruited for work in the capital, Lome, as domestic servants, roadside vendors, or for the purpose of commercial sexual exploitation. Sometimes traffickers will approach a family with lucrative job offers for children in the capital, often in return for domestic goods or cash. In reality, the jobs often include conditions of forced labor, offering arduous and sometimes hazardous work, for little or no pay, and often including confinement or threats of harm if the children leave. Togolese girls and a small percentage of boys are trafficked to Benin, Gabon, Nigeria, Ghana, Cote d'Ivoire, and the Democratic Republic of the Congo to work in agricultural labor. Children from Benin and Ghana are frequently trafficked to Togo for forced labor. Trafficking offenders are both women and men, and are often Togolese, Beninese, or Nigerian. Some reports indicate Togolese women are recruited for work in Lebanon and Saudi Arabia, where they are forced into conditions of domestic servitude and prostitution. Others go to France, Germany, and other European countries for the same purposes. A Togolese woman living in the United States was arrested in 2009 and prosecuted for trafficking offenses involving 20 girls from Togo and Ghana who were working forcibly under her direction in a hair salon in New Jersey.

**Recommendations for Togo:** Pass and enact the draft law specifically prohibiting the forced labor and forced prostitution of adults; continue using existing statutes to investigate and prosecute trafficking offenses and convict and punish trafficking offenders; establish the National Committee to Combat Child Trafficking mandated in Togo's 2005 law against child trafficking, and adopt the required action plan; and raise public awareness of existing legislation criminalizing child trafficking.

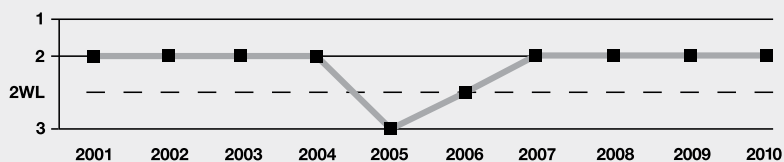
### Prosecution

The Government of Togo demonstrated increased law enforcement efforts to combat trafficking during the last year. Togo does not prohibit all forms of trafficking, though in July 2007 the government placed *en force* the country's first Child Code, which provides for the protection of children's economic, psychological, and moral rights, and prohibits child trafficking. Unlike the country's 2005 Law Related to Child Trafficking, the 2007 Child Code provided a strong definition of trafficking and prohibited child sexual exploitation, along with the worst forms of child labor and child prostitution. The child trafficking law prescribes penalties of three months' to 10 years' imprisonment, which is sufficiently stringent and commensurate with prescribed penalties for other serious offenses, such as rape. Article 4 of the 2006 Labor Code prohibits forced and obligatory labor, but provides inadequate penalties for forced labor, and did not provide definitions of either obligatory or forced labor violations. No law in Togo specifically prohibits adult sex trafficking, and the Ministry of Social Affairs (MSA) lobbied the Ministry of Justice to remedy the problem in its ongoing revision of the penal code. During the reporting period, authorities prosecuted and convicted 13 trafficking offenders in Lome; at year's end, 10 were in prison awaiting their sentences, and the remaining three were on parole and had to report to the court regularly. There was no system for reporting court convictions from trials in the interior of the country. Detained traffickers sometimes obtained their own release by paying bribes. During the reporting period the government provided specialized investigative training to police, gendarmes, border guards, customs officers, and local and regional vigilance committees on how to recognize trafficking victims.

### Protection

During the past year the government continued to ensure victims' access to protection services provided by NGOs and international organizations. With few exceptions, lack of resources and personnel limited the Togolese government's ability to provide services directly. The government did not have a formal system for identifying victims of trafficking among vulnerable groups, such as children in workplaces. The MSA managed the Tokoin Community Shelter, which received victims referred through the government's assistance hotline Allo 111. In 2009, Allo 111 received and referred over 1,300 calls, 85 of which were from trafficking victims. The MSA's Director for the Protection of Children frequently

TOGO TIER RANKING BY YEAR



The Government of Togo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. The government sustained moderate efforts to prosecute and punish trafficking offenders and protect trafficking victims. It did not, however, make progress in adopting needed legislation to criminalize the trafficking of adults.

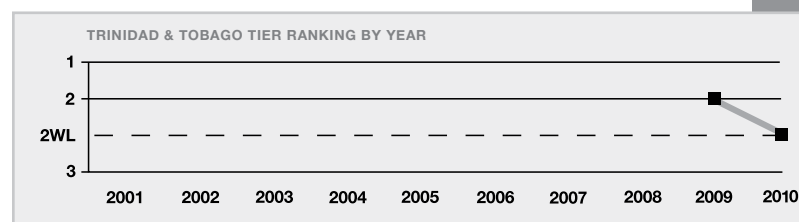
responded to victims' calls personally, accompanied them to reception points and shelters, and followed their cases through reinsertion in their home villages. Tokoin was used as an intermediary shelter for at least 24 hours before victims were transferred to care facilities managed by NGOs, which cared for 156 child victims during the year. The government attempted to locate relatives and return victims to their families, and foreign victims received the same access to shelters as domestic trafficking victims. Victims, however, did not receive legal assistance. In December 2009, the government announced creation of a fund of approximately \$550,000 to provide legal services for the indigent; victims of trafficking are eligible to receive services under this fund. The MSA also has an annually renewable fund of \$21,000 with which it paid doctors and psychologists to provide help to victims. The MSA collaborated with the Ministry of Security and with Interpol to provide guards, judiciary police, and other agents to return victims to neighboring countries with protection from possible abuse or violence. However, the government did not aid victims in rebuilding their lives. Togo did not offer permanent residency status to foreign victims, but forged partnerships with neighboring governments to ensure the victims' safe repatriation. Non-Togolese victims received a temporary visa and were not treated as illegal immigrants. The rights of victims were respected, and they were not prosecuted for breaking laws while under the influence of trafficking violators. The government encouraged victims to seek legal action against traffickers, and no one impeded victims' access to legal redress, but it was extremely rare. The government provided medical aid and shelter to its repatriated nationals.

### Prevention

The Government of Togo made weak efforts to prevent trafficking during the year. In December 2009, the government sponsored a convention on the rights of the child, which stressed anti-trafficking themes. During the reporting period, the government staged with UNICEF a workshop at which a long-awaited anti-trafficking action plan was reframed and edited by participating ministries, for adoption in 2010. However, the government has yet to create a national committee on child trafficking, as required by its 2005 child trafficking law. As a measure to prevent trafficking, the Togolese government required any child traveling within or leaving Togo to carry some form of identification issued by local authorities. The child also needed to carry a parental authorization form. In some cases, authorities intercepted victims who were not carrying these documents. The Togolese government provided anti-trafficking training to Togolese troops prior to their deployment abroad as part of international peacekeeping missions.

## TRINIDAD AND TOBAGO (Tier 2 Watch List)

Trinidad and Tobago is a destination, source, and transit country for women and children subjected to trafficking in persons, specifically forced prostitution, and children and men in conditions of forced labor. Some women and girls from Colombia, Dominican Republic, Venezuela, and Suriname who had been in prostitution in Trinidadian brothels and clubs have been identified as trafficking victims. Trinidadian trafficking victims have been identified in the United Kingdom and the United States. Undocumented economic migrants from the region and from Asia may be vulnerable to forced labor and forced prostitution. As a hub for regional travel, Trinidad and Tobago also is a potential transit point for trafficking victims traveling to Caribbean and South American destinations.



The Government of Trinidad and Tobago does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, Trinidad and Tobago is placed on Tier 2 Watch List because the government did not show progress in prosecuting and punishing trafficking crimes and protecting trafficking victims, whom the government often jailed and deported. The government's formation of a working group to substantively address its human trafficking problem portends good prospects for future improvements, and if effective legislation were adopted and enforced, the government would be poised to take the further steps in prosecuting trafficking cases and identifying and assisting victims.

**Recommendations for Trinidad and Tobago:** Draft and enact legislation that prohibits all forms of human trafficking and formalizes victim protection measures; encourage victims' assistance in the investigation and prosecution of trafficking offenses, including through provisions for legal alternatives to victims' removal to countries in which they would face retribution or hardship and provisions ensuring that identified victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked; develop formal procedures to guide officials in identifying trafficking victims and referring them to appropriate services; vigorously investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders; intensify efforts to ensure that all trafficking victims receive access to appropriate victim



services; and implement a national awareness campaign that addresses all forms of trafficking.

### Prosecution

The anti-trafficking task force, which is co-chaired by an official from the Ministry of National Security in partnership with IOM, has been overseeing the implementation of a nine-month anti-trafficking action plan and organized three subcommittees: one to draft legislation, one to develop victim assistance policies, and a third to raise public awareness; however, the government made no discernible progress in its prosecution and punishment of sex and labor trafficking offenders during the reporting period. The lack of comprehensive legislation that would make human trafficking a crime and would ensure protection of trafficking victims was a significant limitation in the government's ability to prosecute trafficking offenders and address human trafficking in Trinidad and Tobago during the reporting period. The government reported no prosecutions, convictions, or sentences of trafficking offenders. The government reported one trafficking investigation during the year, and it began extradition proceedings in February 2010 against a foreign national wanted for human trafficking in another country. The government provided logistical, human resources, and some financial support to IOM anti-trafficking training for police, immigration officers, police, and other officials during the reporting period.

### Protection

The government made minimal progress in protecting victims during the reporting period. The government did not employ systematic procedures for law enforcement authorities to proactively identify victims and refer them to available services; however, in a positive step, some law enforcement officers are reported to have taken suspected victims to shelters. The task force recently began development of guidelines for officials to refer potential victims to shelter, counseling, medical care, and interpreter assistance. The government did not provide foreign trafficking victims with legal alternatives to their removal to countries where they may face hardship or retribution. The government did not report proactively identifying any victims during the reporting period. NGOs identified foreign trafficking victims in jail for immigration or other violations committed as a direct result of being trafficked that were later deported. The government offered some social services directly and through NGOs that received government funding, but due to a lack of a formal procedures to guide officials in victim identification and referral to services, few victims received assistance. Trinidadian authorities encouraged crime victims in general to assist with the investigation and prosecution of offenders, though without legislation criminalizing human trafficking or formal trafficking victim protection provisions there were few incentives for victims to assist.

### Prevention

The government made some progress in preventing human trafficking during the reporting period through the establishment of the anti-trafficking task force. While the government did not conduct public awareness activities during the reporting period, the responsible subcommittee developed plans to implement a trafficking victim hotline and nationwide information campaign. While prostitution is illegal in Trinidad and Tobago, the government did not take additional measures to reduce the demand for commercial sex acts during the reporting period. Authorities did not consider child sex tourism to be a problem in Trinidad and Tobago during the reporting period and reported no prosecutions related to child sex tourism.

## TUNISIA (Tier 2 Watch List)

Tunisia is a source, destination, and possible transit country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. In 2009, one Tunisian female was rescued from forced prostitution in Lebanon. In 2008, two women were rescued from forced prostitution in Jordan and three men from forced labor in Italy. Based on limited available data, some Tunisian girls may be trafficked within the country for involuntary domestic servitude. In 2009 a Tunisian academic published a study on Tunisian domestic workers. The study, conducted in 2008, surveyed 130 domestic workers in the Greater Tunis region and found that 52 percent were under the age of 16; twenty-three percent claimed to be victims of physical violence, and 11 percent of sexual violence. Ninety-nine percent indicated they had no work contracts and the majority received salaries below the minimum wage. These conditions are indicators of possible forced labor.

The Government of Tunisia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not show evidence of progress in prosecuting and convicting trafficking offenders, proactively identifying or protecting trafficking victims, or raising public awareness of human trafficking over the last year; therefore, Tunisia is placed on Tier 2 Watch List for the second consecutive year. The Tunisian government does not identify human trafficking as a problem in Tunisia. Victims of trafficking likely remain undetected because of a lack of effort to identify them among vulnerable groups.

**Recommendations for Tunisia:** Use existing criminal statutes on forced labor and forced prostitution to investigate and prosecute trafficking offenses and convict and punish trafficking offenders; undertake a baseline assessment to better understand the scope and magnitude of the human trafficking problem; draft and enact legislation that prohibits and adequately punishes all forms of human trafficking; and institute a formal

victim identification mechanism to identify victims among undocumented migrants and offer them access to protection services.

### Prosecution

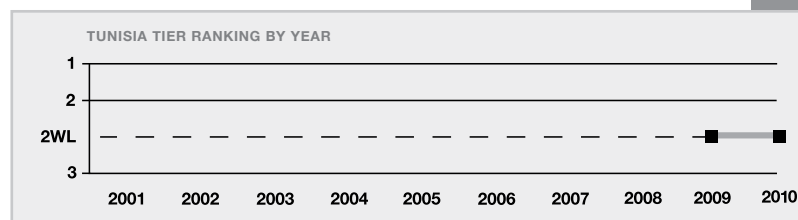
The Government of Tunisia made no discernible anti-human trafficking law enforcement progress over the reporting period. Tunisia's Penal Code prohibits some forms of human trafficking. The Penal Code prescribes punishments of 10 years' imprisonment for capturing, detaining, or sequestering a person for forced labor, and up to five years' imprisonment for forced prostitution of women and children. The Penal Code also criminalizes child prostitution. The prescribed penalties for forced labor are sufficiently stringent. The penalty for forced prostitution – five years' imprisonment – is sufficiently stringent, though not commensurate with penalties prescribed under Tunisian law for other serious offenses, such as rape. In addition to these laws the Penal Code prescribes one to two years' imprisonment for forced child begging. There were no investigations or prosecutions of trafficking offenses, or convictions of trafficking offenders, during the year; however, a Tunis court convicted and sentenced a Tunisian trafficker in April 2009. A press report indicated that the police opened an investigation into reports that a group of children had been sexually exploited by Libyan tourists. There is no evidence that the government provided anti-trafficking training to law enforcement officials in the reporting period. There is no evidence of official tolerance of or complicity in trafficking in persons.

### Protection

The government did not offer trafficking victims access to shelters or other services during the reporting period. The government lacked formal procedures to identify trafficking victims among vulnerable groups, such as undocumented migrants and those persons detained for prostitution offenses. As a result, persons whose trafficking victim status was not recognized by Tunisian authorities were vulnerable to imprisonment and deportation if caught engaging in illegal activities under Tunisian law. The government neither undertook efforts to identify trafficking victims among the undocumented migrants in its detention centers, nor did it allow outside parties to screen these detained migrants to determine if any were victims of abuse. The government's social workers provided direct assistance to abused migrant women and children – including possible trafficking victims – in two shelters operated by a local NGO. The Ministry of Women's Affairs, Family, Children, and Elderly Persons continued to assign a child protection delegate to each of Tunisia's 24 districts to intervene in cases of sexual, economic, or criminal exploitation of children; these delegates ensured that child sex abuse victims received adequate medical care and counseling. The government does not offer trafficking victims legal alternatives to their removal to countries where they may face hardship or retribution.

### Prevention

The Tunisian government made no discernible efforts to prevent trafficking during the reporting period; there were no government campaigns to raise public awareness of trafficking. Tunisia took steps to reduced demand for commercial sex acts by enforcing laws against prostitution and arresting "clients" soliciting commercial sex; however, these measures also resulted in the detention of women in prostitution, including possible trafficking victims. The government did not provide anti-trafficking training for military troops prior to their deployment on international peacekeeping missions.



## TURKEY (Tier 2)

Turkey is a destination and transit country for women and children subjected to trafficking in persons, specifically forced prostitution, and for some women and men in forced labor. Victims originate predominately from the former Soviet Union and Eastern Europe. Officials identified an increased number of women subjected to forced prostitution from Uzbekistan, Turkmenistan and Kyrgyzstan in 2009. The IOM, in conjunction with the Turkish government, repatriated a significant number of reported forced labor and sex trafficking victims to Mongolia in 2009. During the year, there was evidence of a Pakistani man subjected to forced labor. According to local experts, sex trafficking victims are generally forced into prostitution in illegal brothels or are "leased" by clients and kept in private residences or hotels. Although a much smaller problem, some internal trafficking involving Turkish citizens in both the legal and illegal prostitution sectors may occur. Some victims are reportedly smuggled through Turkey to the area administered by Turkish Cypriots, or on to other destinations in Europe, where they are subjected to forced prostitution and forced labor.

The Government of Turkey does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government expanded use of its anti-trafficking law, aggressively prosecuted sex trafficking offenders, established a third trafficking shelter in the country, and improved its capacity to identify potential sex trafficking victims. The government's lack of funding for NGOs providing critical services to victims and inconsistent application of its procedures for identifying trafficking victims continued to affect Turkey's ability to deliver consistent, comprehensive protection services to victims

of trafficking, particularly those who are victims of forced labor.

**Recommendations for Turkey:** Follow through on long-standing plans to provide government funding for specialized trafficking shelters, and for the “157” hotline; consider establishing a victim assistance fund using assets seized from convicted traffickers; continue to include NGOs and international organizations more consistently in the initial identification process and consider expanding the best practice of allowing NGOs access to detention centers; increase the proactive identification of potential victims of forced labor and the prosecution of such cases; and continue to improve witness protection measures to provide victims with more incentives to cooperate with law enforcement.

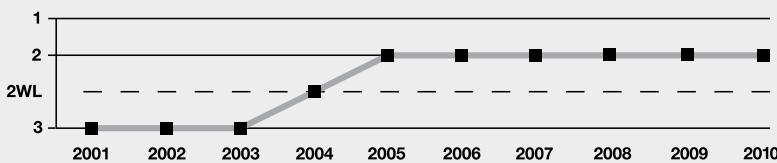
The government continued its institutionalized and comprehensive anti-trafficking law enforcement training in 2009, including training for 164 judges and prosecutors. Trafficking-related complicity of law enforcement personnel continued to be a problem; however the government took steps to address it. In 2009 the government investigated and prosecuted three police officers under Article 80; the case was sent to a serious crimes court. The government did not report any follow up regarding its 2008 investigation of 25 security officials for trafficking-related complicity. The government continued an investigation of a prison warden who was arrested and jailed in February 2007 for facilitating trafficking activities. In September 2009, a Turkish trafficker convicted in the Netherlands for forcing more than 100 women into prostitution escaped Dutch detention. The Dutch media subsequently reported he was running a nightclub in Antalya with members of his trafficking network. While Turkish authorities met with Dutch counterparts to discuss the case, the government did not initiate proceedings against him in 2009.

### Protection

The Government of Turkey made some important improvements to increase its capacity to identify and protect victims of trafficking in 2009. It did not, however, provide adequate financial support to its specialized anti-trafficking shelters during the reporting period. In July 2009, the police, in partnership with IOM and an NGO, signed a tri-party agreement to establish the country's third anti-trafficking shelter in Antalya; the municipality donated the facility. The government reported that it made securing long-term funding a priority in 2009; however, it has yet to provide adequate funding to either of its shelters in Ankara and Istanbul. Notably the Ministry of Foreign Affairs independently provided approximately \$20,000 to the shelter in Istanbul and Ankara. Both shelters continue to require external donor funding to stay in operation and assist trafficking victims. These two NGO-run shelters provided care to 85 trafficking victims in 2009. While the government encouraged victims to participate in trafficking investigations and prosecutions, most trafficking victims chose to return to their country of origin and declined participation in prosecutions of their traffickers, most often due to victims' perceived fear of authorities, retribution from their traffickers, and slow court procedures. During the reporting period, the government began to allow video testimony for trafficking victims to provide statements in court and prosecutors worked with shelter staff to tape video testimony to encourage more trafficking victims to testify against their traffickers.

The government took important steps to improve its capacity to identify and refer potential trafficking victims during the reporting period. In 2009, police signed an agreement with the Istanbul trafficking shelter to allow shelter staff into immigration detention facilities to interview foreign women who may have been too afraid

TURKEY TIER RANKING BY YEAR



### Prosecution

The Government of Turkey continued aggressive investigation, prosecution, and conviction of trafficking offenders during the reporting period. Article 80 of the Penal Code prohibits trafficking for both sexual exploitation and forced labor, and prescribes penalties of from eight to 12 years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as sexual assault. In 2009, the government continued to expand implementation of Article 80, convicting 23 trafficking suspects under its specific anti-trafficking article, an increase from 13 in 2008. Of the 23 trafficking suspects convicted, two received sentences of 11 to 12 years, eight received sentences of nine to 10 years, seven received sentences of six to eight years, five received sentences of four to six years, and one received a sentence of one to two years. The government reported it seized assets of all trafficking offenders convicted during the year, and it imposed sentences based on the number of victims each trafficker exploited. The Government of Turkey convicted a total of 50 trafficking offenders in 2009, compared with 58 convictions in 2008. The government reported other trafficking cases were initially prosecuted under Article 80, but convictions were obtained using other criminal statutes. Penalties for convictions obtained under other statutes ranged from zero to twelve years' imprisonment. Turkish law allows for the suspension of prison sentences of two years or less under certain conditions. The government reported a joint investigation in 2009 with the Government of Mongolia on a case of labor trafficking involving Mongolian citizens discovered working in a Turkish garment factory for low wages.

to disclose elements of their exploitation to police. The shelter staff began efforts to identify potential trafficking victims held in the detention facility in Istanbul as of June 2009; police agreed to accept the NGOs assessments of identified trafficking victims. Further, in April 2009, police signed an agreement with translators to provide broader translation services during interviews of potential victims. In 2009, the government identified a total of 102 trafficking victims, a continued decline from 118 in 2008 and 148 in 2007; IOM facilitated the repatriation of 75 of these victims. Gaps in the referral process may have resulted in some victims not receiving adequate care and assistance after providing information about their traffickers to law enforcement, and some victims may be missed and not identified as such. The government offered victims legal alternatives to their removal to countries where they would face retribution or hardship. Foreign victims may apply for humanitarian visas and remain in Turkey up to six months with the option to extend for an additional six months. However, no such visas were requested during the reporting period.

### Prevention

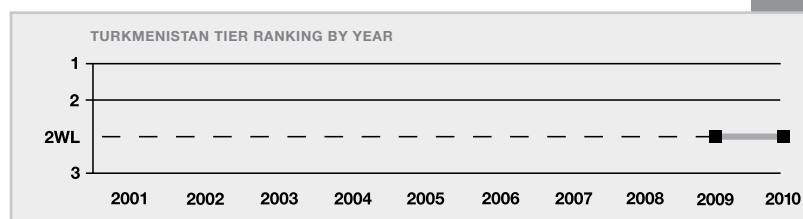
The Turkish government improved its anti-trafficking prevention efforts in 2009, launching an international televised campaign in partnership with the Government of Moldova targeting both potential victims and clients. The government reported that consular and border officials continued to insert anti-trafficking material in passports it reviewed; this material publicized its national IOM- run anti-trafficking (“157”) hotline. IOM reported that the highest percentage of calls continued to come from Turkish clients of victims. Although the government signaled in 2007 that it would take over funding and operation of the “157” hotline from IOM, it has yet to do so. The Turkish government provided anti-trafficking training to its military personnel prior to their deployment aboard for international peacekeeping duties.

## TURKMENISTAN (Tier 2 Watch List)

Turkmenistan is a source country for women subjected to trafficking in persons, specifically forced prostitution and for men in forced labor. Women from Turkmenistan are subjected to forced prostitution in Turkey. Men and women from Turkmenistan are subjected to conditions of forced labor in Turkey, including domestic servitude and also in textile sweatshops.

The Government of Turkmenistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Because the determination that the Government of Turkmenistan is making significant efforts is based in part on the government’s commitments to take additional future steps over the next year, Turkmenistan is placed on Tier 2 Watch List for the second consecutive year. The

government has indicated its commitment to implement the “Law on Combating Trafficking in Persons,” adopted in December 2007. The law identifies responsible ministries within the government to combat trafficking and requires authorities to develop measures to prevent trafficking, prosecute traffickers, and assist victims. During the next reporting period, the government has agreed to provide facility space for a foreign-funded shelter for trafficking victims to be operated by IOM and has also formally agreed to work with IOM to conduct a human trafficking awareness program for students in all five provinces of the country. Although the government did not demonstrate any efforts to investigate or prosecute trafficking offenses during the reporting period, in May 2010 the government demonstrated significant political will by adopting amendments to the criminal code that prescribed penalties for all forms of human trafficking.



**Recommendations for Turkmenistan:** Fully implement the 2007 Law on Combating Trafficking in Persons; use Article 129 to vigorously investigate and prosecute trafficking offenses and convict and punish trafficking offenders; provide training for prosecutors and other relevant government authorities on the proper application of Article 129; investigate individual instances of government officials complicit in the facilitation of trafficking; ensure that border guards, police, and other relevant government officials identify and refer victims of trafficking for assistance; develop systematic victim identification and referral procedures and identify victims of human trafficking; provide financial assistance to anti-trafficking organizations assisting victims, including shelter space; establish safeguards and training procedures to ensure victims are not punished for unlawful acts committed as a direct result of trafficking, such as migration violations; and conduct a trafficking awareness campaign to inform the general public about the dangers of trafficking.

### Prosecution

The Government of Turkmenistan demonstrated no significant law enforcement efforts during the reporting period. The government prohibits all forms of trafficking in persons through Article 129 of its criminal code – adopted in May 2010 – which prescribes penalties ranging from four to 25 years’ imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government reported no efforts to investigate, prosecute, convict, or punish any trafficking offenders during the



reporting period. During the previous reporting period, the government reportedly investigated and prosecuted two cases of trafficking under non-trafficking statutes, although the government provided no information on whether the individuals prosecuted in these cases were convicted or sentenced to time in prison. The General Prosecutor's Office provided regular training for 10 to 15 prosecutors on trafficking in Ashgabat. Various international organizations also provided training for more than 100 officials from the State Migration, State Customs, and State Border Services on the legal anti-trafficking framework and general trafficking issues. Despite unconfirmed reports that some customs or migration officials were complicit in human trafficking, the government did not report efforts to investigate such officials for trafficking related complicity. Although the Turkmenistan government did not form formal anti-trafficking partnerships with other foreign governments, it reportedly issued instructions to its foreign missions abroad to cooperate with foreign law enforcement authorities on trafficking cases.

### Protection

During the reporting period the Government of Turkmenistan demonstrated no efforts to protect or assist victims. The government did not provide medical assistance, counseling, shelter, legal assistance, or rehabilitative services to victims of trafficking, nor did it supply funding to international organizations or NGOs to provide services to victims. However, in April 2010, the government pledged to donate facility space for a trafficking shelter that will be foreign-funded and operated by IOM. The 2007 trafficking law has provisions for victim care facilities and guarantees protection and assistance for victims of trafficking, though these elements of the law were unimplemented during the reporting period. In 2009, twenty-five victims were assisted by non-government funded organizations, compared with 20 victims assisted by non-government-funded organizations in 2008. The government did not refer any victims to NGOs or IOM for assistance in 2009. Government personnel employed no formal victim identification procedures and did not provide victim identification, victim referral, or victim sensitivity training for border guards or police. The government did not encourage victims to assist in trafficking investigations or prosecutions. There were no reports of victims being punished during the reporting period for unlawful acts committed as a direct result of their being trafficked. The government did not assist with the repatriation of foreign victims in 2009 and there were unconfirmed reports that some victims of trafficking were denied assistance by Turkmen consular officials in a destination country.

### Prevention

The Government of Turkmenistan did not demonstrate significant efforts to prevent human trafficking during the reporting period. The government did not fund or

conduct any anti-trafficking awareness campaigns in 2009, although Turkmen citizens traveling to Turkey received written contact information for anti-trafficking organizations operating in Turkey if travelers end up needing trafficking assistance. However in April 2010, the Ministries of Education and Health, in cooperation with IOM, formally agreed to conduct an information campaign in public schools for young adolescents. The campaign will be carried out in all five provinces of Turkmenistan by representatives of non-governmental organizations using Turkmen language publications and stories that warn of the hazards of human trafficking. The government made regular efforts, however, to monitor the trafficking situation within its borders.

## UGANDA (Tier 2)

Uganda is a source and destination country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. Ugandan children are exploited in conditions of forced labor within the country in the fishing, agricultural, and domestic service sectors, as well as for commercial sexual exploitation; they are also taken to East African and European countries for the same purposes. Karamojong women and children in particular are subject to domestic servitude, commercial sexual exploitation, cattle herding, and begging. Security companies and employment agencies in Kampala recruit Ugandans to migrate and work as security guards and domestic servants in Iraq, where sometimes their travel documents and pay have been withheld as a means to obtain and maintain their compelled labor; labor trafficking victims repatriated from Iraq in 2009 reported harsh working conditions, physical and sexual abuse, withholding of food, and being confined to their employer's residence.

Pakistani, Indian, and other Asian migrant workers are subjected to forced labor in the country, and South Asia crime networks transport South Asian children to the country for commercial sexual exploitation. Children from the Democratic Republic of the Congo (DRC), Rwanda, Burundi, Kenya, Tanzania, and Sudan are subjected to forced agricultural labor and commercial sexual exploitation in Uganda. Until August 2006, the Lord's Resistance Army (LRA) abducted children and adults in northern Uganda to serve as soldiers, sex slaves, and porters. There have been no LRA attacks in Uganda since 2006, but some of these children remain captive with LRA elements currently located in the DRC, Central African Republic, and southern Sudan.

The Government of Uganda does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government's efforts to investigate human trafficking offenses increased during the year, though it did not show progress in prosecuting human trafficking offenses and punishing trafficking offenders.

**Recommendations for Uganda:** Implement comprehensive anti-trafficking legislation; increase efforts to prosecute, convict, and punish trafficking offenders; institute a unified system of documenting and collecting data on human trafficking cases for use by law enforcement, labor, and social welfare officials; investigate and punish labor recruiters responsible for knowingly sending Ugandans into forced labor abroad; launch a nationwide anti-trafficking public awareness campaign with a particular focus on forced labor; and establish policies and procedures for government officials to proactively identify and interview potential trafficking victims and transfer them to the care, when appropriate, of local organizations.

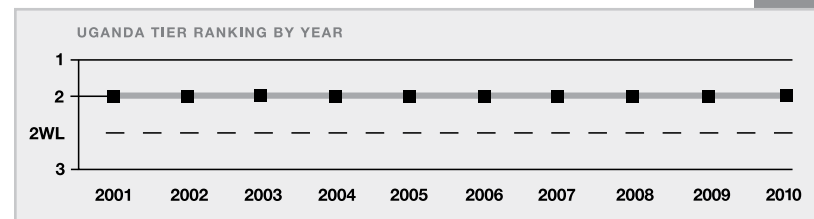
### Prosecution

The Government of Uganda's overall anti-trafficking law enforcement efforts improved in 2009, from no reported prosecutions or convictions in 2008 to three prosecutions and one conviction in 2009. The Ugandan Police Force's (UPF) Child and Family Protection Unit (CFPU) investigated a number of suspected trafficking cases during the reporting period, but courts failed to move pending cases through the judicial process. The investigations reported in the 2009 Report did not result in active prosecutions during the year. Neither the police nor the Department of Public Prosecution maintained records of investigations, prosecutions, or convictions of trafficking offenses, and could not provide comprehensive statistics or information on particular cases. In October 2009, the President signed the Anti-Trafficking in Persons Act of 2008 and it was published in the official gazette. The penal code was not, however, updated to reflect the new law and the Attorney General did not formally notify the police – steps that are required to bring new legislation into effect. The act prescribes punishment of 15 years' to life imprisonment, penalties which are sufficiently stringent and commensurate with those prescribed for other serious crimes. Because the law is not yet in effect, suspected trafficking offenses continued to be charged under other statutes during the year, such as prohibitions on procurement for prostitution, defilement, and kidnapping. For example, in February 2009, a Kampala court sentenced a Ugandan woman to four years' imprisonment for abducting three girls to serve as domestic servants in southern Sudan. In March 2009, a Mbale court issued an indictment against two Ugandan women on charges of kidnapping for alleged abduction of four children and taking them to Kenya for forced labor. The UPF incorporated a one-day trafficking first responder course into the basic training program at the police academy. By April 2009, the CFPU had provided this training to 150 officers.

### Protection

The government sustained its moderate levels of protection for child victims during the reporting period. The government has not developed or implemented procedures for the systematic identification of victims

among high risk groups; as a result, potential victims are sometimes prosecuted for immigration or prostitution violations. Lacking resources to provide sufficient direct assistance, it typically referred those victims it did identify to NGOs on an *ad hoc* basis. During the year, the UPF identified and referred 12 child trafficking victims to a local NGO's shelter in Kampala. Its memorandum of understanding with the same NGO continued to allow for the presence of the NGO's social workers in three police stations to assist trafficking victims with legal, medical, psychological, and family tracing services. The UPF worked in partnership with Kenyan authorities to repatriate four child victims to Uganda. The Ministry of Gender, Labor, and Social Development (MGLSD) continued to remove Karamojong children in possible trafficking situations from Kampala's streets and transferred 300 of them to two MGLSD-operated shelters in Karamoja that provided food, medical treatment, counseling, and family tracing. The ministry also operated a facility in Kampala for the initial intake of street children. There were, however, no similar government-funded or operated facilities or services for adult trafficking victims. In 2009, the Ugandan military's Child Protection Unit in Gulu received and processed 66 children returning from LRA captivity before transporting them to NGO-run rehabilitation centers for longer-term care. The government provided each child with basic non-food items for resettlement.



In mid-2009, the government issued travel documents for the repatriation of 14 Ugandan women from Iraq in partnership with IOM and the Governments of Iraq and the United States. The Special Task Force for the Elimination of Human Sacrifice and Trafficking, a 15-member inter-ministerial committee headed by the Deputy Police Commissioner, assisted with the repatriation of three Ugandan girls from a separate case in Iraq. Current Ugandan law does not provide assistance to foreign trafficking victims and immigration officials are required to deport individuals in violation of the immigration code without regard to their status as trafficking victims. In 2009, however, the Ministry of Internal Affairs allowed Pakistani victims, on a case-by-case basis, to remain in Uganda to assist with an investigation. Once in effect, the new anti-trafficking law will remedy many of the current legal limitations regarding the protection of foreign victims. The government reports that it has a policy of encouraging trafficking victims to testify against their exploiters, though no victims chose to do so during the last year.

## Prevention

The Ugandan government sustained its efforts to prevent human trafficking through increased public awareness efforts during the year. In January 2010, the task force began compiling a comprehensive report on human trafficking for release in mid-2010. In the same month, it directed district security committees to form task force teams under their respective police commanders to improve local efforts to combat trafficking; teams have been established in some parts of the country. The police operated a specific hotline for reporting trafficking cases, but failed to keep records of calls, if any, received. Following the repatriation of trafficked Ugandan domestic workers from Iraq, the External Labor Unit of the MGLSD revoked the license of the employment agency that fraudulently recruited them and, in August 2009, officially suspended the sending of domestic workers to Middle Eastern countries. Local governments convened child labor committees, enforced local bylaws against child labor, monitored the working conditions of children, and counseled parents whose children were not in school. The MGLSD's labor inspectors conducted no investigations of exploitative or forced child labor in 2009 and reported no open cases involving such crimes. The small number of inspectors and limited resources precluded inspections in the rural areas or the informal sector. During the year, police investigated hundreds of reports of human sacrifice, many involving forced removal of body parts, and confirmed the validity of 29 cases, 15 of which involved the victimization of children; it did not transfer any of these cases to courts for prosecution. In November 2009, the task force and a local NGO launched a campaign against the forced removal of body parts for human sacrifices in both Kampala and Kamuli District, and hosted a public dialogue on the issue that was covered by local media. Government officials also participated in a solidarity march to protest increased incidents of child sacrifices. The government did not make efforts to reduce the demand for forced labor or sex acts. The government provided anti-trafficking training to members of the Ugandan armed forces prior to their deployment abroad on international peacekeeping missions. Uganda is not a party to the 2000 UN TIP Protocol.

## UKRAINE (Tier 2)

Ukraine is a source, transit and increasingly destination country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. Ukrainian victims are trafficked to Russia, Poland, Turkey, Italy, Austria, Spain, Germany, Portugal, the Czech Republic, United Arab Emirates, United Kingdom, Israel, Greece, Lebanon, Benin, Tunisia, Cyprus, Bosnia and Herzegovina, Hungary, Slovakia, Syria, Switzerland, the United States, Canada, and Belarus. Women continued to be forced into prostitution or subjected to involuntary domestic servitude or

forced labor in service industries and textile or light manufacturing sectors. The majority of Ukrainian male labor trafficking victims were subjected to forced labor in Russia but also in other countries, primarily as construction laborers, factory and agricultural workers, or sailors. IOM reports that four percent of reported trafficking victims in Ukraine are children, although the number may be higher due to under-reporting. Children were most often forced into prostitution or forced to beg. An increasing number of Ukrainian victims were subjected to forced labor and forced prostitution within the country in 2009. Homeless children or children in orphanages continued to be particularly vulnerable to trafficking in Ukraine.

The Government of Ukraine does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In 2009, the government improved its incarceration rate for convicted traffickers and it initiated projects and legislation to improve its capacity to identify and refer victims to services. The General Prosecutor's Office continued to encourage prosecutors to challenge non-custodial sentences imposed on convicted traffickers in 2009. However, the majority of convicted traffickers continued to receive no time in jail. Courtroom treatment of and protection for witnesses in trials remained inadequate. Ukraine did not vigorously address official complicity in facilitating trafficking, which hampered its ability to tackle its human trafficking problem.

**Recommendations for Ukraine:** Seek sentences for convicted trafficking offenders that require them to serve appropriate jail time; continue to monitor human trafficking trial procedures and encourage prosecutors to give more serious attention to human trafficking cases by appealing non-custodial sentences; vigorously investigate and prosecute trafficking complicity by government officials; continue to take steps to establish formal mechanisms for the proactive identification and referral of trafficking victims to services; increase funding for NGOs providing critical care to victims; consider establishing a fund derived from assets seized from convicted traffickers for this purpose; provide specialized assistance to child trafficking victims; and continue trafficking-specific training for prosecutors and judges.

## Prosecution

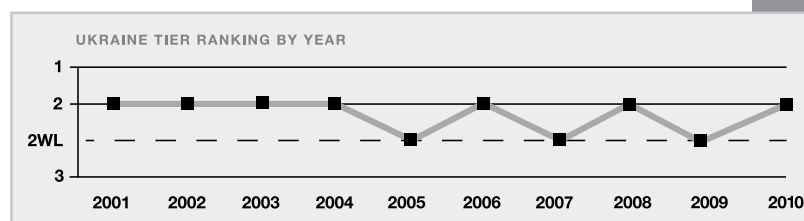
The Government of Ukraine sustained its law enforcement efforts during the reporting period. However, punishments for convicted trafficking offenders continued to be minimal. The government prohibits all forms of trafficking through Article 149 of its Criminal Code. Penalties prescribed range from three to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes. However, courts in various regions throughout Ukraine have interpreted Article 149's applicability to labor trafficking cases differently, causing some convicted labor trafficking offenders to receive light sentences. The

government prosecuted 80 trafficking cases under Article 149 in 2009, the same number it reported prosecuting in 2008. The government reported that it convicted 110 trafficking offenders in 2009, compared with 99 the previous year. Thirty-three convicted trafficking offenders were sentenced to time in prison in 2009, compared with 22 in 2008. Sentences ranged from less than two to 10 years' imprisonment. Forty-one convicted traffickers were placed on probation and courts confiscated the assets of 15 traffickers. Thirty-six convicted traffickers remained free on appeal. The government reported it investigated 23 cases of suspected forced labor involving 131 victims in 2009. It did not, however, disaggregate its conviction data to demonstrate whether it had prosecuted any forced labor offenders in 2009. Government prosecutors demonstrated a more aggressive stance on sentencing by appealing low sentences imposed on 41 convicted trafficking offenders in 2009. The General Prosecutor's Office continued to encourage prosecutors to challenge non-custodial sentences imposed on convicted traffickers via issuance of a directive to all state prosecutors in 2009. Further, prosecutors began filing additional petitions to challenge sentences even after conventional avenues of appeal had been exhausted, a more complicated and difficult process. NGOs continued to report that official trafficking-related corruption was a problem, particularly with prosecutors and judges. In 2009, the government investigated and charged three anti-trafficking officers for soliciting bribes totaling \$39,675 from women engaged in prostitution.

### Protection

The Government of Ukraine took some modest but important steps to improve protections for trafficking victims during the reporting period. In 2009, it drafted a comprehensive trafficking law to codify its anti-trafficking protection policies, establish a mechanism for referral of victims, and formalize cooperation between government and NGOs in this process; however, the government did not formally adopt or implement this law during the reporting period. In 2009, the government launched a pilot project to develop a referral mechanism in two oblasts in partnership with the OSCE. During the reporting period, the government registered 335 new victims of trafficking, including 42 children. Local oblast centers reported providing direct assistance to at least 16 trafficking victims in 2009 after referral by local anti-trafficking NGOs. Local governments offered some in-kind contributions in 2009, including restoration of documents and employment assistance. Ukrainian consulates reported providing assistance to 66 Ukrainian citizen victims abroad during the reporting period. The government, however, continued to rely on international donors to provide the majority of victim assistance. IOM, working with its local partners, provided assistance to 773 victims, including 32 domestic victims, in 2009. The government continued to place child trafficking victims in temporary homeless shelters for children that do not offer specialized services for trafficking victims. While

the government encouraged victims to cooperate with law enforcement in the prosecution of their traffickers, the government's protection of victims who testified against their traffickers remained inadequate; the physical security it provided to victims during trial proceedings was limited and available only to those determined to be in immediate danger. Some regional courts, in partnership with international donors, took steps to install witness protection rooms to increase security for victims of violent crimes, including trafficking victims, in 2009. There were no reports of victims being punished for unlawful acts committed as a direct result of being trafficked, but there were continued reports that victims' rights were not fully respected during trials. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.



### Prevention

The national government made limited progress in preventing trafficking in 2009, although some local authorities took steps to implement prevention programs in their oblasts. Inadequate funding and a lack of political commitment and understanding about trafficking continued to hinder the government's implementation of its national anti-trafficking plan. Only two people were assigned responsibilities for anti-trafficking in the national government in 2009. Further, the government's Interagency Council met only once during the reporting period and local experts reported that its mandate included other social issues that limited its ability to focus on trafficking. Authorities approved the establishment of anti-trafficking action plans in the majority of oblasts during the reporting period. Oblast coordination councils – that included NGOs – generally met quarterly to facilitate implementation of these plans. Two oblasts provided approximately \$22,000 for prevention programs in 2009. Local authorities provided modest financial and in-kind assistance to NGOs to carry out prevention campaigns. Ukraine's National Academy of Defense cooperated with IOM to conduct five countertrafficking training sessions for Ukrainian troops prior to deployment for international peacekeeping duties in 2009.



## UNITED ARAB EMIRATES (Tier 2)

The United Arab Emirates (UAE) is a destination for men and women, predominantly from South and Southeast Asia, who are subjected to trafficking in persons, specifically forced labor and forced prostitution. Migrant workers, who comprise more than 90 percent of the UAE's private sector workforce, are recruited from India, Pakistan, Bangladesh, Nepal, Sri Lanka, Indonesia, Ethiopia, Eritrea, China, Thailand, Korea, Afghanistan, Iran, and the Philippines. Women from some of these countries travel willingly to the UAE to work as domestic servants, secretaries, and hotel cleaners, but some are subjected to conditions indicative of forced labor, including unlawful withholding of passports, restrictions on movement, non-payment of wages, threats, or physical or sexual abuse. Workers on Saadiyat Island, the cited location of considerable foreign investment and development, reported the illegal withholding of passports is universal. Restrictive sponsorship laws for foreign domestic workers often give employers power to control their movements and make them vulnerable to exploitation. Men from India, Sri Lanka, Bangladesh, and Pakistan are drawn to the UAE for work in the construction sector, but are often subjected to conditions of involuntary servitude and debt bondage as they struggle to pay off debts for recruitment fees. This typically takes one year. The continuing global recession has contributed to the vulnerability of some migrant workers to forced labor and debt bondage, particularly in the construction sector. Trafficking offenders are exploitative recruitment agents in the sending countries and businesses or individuals within the UAE who promise migrants nonexistent employment opportunities.

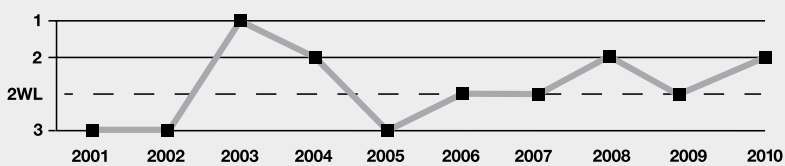
demonstrate clear progress in prosecuting and convicting sex trafficking offenders during the year and made modest progress to provide protections to identified female trafficking victims. However, there were no discernible anti-trafficking efforts against the forced labor of temporary migrant workers and domestic servants. Furthermore, the UAE historically has not recognized people forced into labor as trafficking victims, particularly if they are over the age of 18 and enter the country voluntarily.

**Recommendations for the United Arab Emirates:** Utilize the newly announced Ministry of Labor unit on labor trafficking to identify, investigate, and prosecute labor trafficking offenses, and convict and punish trafficking offenders, including recruitment agents and employers who subject others to forced labor; develop and institute formal procedures of law enforcement for Ministry of Labor officials to proactively identify victims of trafficking among vulnerable groups such as workers subjected to labor abuses, those apprehended for violations of immigration laws, domestic workers who have fled their employers, and foreign females in prostitution; improve protection services for victims of sex trafficking and forced labor, including adequate and accessible shelter space that is not detention-based for both males and females, referral to available aid, and credible recourse for obtaining financial restitution; ensure trafficking victims are not incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked; enforce prohibitions on withholding passports for all workers; offer domestic workers protections given to other migrant laborers; and reform the sponsorship system so it does not provide excessive power to sponsors or employers in granting and sustaining the legal status of workers.

### Prosecution

The UAE government made significant progress in its law enforcement efforts against sex trafficking over the last year. However, it had no investigations, prosecutions, or convictions for more prevalent forced labor offenses. In March 2010, the Ministry of Labor announced the creation of a new unit to identify and investigate potential labor trafficking cases. The UAE prohibits all forms of trafficking under its federal law Number 51 of 2006, which prescribes penalties ranging from one year to life imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Although this law includes labor trafficking offenses, it has not yet been used to prosecute a labor trafficking offense – a major gap in the UAE's anti-trafficking efforts. The prosecutions of at least 36 sex trafficking cases were initiated in UAE courts during the last year. While the government has not yet released law enforcement data, press reports indicated that all of these have resulted in convictions, as of April 2010, with sentences imposed ranging from one year for failure to report knowledge of a trafficking victim to life

UNITED ARAB EMIRATES TIER RANKING BY YEAR



Some women from Eastern Europe, Central Asia, Southeast Asia, the Far East, East Africa, Iraq, Iran, and Morocco are subjected to forced prostitution in the UAE. Media reports described at least two cases of Iraqi families who knowingly sold their teenage daughters to other Iraqi residents in the UAE for forced prostitution, and a Tajik official estimates approximately 30 percent of the estimated 200 Tajik women in prostitution in the UAE are victims of trafficking.

The Government of the United Arab Emirates does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to

imprisonment for commercial sexual exploitation. The government did not prosecute, convict, or punish any labor trafficking offenders. In October 2009, the Emirate of Dubai created a permanent task force to investigate and prosecute trafficking cases. The government organized the training of UAE law enforcement officials and NGO representatives on identifying trafficked persons and traffickers and techniques for interviewing potential victims. Dubai police held workshops with the Dubai Foundation for Women and Children, which operates the local trafficking shelter.

Although Belgian authorities continued to investigate eight family members of the royal family of Abu Dhabi for allegedly subjecting 17 Asian and Middle Eastern girls into forced domestic servitude while staying at a Brussels hotel in 2008, the UAE government made no efforts of its own to investigate this matter during the year. In early 2010, UK authorities began investigating allegations that UAE diplomats had subjected their domestic servants to conditions of forced labor.

### Protection

The UAE government showed limited progress in its efforts to provide victims of trafficking with assistance. UAE authorities did not employ formal procedures for proactively identifying victims of trafficking among high risk persons with whom they come in contact. UAE authorities did not follow internationally-recognized guidelines in identifying, interviewing, and protecting suspected victims of trafficking; a number of Tajik women identified as victims of trafficking upon their repatriation from the UAE were not given victim status and care while in UAE government custody. The government identified an estimated 80 trafficking victims during the reporting period, all of whom were female victims of sex trafficking. Thirty of these victims were repatriated quickly using government funds. The government offered some, but not all, foreign victims meaningful alternatives to their repatriation. The remaining 50 were offered comprehensive services in the government-operated shelters in Dubai and Abu Dhabi, which only provide services to female victims of trafficking and abuse. Administration of the Dubai shelter included several practices harmful to victims' welfare, including the detention of all victims (which was prolonged in cases in which the police wanted to use a victim as a prosecution witness), and tight restrictions on victims' movements and access to persons outside the shelter. The government announced plans to open additional shelters for sex trafficking victims in the northern emirates of Sharjah and Ras Al Khaimah by mid-2010. Victims of labor trafficking – likely the most prevalent form of trafficking in the UAE – were not offered shelter, counseling, or immigration relief by the government during the reporting period. Several unofficial shelters supported hundreds of female domestic workers who fled their employers and reported conditions of forced labor. The UAE government, however, did not encourage

any of these victims to participate in investigations or prosecutions, and it did not initiate proactive investigations of forced labor offenses committed against these victims. The government encouraged identified victims of sex trafficking to assist in the investigation and prosecution of traffickers, by providing victims with housing and sometimes employment; however, most victims did not testify. The government waived penalties for immigration and other violations, and provided repatriation assistance, for identified trafficking victims. Victims who are not identified may be incarcerated, fined, deported, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. The UAE government continued to fund a UNICEF program to provide rehabilitation assistance to repatriated children who had been trafficked to the UAE in previous years for service as camel jockeys.

### Prevention

The UAE government made clear progress in preventing human trafficking over the reporting period. Coordination of all government anti-trafficking efforts continued through the National Committee to Combat Human Trafficking. The government conducted anti-trafficking awareness campaigns within the UAE and in embassies and consulates in source countries. The Ministry of Interior organized seminars in workplaces and labor camps, intended to educate workers on their rights and methods of obtaining assistance. The government publicized its toll-free hotline, although it is unclear whether the hotline functioned well. It produced multi-language pamphlets on human trafficking, distributed to labor camps, government offices, NGOs, and media outlets, and a pocket book on workers' rights was also printed in various languages. The UAE government sustained and expanded a mandatory electronic wage deposit system for foreign laborers intended to prevent abuse of the government's migrant sponsorship system by establishing a record of direct salary payments. As of April 2010, this system covered 1.8 million workers. All companies will be required to use this system by May 2010. One of the penalties for non-compliance with the system is a prohibition on new hiring; as of March 2010, approximately 800 companies that have not complied with the November 30, 2009 deadline are barred from hiring new workers. Two delegations of law enforcement officials and shelter personnel were part of an international training program. Abu Dhabi hosted a symposium on protecting victims of human trafficking. The government initiated a bilateral agreement with Thailand to prevent source country labor rights abuses. The government has not taken any measures to reduce commercial sex acts.

## UNITED KINGDOM (Tier 1)

The United Kingdom (UK) is a destination country for men, women, and children primarily from Africa, Asia,

and Eastern Europe who are subjected to trafficking in persons, specifically forced prostitution and forced labor, including involuntary domestic servitude. Some UK children are trafficked internally for the purpose of prostitution, and foreign unaccompanied minors continue to be forced to beg or steal. Migrant workers are subjected to forced labor in agriculture, construction, food processing, domestic service, and food services. There are reports that domestic workers are subjected to forced labor by diplomats in the UK, primarily from Saudi Arabia and UAE; these workers cannot change their employer without losing their immigration status, leaving them vulnerable to abuse, and their employers are often immune from prosecution. Children, mostly from Vietnam and China, continued to be subjected to debt bondage by Vietnamese organized crime gangs for forced work on cannabis farms. Reports continue to indicate a large-scale trafficking problem in Scotland; the government has not convicted any trafficking offenders within this territory. Further, inadequate protection measures for victims continue to result in their re-trafficking throughout the UK.

There is continued anecdotal evidence that trafficking may occur, though not on a large scale, in some UK territories such as Bermuda. Reportedly, migrant workers are employed in Bermuda under a strict system of government work permits obtained by employers on behalf of their foreign employees. This system may render migrant workers vulnerable to exploitation and trafficking in the construction, hospitality, and domestic service sectors. Some cases reportedly involve employers confiscating passports and threatening workers with debt bondage. Bermuda authorities and NGOs reported victims rarely lodge a formal complaint out of fear of deportation. Reportedly, the Bermuda Industrial Union in 2009 began offering union protection to some migrant workers.

The Government of the United Kingdom fully complies with the minimum standards for the elimination of trafficking. The government continued to take steps to establish a victim-centered response and instituted reforms to reflect the importance of trafficking on its national agenda. Local experts and observers, however, continued to report inadequate and inconsistent protection efforts for trafficking victims in the UK, and the late 2009 closure of the government's specialist anti-trafficking police unit in London raised concerns over prospects for improved anti-trafficking efforts. Furthermore, some experts criticized the UK Border Agency's role as the lead anti-trafficking agency, arguing that its focus on immigration prevented a human rights approach to identifying, protecting and supporting victims of human trafficking. During the reporting period, however, the government stepped up its anti-trafficking training efforts to improve national and local authorities' response to trafficking victims in the United Kingdom.

**Recommendations for the United Kingdom:** Take greater steps to ensure that victims are not penalized for unlawful

acts committed as a direct result of being trafficked; ensure all trafficking victims are provided access to specialized services and safe accommodation; continue to improve protections for men who are victims of forced labor; improve protections for British children as well as unaccompanied minor asylum seekers who are victims of trafficking and take steps to reduce their vulnerability to trafficking; and continue to vigorously prosecute and convict all trafficking offenses, including forced labor and involuntary domestic servitude.

### Prosecution

The Government of the United Kingdom sustained strong anti-human trafficking law enforcement efforts during the past year. The UK prohibits all forms of trafficking through its 2003 Sexual Offenses Act and its 2004 Asylum and Immigration Act, which prescribe penalties of a maximum of 14 and 10 years' imprisonment respectively, though the specific punishments prescribed for sex trafficking are less severe than those prescribed for rape. In December 2009, the government passed the Coroners and Justice Act to criminalize slavery explicitly; according to a local expert, interpretations of current law tend to emphasize cross border movement versus the condition of involuntary servitude. In order to use the 2003 and 2004 trafficking laws, authorities must prove a double intent to both transport and exploit victims before they arrive in the UK. Despite these legal challenges, concerted law enforcement efforts to investigate trafficking within the Roma communities in the UK and Romania resulted in the government's first convictions for child trafficking in October 2009. The government reported it convicted 31 trafficking offenders for sexual exploitation under its Sexual Offenses Act and convicted two offenders for forced labor under its Asylum and Immigration Act in 2009, an increase over the 23 convictions achieved in 2008. The average length of imposed sentences on the 31 convicted offenders was 4.4 years. The UK reported convicted traffickers serve longer terms as a result of additional convictions for other related offenses. An NGO specializing in care of migrant domestic workers in the UK reported that, out of 22 trafficking victims who chose to report their abuse to authorities since May 2008, only four were investigated as trafficking crimes. In February 2010, a spokesman for the police announced an increased focus to uncover more cases of forced labor.

Despite a year-long lobbying effort by stakeholders to prevent its disbandment, the UK government's specialist Metropolitan Police anti-trafficking unit was closed in late 2009 after operating for two years; the UK government citing a lack of funding behind its closure. The unit, comprised of approximately 11 officers, was the only specialist team solely dedicated to investigating human trafficking in the country. According to media reporting and NGOs, the unit received praise from former survivors of trafficking for its victim-centered approach and sensitivity shown to them. For continuity and expertise, the UK government added some officers from the

disbanded specialist unit to a new Clubs and Vice team designated to address trafficking abuses.

## Protection

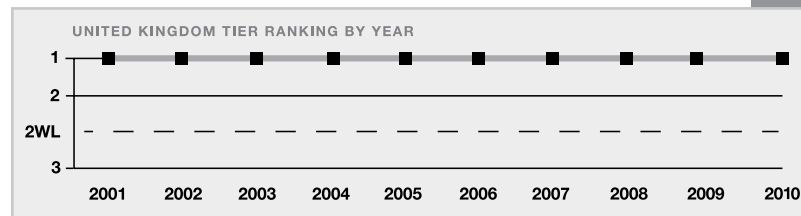
The UK government improved its capacity to identify and protect victims in 2009. In April, the UK initiated a National Referral Mechanism (NRM), which included a 45-day reflection period for potential trafficking victims. The government identified 527 trafficking victims through its NRM between April and December 2009; the UK Border Agency and police identified the majority of victims. Some local observers, however, reported the government did not effectively refer victims through the NRM. According to an Anti-Trafficking Monitoring Group consisting of NGOs and international organizations, the NRM lacked coordination, did not ensure adequate oversight of individual cases and failed to meet the needs of victims of forced labor and involuntary domestic servitude. Furthermore, the government failed to provide safe accommodation for some victims identified through the NRM; despite being officially recognized as trafficking victims, the government housed 27 victims in an immigrant detention center and 22 victims in prison or in a young offenders' institution in 2009.

The government provided significant funding for its specialized shelter for adult women trafficking victims, awarding it \$5.7 million for the two-year period of 2009-2011. The government expanded funding to this NGO to extend its assistance to women subjected to involuntary domestic servitude. The NGO was able to expand its capacity to 54 and to assist an increased number of trafficking victims during the last year. Overall, the shelter assisted 260 trafficking victims in 2009; ninety-six women were provided with shelter and 164 were supported on an outreach basis. Some of the victims who were not accommodated at the shelter did not meet all of the government's strict criteria for admission; victims must be: over 18 years of age; involved in prostitution or domestic slavery in the UK within three months of referral; willing to cooperate in the prosecution of their traffickers; and must have been trafficked into the UK from abroad. Furthermore, if a victim escapes before exploitation occurs, she cannot receive accommodation.

The government did not provide specialized protections to trafficked children or British nationals subjected to forced prostitution in 2009, but it reported providing some services to these victims through trained local authorities. The government reported it referred 88 children through the NRM between April and December 2009; 81 were accommodated by local authorities. However, anecdotal reports indicate that NRM case authorities with significantly less expertise can undermine local authorities' decision making over a child's safeguarding. The government publicly acknowledged in 2009 that some rescued children placed in the care of local authorities may be vulnerable to their traffickers; it reported conducting a review in 2009 to improve the handling of rescued children. Although

the government has not established comprehensive services for male victims, it provided accommodation and support to 68 people identified as victims of forced labor, including men. The government also invested \$464,000 to develop flexible support services for victims of labor trafficking and allocated some funding to an NGO to offer some support and limited safe accommodation to forced labor victims.

The government encouraged victims to assist in trafficking investigations and prosecutions and reported it provided a 45-day reflection period and renewable one-year residence permits to foreign victims who decide to cooperate with law enforcement. While the UK government has a policy of not penalizing victims for unlawful acts committed as a direct result of being trafficked, some identified victims of trafficking continued to be charged and prosecuted for immigration offenses. The government published updated legal guidance in March 2009 to emphasize the role of the prosecutor in identifying potential trafficking victims who may have committed crimes while under duress or coercion by their traffickers. It continued to provide foreign victims with legal alternatives to their removal to countries where they face hardship or retribution through established asylum procedures; some NGOs continued to criticize this process as cumbersome and inconsistent. According to a February 2010 Human Rights Watch Report, some trafficking victims applying for asylum continue to be routed through a "fast track" asylum system. This report noted the process is not equipped to deal with complex trafficking cases, nor does it allow adequate time for a victim to recover and to explain case circumstances to an immigration official before deportation.



## Prevention

The UK government sustained trafficking prevention efforts throughout the year. The United Kingdom Human Trafficking Center (UKHTC) continued to serve as a multi-agency, centralized point for the development of expertise among governmental, inter-governmental and non-governmental stakeholders involved in anti-trafficking. The UKHTC's national referral mechanism tracks and publicly releases quarterly referral statistics broken down by nationality, gender, type of exploitation and age, improving anti-trafficking information in the United Kingdom. The UKHTC reported it chaired quarterly working level meetings in 2009 to share operational best practices and disseminated relevant intelligence on trafficking. The government provided \$2.47 million for the UKHTC's activities during 2009-



2010. The government also updated its National Action Plan on trafficking in 2009, which included measures to prepare for the potential expected increased demand for exploited labor and forced prostitution during and leading up to the 2012 Olympic Games in London. The government continued its “Blue Blindfold” awareness campaign to encourage more reporting of suspected trafficking within local communities. During the reporting period, the Ministry of Justice produced a leaflet published in ten languages to introduce the NRM framework for practitioners who may come into contact with trafficking victims. In 2009, in partnership with local NGOs, the Met police unit produced a video resource for police that contains excerpts from victims about their experience with law enforcement as well as case workers explaining the process of trafficking and exploitation. It provided anti-trafficking training to UK troops prior to their deployment abroad as part of international peacekeeping missions in 2009.

## UNITED STATES OF AMERICA (Tier 1)

The United States is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced labor, debt bondage, and forced prostitution. Trafficking occurs primarily for labor and most commonly in domestic servitude, agriculture, manufacturing, janitorial services, hotel services, construction, health and elder care, hair and nail salons, and strip club dancing. Vulnerabilities remain even for legally documented temporary workers who typically fill labor needs in the hospitality, landscaping, construction, food service, and agricultural industries. In some human trafficking cases, workers are victims of fraudulent recruitment practices and have incurred large debts for promised employment in the United States, which makes them susceptible to debt bondage and involuntary servitude. Trafficking cases also involve passport confiscation, nonpayment or limited payment of wages, restriction of movement, isolation from the community, and physical and sexual abuse as means of keeping victims in compelled service. There are cases of domestic workers, foreigners on A3 and G5 visas, being subjected to trafficking-related abuse by diplomats posted to the United States. Combined federal and state human trafficking information indicates that more investigations and prosecutions have taken place for sex trafficking offenses than for labor trafficking offenses, but law enforcement identified a comparatively higher number of labor trafficking victims as such cases often involve more victims. More U.S. citizens, both adult and children, are found in sex trafficking than labor trafficking; U.S. citizen child victims are often runaway and homeless youth. More foreign victims are found in labor trafficking than sex trafficking, some of whom have entered the country under work or student-based visa programs. Primary countries of origin for foreign victims certified by the U.S. government were Thailand, Mexico,

Philippines, Haiti, India, Guatemala, and the Dominican Republic. Eighty-two percent of these foreign adult victims and 56 percent of foreign child trafficking victims were labor trafficking victims. Sex trafficking of foreign children included boys.

The U.S. government fully complies with the minimum standards for the elimination of trafficking. The government sustained strong law enforcement efforts and continued to encourage a victim-centered approach among local, state, and federal law enforcement. Prioritizing trafficking cases and continued training are required to increase the number of cases prosecuted and victims identified. The U.S. government saw improvement in the protection of trafficked foreign children due to new procedures to grant benefits and services more promptly upon identification. However, government services for trafficked U.S. citizen children were not well coordinated; they were dispersed through existing child protection and juvenile justice structures. The government made grants to NGOs for victim services, though there are reports that the system is cumbersome and some NGOs have opted out of participating. Victim identification, given the amount of resources put into the effort, is considered to be low and law enforcement officials are sometimes untrained or unwilling to undertake victim protection measures. Over the past year, the government has broadened its prevention efforts. The U.S. government annually reports on its activities to combat human trafficking in a report compiled by the Department of Justice available at [www.justice.gov/olp/human\\_trafficking.htm](http://www.justice.gov/olp/human_trafficking.htm) including detailed information on funding and suggestions for improved performance – a self-monitoring exercise that leads to improvements throughout the year.

**Recommendations for the United States:** Improve law enforcement data collection on human trafficking cases at the state and local level; offer advanced training to more federal agents and Assistant U.S. Attorneys with greater depth and frequency on the complexities of trafficking victim protection and proper identification, investigation, and prosecution of human trafficking cases; formalize, expand, and intensify anti-trafficking task forces by replicating models used for counternarcotics and counterterrorism; provide additional guidance and oversight on human trafficking from federal law enforcement agencies headquarters to field offices; develop additional guidance, reporting requirements, and accountability measures related to human trafficking from the Department of Justice to the Executive Office of U.S. Attorneys and U.S. Attorneys’ Offices; encourage local, state, and federal investigations and prosecutions through leadership of federal law enforcement that prioritizes trafficking cases; mandate victim identification training for immigration, detention, and removal officers and immigration services officers; increase U.S. government efforts to identify and assist U.S. citizen victims; improve the efficiency of victim services grant-making structures that include comprehensive case management, community collaboration, training and outreach; increase

funding for victim services; enhance federal government partnerships with state, local, and tribal agencies; take steps toward greater cooperation between the private and public sectors to develop promising business practices to rid supply chains of forced labor; strengthen enforcement tools related to the restriction of importing goods made from forced and child labor; enhance labor trafficking training to U.S. law enforcement; augment training for state and local law enforcement operating under cooperative agreements with federal immigration authorities to increase anti-trafficking activities and better identify and protect trafficking victims; brief domestic workers in the United States assigned to foreign diplomats of their labor rights; strengthen enforcement of temporary worker programs; increase public awareness through linguistically and culturally appropriate grassroots outreach; and intensify enforcement and workers rights infrastructure, such as ombudsman offices, in insular areas.

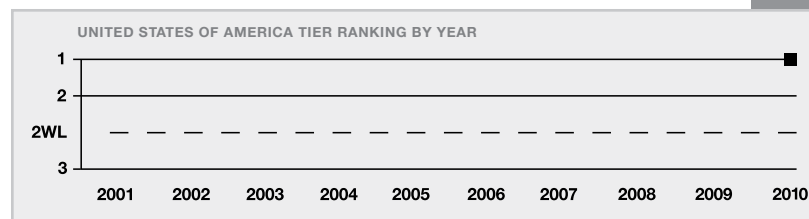
### Prosecution

The U.S. government demonstrated progress in its anti-trafficking law enforcement efforts through 2009. The United States prohibits all forms of trafficking in persons through criminal statutes that were enacted over 150 years ago in the wake of the U.S. Civil War to effectuate the Constitutional prohibition of slavery and involuntary servitude. These statutes were updated and modernized by the Trafficking Victims Protection Act of 2000 (TVPA) and subsequent legislation. Enforcement of the involuntary servitude and slavery efforts were subsequently carried out under the umbrella term "trafficking in persons." U.S. law prohibits peonage, involuntary servitude, forced labor, sex trafficking, and servitude induced by confiscation or withholding of documents, such as passports. Sex trafficking prosecutions involving children do not require a showing of force, fraud, or coercion. Additional federal laws can also be utilized in trafficking prosecutions and traffickers are occasionally convicted under those statutes instead of specific trafficking offenses.

Penalties prescribed under these statutes range from five to 20 years' imprisonment for peonage, involuntary servitude, forced labor, and domestic servitude, and up to life imprisonment for aggravating circumstances. Penalties for sex trafficking range up to life imprisonment with a mandatory minimum penalty of 10 years for sex trafficking of minors and 15 years for sex trafficking by force, fraud, or coercion or sex trafficking of minors under age 14. There is also a five-year maximum penalty for the related offense of fraud in foreign labor contracting under 18 U.S.C. § 1351. New sentencing guidelines promulgated in 2009 established equivalent sentencing of peonage, slavery, and trafficking in persons cases for anyone who financially benefits through participation in a trafficking venture knowing or in reckless disregard of the trafficking conduct under 18 U.S.C. § 1593A as well as increased penalties for harboring unauthorized immigrants for purposes of prostitution. These penalties are sufficiently

stringent and commensurate with penalties prescribed under U.S. law for other serious offenses, such as rape, kidnapping, or if death results.

TVPA trafficking offenses are investigated by federal law enforcement agencies and prosecuted by the U.S. Department of Justice (DOJ). The federal government tracks its activities by Fiscal Year (FY) which runs from October 1 through September 30. In FY 2009, the Human Trafficking Prosecution Unit, a specialized anti-trafficking unit of DOJ's Civil Rights Division, in partnership with U.S. Attorneys' Offices, charged 114 individuals, and obtained 47 convictions in 43 human trafficking prosecutions (21 labor trafficking and 22 sex trafficking). This represents the highest number of prosecutions and defendants charged in a given year. The average prison sentence imposed for federal trafficking crimes in FY 2009 was 13 years and prison terms imposed in FY 2009 ranged from two months to 45 years. These figures include forced labor prosecutions and prosecutions involving sex trafficking of adults.



All 50 states prohibit the prostitution of children under state and local laws that predate the enactment of the TVPA. The Innocence Lost Initiative is a collaboration of federal and state law enforcement authorities and victim assistance providers focused on combating the prostitution of children. In FY 2009, the Initiative conducted a national operation leading to the identification of 306 children and 151 convictions of traffickers in state and federal courts. DOJ's Child Exploitation and Obscenity Section and U.S. Attorneys' Offices prosecuted other child sex trafficking cases outside of the Innocence Lost Initiative, but data on those efforts was unavailable. Some NGOs expressed concern that adult women found in prostitution during these child-focused operations were not properly screened to determine if they were victims of trafficking. In more recent operations, however, federal law enforcement disseminated guidance, screening instruments, and cross-referral and coordination protocols to investigative agents and prosecutors nationwide to enhance capacity to identify and assist adult sex trafficking victims and to investigate and prosecute this form of trafficking. Traffickers were also prosecuted under a myriad of state laws, but no comprehensive data is available on state prosecutions and convictions. Forty-two states have enacted specific anti-trafficking statutes using varying definitions and a range of penalties. Such statutes are only gradually coming into use; during the reporting period, two states obtained their first convictions under anti-trafficking statutes passed in 2003 and 2007.

DOJ funds 38 anti-trafficking task forces nationwide comprised of federal, state, and local law enforcement investigators and prosecutors, labor enforcement, and a nongovernmental victim service provider. The goals of these task forces are case coordination as well as law enforcement training in the geographic area to identify, investigate, and prosecute cases through a victim-centered approach. Research has shown that locales with task forces are more likely to identify cases and bring them forward. The numbers of state and federal investigations and prosecutions among the task forces varied widely. Initial analysis indicates that state law enforcement conducted more sex trafficking investigations than labor trafficking investigations, often applying criminal statutes predating the passage of state anti-trafficking statutes. The emphasis on sex trafficking is attributed to local law enforcement relying on its pre-existing vice units devoted to prostitution enforcement, whereas there were no comparable pre-existing structures for involuntary servitude in labor sectors. In 2009, DOJ undertook a review of the task forces' results and considered how to better support them including enhanced training, restructuring, and consolidation.

Despite the mandates of 2005 and 2008 amendments to the TVPA, uniform data collection for trafficking crimes or numbers of victims among federal, state and local law enforcement agencies did not occur during the reporting period. Most, but not all, of the DOJ task forces collected information on investigations in a single database, but this information was incomplete as it does not have full task force participation or nationwide coverage. Six states – Florida, Minnesota, New Mexico, New York, Rhode Island and Texas – mandated data collection and reporting on trafficking cases, but this has not yet been fully implemented. The lack of uniform data collection remains an impediment to a comprehensive understanding of the enforcement and victim service response to trafficking in the United States. There were no reports of official complicity in human trafficking during the reporting period.

The U.S. government undertook considerable law enforcement training efforts during the reporting period. The DOJ task forces trained over 13,000 law enforcement officers and other persons likely to come into contact with human trafficking victims. The task forces themselves received week-long intensive training. The Federal Bureau of Investigation provided comprehensive anti-trafficking training to agents attending the annual civil rights conference, including changes in the law, victim services, and suggested victim interview techniques. The Department of Homeland Security (DHS) mandated human trafficking training for all officers and agents of U.S. Customs and Border Protection and made a web-based human trafficking course available to officers and agents of U.S. Immigration and Customs Enforcement (ICE). Additionally, ICE offices nationwide hosted trainings reaching more than 6,000 federal, state, and local law enforcement officials. In a separate effort, some

state and local law enforcement agencies operate under cooperative agreements following section 287(g) of the Immigration and Nationality Act, which authorizes the federally supervised enforcement of certain immigration authorities related to the investigation, apprehension, and detention of unauthorized immigrants in the United States. Participants in the 287(g) agreement must undergo training on victim and witness protections, including victim-based immigration relief. However, victim advocates reported that this training has not enhanced the response to or identification of trafficking victims or other immigrant victims of crime. The Department of Defense (DOD) instituted mandatory law enforcement training on identification, investigation, and information sharing with civilian or host nation law enforcement agencies.

U.S. authorities forged partnerships with counterparts in several countries to advance specific trafficking investigations during the reporting period, including a unique effort with Mexico where trafficking cases were jointly investigated by ICE, the Federal Bureau of Investigation, and the Government of Mexico and then prosecuted in Mexican and U.S. courts.

### Protection

The U.S. government demonstrated sustained efforts to identify an increased number of trafficking victims and ensured that they received access to essential protective services. The U.S. government has formal procedures to guide officials in victim identification and referrals to victim services provided by NGOs. The U.S. government also funds an NGO-operated national hotline and referral service. There continued to be uneven knowledge among law enforcement authorities about human trafficking, including how to identify victims and how to access victim assistance. NGOs reported several instances of the detention of victims and potential victims, including children arrested for prostitution, and victims unidentified in immigration detention, some of whom were reportedly later identified and granted immigration relief. Victim advocates sometimes encountered difficulties securing law enforcement assistance to request public benefits and immigration relief.

The U.S. government continued to fund NGOs to provide victim services, including shelter. In February 2010, the cabinet-level President's Interagency Task Force to Monitor and Combat Trafficking in Persons publicly pledged to uphold a system that provides for all trafficking victims, whether they have lost their freedom through sex trafficking or labor trafficking and regardless of age, gender, or immigration status. The U.S. government worked to ensure access to comprehensive victim services by funding NGOs to provide case management, health and mental health care, shelter, legal services, interpretation, education, vocational training, and employment placement. The expense and limited availability of temporary housing options for all victims continued to be an issue. NGOs reported that, although lawyers are needed to assist victims in navigating the

complex system of eligibility for benefits and the criminal justice system, government funding for legal service providers to assist trafficking victims was severely limited.

The U.S. government encouraged victims to assist with investigations and prosecutions. The TVPA provides two principal types of immigration relief to foreign trafficking victims: 1) continued presence, which allows temporary immigration relief and may allow work authorization for potential victims who are also potential witnesses in an investigation or prosecution and 2) T nonimmigrant status or "T visas," which generally allow for legal immigration status for up to four years for victims who cooperate with reasonable law enforcement requests for assistance with an investigation or prosecution. Testimony against the trafficker, conviction of the trafficker, or formal denunciation of the trafficker is not required, nor is sponsorship or approval by an investigating agency. However, such support counts in an applicant's favor. Victims may also apply for T visas on behalf of certain family members, including spouses and minor children, parents and minor siblings of victims under 21, and victims' family members who are in danger as a result of the victim's escape from the trafficker or cooperation with law enforcement. T visa holders and their family members are authorized to work and after three years are then eligible for permanent residence status and eventual citizenship. Some victim advocates reported encountering difficulties in having law enforcement officials apply for continued presence and completing certification forms for the T visa; the problem was particularly acute among state and local officials who may be less familiar with the TVPA.

In 2009, continued presence was issued to 299 potential victim-witnesses and 313 T visas were granted. T visas were issued to 273 immediate family members of victims. Approximately 500 T visa holders, including victims and their family members, became lawful permanent residents in 2009, which puts them on a path to obtaining U.S. citizenship. There are other forms of immigration relief for which trafficking victims may be eligible, most notably the U visa for victims of specific crimes including trafficking offenses; however, information about which crime U visa holders suffered is not disaggregated so the number of trafficking victims who received such relief is unknown. During the reporting period, the Secretary of Labor announced that the Department of Labor would exercise its authority and implement a protocol to certify U visa applications in appropriate circumstances, which includes trafficking.

Foreign nationals generally are not eligible for federal public benefits such as food assistance and health care programs. When continued presence or a T visa is granted, the U.S. government issues a document that certifies the victim's eligibility to receive public benefits to the same extent as a refugee. In FY 2009, 330 such certifications were issued to foreign adults and 50 eligibility letters were issued to foreign children, an increase from 286 and 31, respectively, in FY 2008. Certified victims came

from 47 countries. Primary countries of origin for foreign victims were Thailand, Mexico, Philippines, Haiti, India, Guatemala, and the Dominican Republic. Eighty-two percent of foreign adult victims were labor trafficking victims, of which 58 percent were men and 42 percent were women; 15 percent were adult sex trafficking victims, all of whom were women; and three percent were victims of both forms. Fifty-six percent of foreign child victims were labor trafficking victims, of which half were boys and half were girls; 38 percent were sex trafficking victims, of which 16 percent were boys; and six percent were victims of both forms. NGOs reported that amendments to the TVPA in 2008 improved the protection of trafficked foreign children; there is now a process to grant eligibility letters and, therefore, benefits and services, upon identification without delay and without requirement that the child cooperate with law enforcement.

In 2009, a program funded by the Department of State – the Return, Reintegration, and Family Reunification Program for Victims of Trafficking – assisted two victims in returning to their home country and reunited 128 family members with trafficked persons in the United States. Since its inception in 2005, the program has assisted 15 victims in returning to their country of origin and has reunified 378 family members from 41 countries of origin. Despite training of U.S. consular officers on T and U visas, NGOs reported delays with persons traveling to join their family members in the United States due to unfamiliarity of some U.S. embassy personnel with victim-based visa programs.

DOJ and the Department of Health and Human Services (HHS) provided funding to NGOs for victim assistance. In FY 2009, approximately 700 foreign victims received services from NGOs supported by the federal government; 57 percent of these victims were men and 43 percent were women. DOJ made grants to 37 victim assistance organizations working in conjunction with law enforcement task forces nationwide. These grants focus on emergency assistance for foreign victims until an individual is certified or decides not to work with law enforcement. Once a victim is certified, a contractor for HHS reimburses NGO providers for services. NGOs reported difficulty operating under one funding system for pre-certified victims and another funding system for certified victims. The reimbursement program replaced an earlier system of HHS capacity-building grants; NGOs reported that the shift from grants to a per capita reimbursement system undercuts the development of a trafficking-specific program infrastructure as well as the advancement of expertise in the victim services community. While there has been a 210 percent increase in certifications of foreign victims over the past five years, there has been no corresponding increase in funding for services. In each of the last three years, the U.S. government exhausted the funding allotted for the reimbursement system before the end of the year. HHS-funded outreach programs identified over 700



potential foreign trafficking victims in addition to more than 1,000 American citizens. It is unknown how many U.S. citizen victims were referred to law enforcement or received services. The majority of identified U.S. citizen victims were children found in prostitution. In 2009, DOJ funded three demonstration projects to provide comprehensive services to U.S. citizen child victims of labor or sex trafficking, two projects for case management assistance to children found in prostitution, and one training and technical assistance project targeted at 10 youth-serving organizations assisting children found in prostitution. These services are not contingent on the child victim cooperating with law enforcement. Extensive programs for at-risk youth, including runaway and homeless youth, also assist this population, as do child protective services agencies in all states and territories; this infrastructure predates the TVPA. It is not clear to what extent these programs identify and assist child trafficking victims among the children they serve though NGOs reported that these programs and agencies require training to better identify and work with trafficking victims. During the year, DOJ and HHS examined more coordinated, systemic ways to protect citizen victims and ensure that all victims are offered services and protection, whether foreign nationals or U.S. citizens.

While the TVPA sets forth a federal victim protection framework and principles, such protections are far from universal at the state and local levels. Only nine of 50 states offered state public benefits to trafficking victims. Eighteen permitted victims to bring civil lawsuits in state court. Seven encouraged law enforcement to provide the required accompanying documentation for T visa applications. Eighteen instituted mandatory restitution. Nine states required that victims' names and/or locations be kept confidential. During the reporting period, state legislators worked with NGOs to further develop state-provided victim service and protection options.

The TVPA mandates that victims not be inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. The prostitution of children has traditionally been handled as a vice crime or a juvenile justice issue and the anti-trafficking approach of the TVPA has been slow to fully permeate the state child protection and juvenile justice systems. In 2008, the most recent year for which data is available, 206 males and 643 females under 18 years of age were reported to the Federal Bureau of Investigation as having been arrested for prostitution and commercialized vice. Some states created diversion programs so that children found in prostitution could receive shelter and services as opposed to convictions and jail; other states considered "safe haven" laws that would effectively decriminalize children found in prostitution. One state proposed legislation that would vacate prostitution convictions of sex trafficking victims, thereby eliminating barriers to immigration status, employment, and housing.

During the reporting period, DHS trained 250 ICE agents to identify and treat trafficking victims using approaches

that focus on the needs of the victims and established 12 full-time, non-agent Victim Assistance Specialists nationwide. DHS hired two child forensic interview specialists to conduct interviews of child and adolescent victims, as well as to develop training for agents on conducting developmentally appropriate and victim-sensitive interviews of children. DHS created a process for screening unaccompanied unauthorized immigrant minors. HHS' child victim specialists trained child welfare officials in 13 states as well as shelter staff for unaccompanied foreign minors in five states.

## Prevention

The Government of the United States continued to make appreciable progress on addressing prevention throughout the reporting period. The cabinet-level President's Interagency Task Force to Monitor and Combat Trafficking (PITF) is statutorily directed to coordinate the implementation of the TVPA and, therefore, the government-wide efforts to combat human trafficking. The Senior Policy Operating Group (SPOG) implements the PITF's guidance and is charged with coordinating the government's interagency effort to combat human trafficking. The SPOG meets quarterly and includes senior-level representatives from U.S. government agencies and the White House. Additionally, Grantmaking, Research and Data, and Public Affairs committees advance the work of the SPOG.

The U.S. government undertook multiple efforts to reduce the demand for commercial sex and cheap labor to which traffickers respond. The Departments of Agriculture, Labor, and State worked with experts to develop recommendations to reduce the likelihood that agricultural products and commodities imported into the United States are produced with the use of forced labor and child labor. In September 2009, as directed by the TVPA of 2005, the Department of Labor (DOL) published an initial list of goods from countries that DOL had reason to believe were produced by child labor or forced labor in violation of international standards. DHS is responsible for enforcing the prohibition against importing such products, but the relevant statute, the Smoot-Hawley Tariff Act of 1930, is limited in application and does not reflect the modern approach of the TVPA.

DOL carries out civil law enforcement in the workplace and targets industries that employ at-risk workers including restaurants, construction, and agriculture; DOL inspectors and investigators are often in a position to identify exploitive labor practices, which may be indicative of trafficking. During the reporting period, DOL increased its enforcement staff, but investigators did not receive trafficking-specific training. DOL's Office of Inspector General, which conducts criminal investigations of fraud involving the H2B foreign labor certification program, identified labor trafficking violations in some of its cases during the reporting period. The U.S. Equal Employment Opportunity Commission (EEOC), which investigates discrimination charges against employers,

participated for the first time in both the PITF and SPOG meetings as a full partner. The EEOC committed to active participation nationwide in order to identify additional labor trafficking cases.

Allegations of U.S. government contractors and subcontractors engaging in forced labor and procuring commercial sex acts were well-publicized, most recently involving private security firms hired by U.S. embassies as well as DOD contractors. All U.S. government contracts are required to include a provision that prohibits trafficking in persons by its contractors, contractor employees, subcontractors, and subcontractor employees. The U.S. government has the authority to terminate a contract without penalty if trafficking occurs and, in some cases, may have extraterritorial jurisdiction to prosecute federal contractors and subcontractors for human trafficking offenses that occur overseas. In 2009, the Department of State, DOD, and the US Agency for International Development conducted audits of a representative sample of contracts. DOD investigated one contractor and DOJ determined the facts and circumstances did not warrant further action; the contractor took corrective action. The Department of State's site visits yielded anecdotal evidence of some contractor behavior suggesting possible human trafficking, including withholding passports, garnishing wages, and summary dismissal, which resulted in referrals for investigations. During the reporting period, although allegations have been investigated, no contractors were prosecuted and no contracts were terminated. An additional Department of State report to Congress is forthcoming in the summer of 2010.

The U.S. government also engaged in prevention efforts within its temporary worker programs, especially under visas that allowed the admission in FY 2009 of 60,112 temporary agricultural workers and 44,847 workers in sectors such as hospitality, food service, and construction. NGO reports and prosecutions indicated that private recruiters often charge excessive fees, which leave workers vulnerable to debt bondage; identity documents are confiscated; and victims feel they risk deportation should they report labor violations. Workers' immigration status is tied to the sponsor of their employment-based visa. The work-based visas do not shield employers from liability for enslaving their workers, and anti-trafficking statutes were supplemented in 2008 by the enactment of 18 U.S. C. § 1351 to criminalize fraud in foreign labor contracting. The first such charges were brought in the reporting period and the prosecution is pending. The Departments of State, HHS, DHS, DOJ, and DOL formed a partnership with civil society to produce a "know your rights" brochure distributed by consulates worldwide informing visa applicants of their employment rights once in the United States and how to obtain help if needed, including how to seek help for human trafficking. Regulations released during the reporting period allow for the debarment of employers who have committed certain violations of the temporary worker programs from

participation for one to five years, but no employers were debarred during the reporting period.

During the reporting period, the Department of State issued formal guidelines for U.S. diplomats and employees working overseas under Chief of Mission authority who employ domestic workers, emphasizing that violators who engage in trafficking can face removal from employment and federal prosecution. The Department of State also promulgated guidelines governing the treatment of workers sponsored by foreign diplomats in the United States, including requirements that the worker be paid by check or electronic funds transfer, and ensuring transparency in contracting. The U.S. government formally briefed the Diplomatic Corps of these new guidelines and of possible consequences of domestic worker abuse. New laws and regulations provided that foreign embassies may lose the ability to sponsor additional domestic workers if they tolerate such behavior by their employees; no suspensions occurred within the reporting period. The Department of State worked with civil society to establish an intake mechanism for such cases to be reported.

The U.S. government adopted measures to inform and educate the public, including potential victims, about the causes and consequences of human trafficking. DHS conducted three extensive public awareness campaigns in 2009, spanning domestic urban areas, ports of entry, and foreign source countries. Additionally, DHS developed and implemented screening of unaccompanied minors arriving at and between ports of entry to determine whether they were victims of or at risk of trafficking. The Department of Education hosted a national conference at which it informed school teachers, nurses, and law enforcement about the problem of human trafficking and their role in identifying and preventing trafficking. HHS distributed public awareness materials in 2009 as part of a nationwide campaign that began in 2004. HHS also funded an NGO to operate the National Human Trafficking Resource Center, which operates a national hotline (1-888-3737-888) and provides national training and technical assistance to government and civil society organizations to identify and assist victims. In FY 2009, the Center received a total of 7,257 phone calls. These calls included 1,019 tips, of which approximately 300 were referred to law enforcement, and 697 requests for victim care referrals.

The U.S. government provides a substantial amount of international assistance aimed at preventing trafficking in persons, protecting victims, and prosecuting traffickers through foreign assistance from Department of State, DOL, and the U.S. Agency for International Development. In FY 2009, the government funded 168 international anti-trafficking programs, totaling approximately \$84 million and benefiting over 80 countries.

The United States does not directly participate in UN peacekeeping and has only a minimal presence within those operations. Nevertheless, pre-deployment anti-

trafficking training takes place. DOD mandated general human trafficking awareness training for all military members and civilian employees. In 2009, 60 percent of DOD employees received such basic anti-trafficking training. U.S. military personnel deployed to Haiti in the wake of the February 2010 earthquake received pre-departure briefings on their responsibility to guard against modern slavery, the warning signs of trafficking, and the U.S. government's zero tolerance policy for commercial sex and trafficking.

State and local jurisdictions engaged in a number of efforts to reduce demand for commercial sex. Common activities included deterrence such as public naming of men arrested for solicitation of prostitution or rehabilitation programs that dismissed solicitation charges following attendance at programs intended to sensitize the arrestees about the damage caused by prostitution. Federally funded evaluation of one such program showed a preventative effect against recidivism in the men who completed the course. There were not similar deferral programs for adult women arrested for prostitution offenses. State and local law enforcement arrested 12,133 men for prostitution offenses in 2008, the year for which most recent data is available. At the federal level, DOD launched a demand reduction campaign to help make contractors, government personnel, and military members aware of common signs of human trafficking and a hotline number to report suspected incidents.

U.S. laws provide extraterritorial jurisdiction over child sex tourism offenses perpetrated overseas by U.S. citizens. The federal government made 11 criminal arrests, brought five indictments, and obtained 10 convictions in child sex tourism cases in FY 2009.

### **U.S. Insular Areas**

The U.S. insular areas consist of American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. Federal authority over these areas resides in the Department of the Interior (DOI). While the U.S. government has compacts of free association with Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands, they are independent of the United States and thus not discussed here.

The insular areas are a destination for men and women subjected to forced labor, debt bondage, and forced prostitution. The U.S. government holds a unique relationship with each insular possession. While the U.S. constitutional prohibition of involuntary servitude and anti-trafficking statutes apply in all areas subject to U.S. jurisdiction, systemic issues prevent full enforcement of the law. For instance, American Samoa controls its own immigration and labor laws, including its temporary worker programs, as did CNMI until its recent federal transition. Temporary workers constitute the majority of the population in some territories; this creates a particular vulnerability for trafficking that is largely

unenforced. DOJ sought cases throughout the territories during the reporting period, but challenges of distance and limitations of resources, in combination with the potential scope of trafficking, mean that the territories warrant targeted attention, coordination, and resources. In the Territory of American Samoa, Chinese women have been forced into prostitution in nightclubs and brothels and Chinese and Vietnamese garment workers have been found in forced labor. American Samoa controls its own immigration policies and enforcement. Local law enforcement initiated an investigation of the territorial immigration office regarding its role in suspected forced labor and sex trafficking. In October 2009, the American Samoan House and Senate introduced an anti-trafficking bill, which would criminalize human trafficking and involuntary servitude as felonies.

In the Commonwealth of the Northern Mariana Islands (CNMI), forced labor and forced prostitution have at times been such high-profile issues that a Federal Labor Ombudsman, with an office established within DOI by Congress, operates in the Commonwealth. This office has documented labor abuses as well as numerous claims of foreign women forced into prostitution. Traffickers have been prosecuted for forcing Chinese women into prostitution in a karaoke bar as well as forcing Filipinos to labor and into commercial sexual exploitation. Labor trafficking was also of concern because temporary workers exceed the number of U.S. citizens in the 176 square mile Commonwealth. CNMI enacted its Anti-Trafficking Act in 2005 and has a DOJ funded task force on the largest island, Saipan. In 2008, the most recent year for which data is available, the NGO working on the task force assisted 14 human trafficking victims. CNMI is currently transitioning from independent control of immigration and labor enforcement to federal law and DHS assumed immigration and border control during the reporting period. During the reporting period, DOI requested that the Federal Bureau of Investigation send additional federal investigators to the CNMI to handle the expanding caseload.

The Territory of Guam has experienced both sex and labor trafficking. The first case came to light in 2008, when Chuukese women were identified as forced into prostitution, which prompted Guam to enact an anti-trafficking law in 2009. A federal sex trafficking prosecution is pending. Of particular concern for the coming years is the vulnerability of approximately 15,000 temporary workers expected to arrive primarily from the Philippines to construct new military facilities, without any corresponding increase in enforcement resources.

In the Commonwealth of Puerto Rico, sex trafficking appears to be more prevalent, involving Puerto Rican children as well as foreign women from the Dominican Republic, Haiti, and China. There are reports of involuntary domestic servitude as well as forced labor in a shrimp processing facility. Puerto Rico has no local anti-trafficking law. Reports indicated that suspected incidents are referred to federal authorities. Even with a federal

presence and a documented human trafficking problem, Puerto Rico has yet to prosecute a human trafficking case.

There were no documented cases of human trafficking in the territory of the U.S. Virgin Islands, though NGOs believe the tourism industry invites trafficking for sex and labor. NGOs in the U.S. Virgin Islands worked together to identify potential cases and be prepared to assist victims.

## URUGUAY (Tier 2)

Uruguay is primarily a source and transit country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Most victims are women and girls trafficked within the country to border and tourist areas for commercial sexual exploitation; some boys are also trafficked for the same purpose. Lured by fraudulent recruitment offers, some Uruguayan women migrated to Spain and Italy, and were subsequently forced into prostitution. There is anecdotal evidence some cases of human trafficking were linked to local and international crime rings, which traffic narcotics and other contraband.

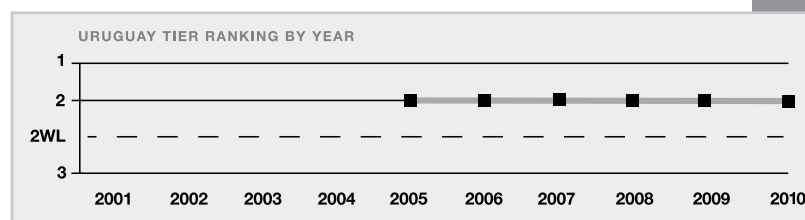
The Government of Uruguay does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government increased its prevention efforts, sustained victim protection services, and brought one trafficking case to trial. However, the government continues to lag in adequately prosecuting and convicting trafficking offenders.

**Recommendations for Uruguay:** Increase efforts to investigate and prosecute trafficking offenses and to convict and punish trafficking offenders; proactively investigate potential cases of forced labor; increase use of the new anti-trafficking law; expand anti-trafficking training for judges and law enforcement personnel; establish a formal mechanism to identify trafficking victims among vulnerable populations, including prostituted women and girls; and enhance and expand victim services, particularly outside the capital.

### Prosecution

The Government of Uruguay sustained its anti-trafficking law enforcement efforts during the last year. In 2008, the government enacted an anti-trafficking statute as part of a broader immigration reform package. Article 78 of that law prohibits all forms of trafficking in persons, prescribing penalties of four to 16 years' imprisonment: these penalties are increased if the victim is a child or if the trafficker used violence, intimidation, or deceit. Article 78 supplements older Uruguayan laws prohibiting child trafficking, child pornography, and forced labor, which prescribe penalties ranging from six months' to 12 years' imprisonment. These penalties are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. During the reporting period, the government prosecuted two

trafficking offenders in one case under its new anti-trafficking statute; the two traffickers subjected seven women to forced prostitution in Spain and remain in prison awaiting sentencing. This remains the only case tried under the anti-trafficking law; however, other cases were tried under anti-pimping statutes. The government maintained anti-trafficking training for members of its diplomatic corps, and several border officials received training in how to identify potential trafficking victims. The government sustained partnerships with other governments to cooperate on international trafficking cases, working particularly close with the Argentine government, with whom they share immigration databases. There was no confirmed evidence of official complicity of Uruguayan officials with human trafficking.



### Protection

The Uruguayan government continued to ensure trafficking victims received access to basic victim services during the year, with international donors providing significant funding for these services. Uruguayan authorities referred child victims of trafficking to government institutions for care. The government operated shelters accessible to adult female victims of abuse, including trafficking victims, and sought to provide them with legal, medical, and psychological care; however, the government could not accommodate the demand for these services, and victim care services were uneven outside the capital. Adult male trafficking victims remain ineligible for services. While the government provided limited funding to NGOs working in the area of trafficking, the majority of human trafficking-related victim services remained concentrated in the capital. The government does not have a formal system for identifying trafficking victims among vulnerable populations, such as adults in prostitution or undocumented migrants. However, the government worked with a local NGO to distribute leaflets about human trafficking to women in prostitution. The government encourages, but does not require, victims to assist in the investigation and prosecution of their traffickers. In June 2009, the government passed new legislation offering additional witness protection to victims who testify; however, the law has yet to be used in a human trafficking case. There were no reports of victims being jailed, deported, or otherwise penalized for acts committed as a direct result of being trafficked. Uruguayan law does not force the repatriation of any foreign trafficking victim, and allows trafficking victims to seek citizenship in Uruguay.



## Prevention

The Uruguayan government increased its efforts to raise public awareness of the dangers of human trafficking and child prostitution during the reporting period. The government continued to forge partnerships with NGOs, international organizations, and foreign governments, and officials participated in several regional conferences and training activities related to human trafficking. In an effort to reduce consumer demand for commercial sex acts involving children, the government launched a campaign in February 2010 to distribute 30,000 anti-trafficking leaflets and 10,000 stickers in tourist areas. Government officials maintained efforts to reach out to hotel workers and to others in the broader tourism sector to raise awareness about child sex tourism and the commercial sexual exploitation of children. The Ministry of Education continued to include anti-trafficking material in its high school sex education curriculum. Two government committees related to human trafficking met on a regular basis: an informal interagency committee that coordinates the government's anti-trafficking efforts, and a special committee that addressed cases of commercial and non-commercial sexual exploitation of children. Authorities provided anti-trafficking training to Uruguayan troops being deployed on international peacekeeping missions during the year. The government collaborated with a local NGO to publish and distribute 3,000 informational leaflets on human trafficking to women in prostitution. There were no known efforts to address demand for forced labor.

## UZBEKISTAN (Tier 2 Watch List)

Uzbekistan is a source country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor, and women and girls in forced prostitution. Uzbek men are forced to labor in Kazakhstan and Russia in the construction, cotton, and tobacco industries. Women and girls are subjected to forced prostitution in the U.A.E., India, Kazakhstan, Russia, Turkey, Thailand, Israel, Malaysia, South Korea, Japan, China, Indonesia, and also within Uzbekistan. Men and women from Uzbekistan are subjected to involuntary domestic servitude and forced labor in the agricultural and construction industries in Russia. Domestic forced labor remains prevalent during the annual cotton harvest, when many school-age children, college students, and adults are forced to pick cotton. During the 2009 fall harvest, school children were forced to pick cotton in at least 8 of 14 regions in the country.

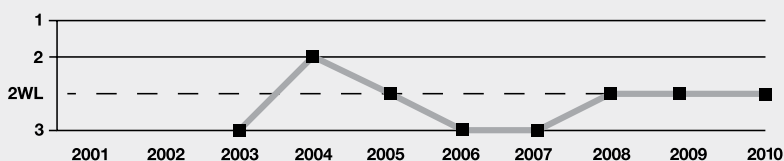
The Government of Uzbekistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, Uzbekistan did not work to eliminate the use of forced child and forced adult labor in the annual cotton harvest, however, and did not make efforts to investigate, prosecute, or convict government officials complicit in the use of forced labor during the harvest; therefore, Uzbekistan is placed on Tier 2 Watch List for the third consecutive year. The government continued to set a quota for national cotton production and paid farmers artificially low prices for the cotton produced; making it almost impossible for Uzbek farmers to pay wages that would attract a consenting workforce. Provincial governors were held personally responsible for ensuring that the quota was met; they in turn passed along this pressure to local officials, who organized and forced school children, university students, faculty, and other adult government employees to pick cotton to ensure that the national quota was met. The Government of Uzbekistan made strides in addressing transnational sex and labor trafficking, greatly increasing the number of criminal prosecutions in this area and conducting comprehensive awareness campaigns about the dangers of trafficking. The government also opened a shelter to assist victims of both sex and labor trafficking in November 2009 and increased the number of victims identified.

**Recommendations for Uzbekistan:** Take substantive action to end the use of forced labor during the annual cotton harvest; use Article 135 to prosecute, convict, and criminally punish government officials who force children and adults to pick cotton during the annual harvest; allow international experts to conduct an independent assessment of the use of forced labor during the annual cotton harvest; investigate, prosecute, convict, and sentence government officials complicit in trafficking; provide financial or in-kind support to anti-trafficking NGOs to provide assistance and shelter for victims; take steps to establish additional shelters outside of Tashkent; consider requiring officials from the Ministry of Labor and Social Responsibility or the Ministry of Education to monitor school attendance and ensure that schools are not closed during the harvest as means to avoid the forced labor of school children; ensure that victims are not punished for acts committed as a result of being trafficked; and continue efforts to improve the collection of law enforcement trafficking data.

## Prosecution

The government reported improved law enforcement efforts; however, it did not demonstrate efforts to investigate, prosecute, convict, or criminally punish government officials complicit in trafficking, particularly those who forced children and adults to pick cotton during the 2009 harvest. Article 135 of the criminal code prohibits both forced prostitution and forced labor, and prescribes penalties of 3 to 12 years' imprisonment, which are sufficiently stringent and commensurate with

UZBEKISTAN TIER RANKING BY YEAR



punishments prescribed for other serious crimes, such as rape. In 2009, law enforcement agencies reported conducting 1,978 trafficking investigations, compared with 900 investigations involving 670 suspects reported in 2008. Authorities prosecuted 815 trafficking cases in 2009. Authorities reported convicting approximately 1,198 trafficking offenders in 2009, compared with 400 in 2008. The government reported that 960 convicted trafficking offenders were sentenced to an average of six years' imprisonment, compared with approximately 300 convicted offenders sentenced to some time in prison in 2008. In 2009, 238 convicted offenders served no time in prison compared with approximately 100 convicted trafficking offenders in 2008. The government did not effectively enforce Article 135 to prohibit the use of forced labor of children and adults during the annual cotton harvest.

The government did not investigate, prosecute, convict, or criminally punish any government officials for their involvement in forcing children and adults to work the fields during the annual cotton harvest. There were reports of border guards and low-level police officers involved in the fraudulent issuance of exit visas and individual police officers accepting bribes from traffickers. In 2009, the government reported that one government official was investigated for trafficking complicity; however, he received an administrative rather than a criminal penalty.

### Protection

The government continued to improve assistance and protection for victims of trafficking. In November 2009, the government opened its first shelter for trafficking victims in Tashkent and assisted 48 victims during the reporting period. Privately-funded NGOs ran two additional shelters in the country. Local observers described a need for additional trafficking shelters in Karakalpakstan and the Ferghana valley. The government identified 4,660 victims – including 4,016 men and 644 women, a significant increase from 2,941 victims identified in 2008. NGOs and the government assisted at least 459 victims in 2009 – including 337 women 99 men, and 23 children – with services and repatriation, compared with 342 victims assisted by NGOs in 2008. The 2008 comprehensive anti-trafficking law and the 2008 anti-trafficking national action plan both mandate that victims receive immediate and long-term assistance; victims assisted at the new government shelter are allowed to stay up to 90 days. Although local governments are tasked with providing longer-term reintegration assistance, in general they did not have the resources to provide this care. NGOs reported improved government efforts to refer victims for assistance. The government reported that a significant number of identified victims assisted law enforcement in trafficking investigations in 2009; however, many unidentified victims were still afraid to provide information or cooperate with law enforcement out of cultural shame or fear of retribution

by their traffickers, and the government did not have a victim-witness protection program. Per Uzbek law, however, these victims are supposed to be immune from prosecution under charges related to the trafficking. Some identified Uzbek victims were punished for illegal migration offenses.

### Prevention

The Uzbek government sustained its transnational labor and sex trafficking awareness efforts; however, it did not make significant efforts to prevent the use of forced labor of adults and children during the annual cotton harvest. Although the government made some efforts to condemn the use of forced child labor during the annual harvest – including the Ministry of Education's request of school directors to certify they would not force students to participate in the harvest – school closings were reported in a majority of districts. Additionally, the government did not take measurable steps to reduce adult forced labor in the cotton sector. The government did not respond to the international community's calls for an independent assessment of the use of forced labor during the 2009 cotton harvest, although it permitted UNICEF to conduct some monitoring of forced child labor during the fall harvest. State-run media that focused on other forms of trafficking included television broadcasts, public service announcements on television and radio, articles in newspapers, billboards, and posters displayed in towns throughout the country.

## VENEZUELA (Tier 2 Watch List)

Venezuela is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Venezuelan women and girls are found in conditions of forced prostitution within the country, lured from poor interior regions to urban and tourist areas, such as Caracas, Maracaibo, and Margarita Island. Victims are often recruited through false job offers. Some Venezuelan and Ecuadorian children are forced to work as street beggars or as domestic servants. Venezuelan women and girls are trafficked across international borders for forced prostitution to Mexico and Western Europe, and to Caribbean destinations, such as Trinidad and Tobago, the Netherlands Antilles, and the Dominican Republic. Organized crime is widely believed to be involved in sex trafficking in Venezuela. Venezuela is a transit country for men, women, and children from neighboring countries, such as Colombia and Peru, as well as a destination for migrants from China, who are subsequently subjected to forced labor. Some of these migrants may be subjected to commercial sexual exploitation and forced labor in Venezuela. Human trafficking is reportedly increasing in Venezuela's Orinoco River Basin area, where victims are exploited in mining operations, and in border regions of Tachira State, which suffer from political violence and infiltration by armed rebel groups.

The Government of Venezuela does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government convicted two trafficking offenders and maintained public awareness initiatives. Despite these efforts, the government did not provide adequate assistance to victims and did not increase its capability to combat human trafficking through amending existing laws to prohibit the internal trafficking of men and boys, enhancing data collection, or improving interagency coordination; therefore, Venezuela is placed on Tier 2 Watch List for the third consecutive year. The Government of Venezuela provided minimal information on its efforts to combat human trafficking for this report.

**Recommendations for Venezuela:** Amend existing trafficking laws to prohibit and adequately punish the internal trafficking of men and boys; intensify efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; provide greater assistance and services to trafficking victims; implement formal and proactive procedures for identifying trafficking victims among vulnerable populations; designate a coordinator to lead the government’s anti-trafficking efforts; and improve data collection for trafficking crimes.

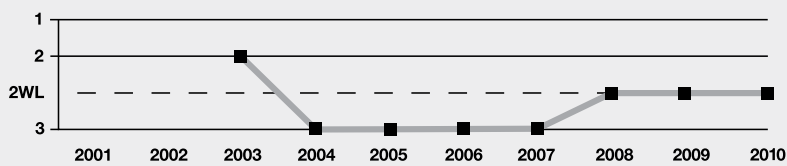
trafficking of children, though many of these statutes carry extremely low penalties – typically a maximum of three months in jail or fines.

The government investigated a small number of trafficking cases, including one involving the alleged labor trafficking of 56 Colombian workers on a Venezuelan shrimp farm. During the reporting period, the government reported convicting an offender for trafficking women into forced prostitution in Spain: he received a sentence of 17 years, six months. Authorities also reported one conviction for the prostitution of a minor; a trafficking offender who subjected a child to forced prostitution was sentenced to six years and six months. During the previous year, no trafficking-related convictions had been reported. Authorities collaborated with the governments of Spain, Romania, and Trinidad & Tobago on transnational trafficking cases. There were no confirmed reports of government complicity with human trafficking in 2009, though corruption among public officials, particularly related to the issuance of false identity documents, appeared to be widespread. Seven Cuban doctors and one nurse filed a lawsuit in the United States against the governments of Venezuela and Cuba and the Venezuelan state-run oil company for labor exploitation; the medical workers claimed they were forced into servitude and paid low wages to help repay Cuba’s oil debts to Venezuela. Many Venezuelan law enforcement officials reportedly did not distinguish between human trafficking and migrant smuggling offenses.

**Protection**

The government sustained limited efforts to assist trafficking victims during the reporting period. According to NGOs, the government did not have a formal mechanism for identifying trafficking victims among vulnerable populations, such as women in prostitution. The government also did not operate shelters accessible to or dedicated for trafficking victims, relying on NGOs and international organizations to provide the bulk of victim assistance. State-operated shelters for victims of domestic violence or at-risk youth did not have sufficient space or adequate services to meet the needs of trafficking victims. Government-provided psychological and medical examinations were available to trafficking victims, but additional victim services, such as follow-up medical aid, legal assistance with filing a complaint, job training, and reintegration assistance, remained lacking. Authorities encouraged some victims to assist in the investigation and prosecution of their traffickers. There were no reports of victims being jailed or penalized for unlawful acts committed as a direct result of being trafficked. Foreign victims who faced retribution if returned to their country of origin could apply for refugee status; however, the government did not report whether any trafficking victims applied for or received this status over the past year. There were no reports of government assistance

VENEZUELA TIER RANKING BY YEAR



**Prosecution**

The Government of Venezuela modestly increased its limited anti-trafficking law enforcement efforts over the last year. Venezuelan law prohibits most forms of human trafficking through its 2007 Organic Law on the Right of Women to a Violence-Free Life. Article 56 of this law prohibits the trafficking of women and girls for the purposes of sexual exploitation, forced labor, slavery, irregular adoption, or organ extraction, prescribing punishments of 15 to 20 years’ imprisonment. Articles 46 and 47 prohibit forced prostitution and sexual slavery, and carry penalties of 10 to 20 years’ imprisonment. Article 16 of the Organic Law Against Organized Crime, enacted in 2005, prohibits trafficking across international borders for labor or sexual exploitation, and prescribes penalties of 10 to 18 years’ imprisonment. The above penalties are sufficiently stringent, and commensurate with those for other serious crimes, such as rape. These anti-trafficking provisions, however, do not address the internal trafficking of adult males or boys. Prosecutors also can use Venezuela’s Child Protection Act and various articles of the penal code to prosecute the internal

to repatriated trafficking victims during the reporting period.

### Prevention

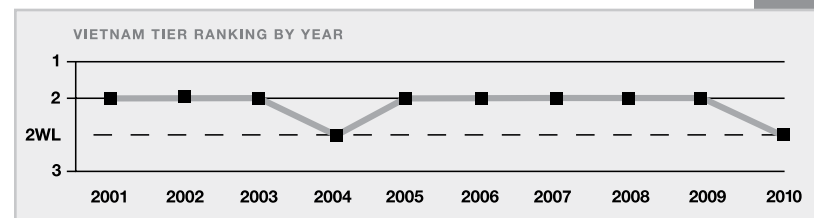
The Venezuelan government maintained efforts to prevent human trafficking over the year by conducting some public awareness campaigns about the dangers of human trafficking. The government continued to operate a national 24-hour hotline through which it received trafficking complaints. However, NGOs reported it frequently does not work or is not answered. The government aired public service announcements and distributed materials to raise awareness about commercial sexual exploitation and forced labor. Authorities collaborated with NGOs and international organizations on other anti-trafficking efforts, but relations with these organizations were reportedly mixed. The lack of a central coordinating body for the government's anti-trafficking efforts led to difficulties in obtaining comprehensive information about the government's anti-trafficking activities. The extent of anti-trafficking training provided to government officials was unclear. Lower-level government officials acknowledge human trafficking is a problem in the country. No specific activities to reduce the demand for commercial sex acts or forced labor were reported during the year.

## VIETNAM (Tier 2 Watch List)

Vietnam is a source and destination country for men, women, and children subjected to trafficking in persons, specifically conditions of forced prostitution and forced labor. Vietnam is a source country for men and women who migrate abroad for work through predominantly state-affiliated and private labor export companies in the construction, fishing, and manufacturing sectors primarily in Malaysia, Taiwan, South Korea, China, and Japan, as well as in Thailand, Indonesia, the United Kingdom, Czech Republic, Russia, and the Middle East, and some of these workers subsequently face conditions of forced labor. Vietnamese women and children subjected to forced prostitution throughout Asia are often misled by fraudulent labor opportunities and sold to brothels on the borders of Cambodia, China, and Laos, with some eventually sent to third countries, including Thailand and Malaysia. Vietnamese labor export companies, most of which are state-affiliated, may charge workers in excess of the fees allowed by law, sometimes as much as \$10,000 to recruitment agencies for the opportunity to work abroad, incurring some of the highest debts among Asian expatriate workers, making them highly vulnerable to debt bondage and forced labor, and upon arrival in destination countries, some workers find themselves compelled to work in substandard conditions for little or no pay and no credible avenues of legal recourse.

Reports indicate that some recruitment companies did not allow workers to read their contracts until the day before they were scheduled to depart the country and

after they had already paid significant recruitment fees; some workers reported signing contracts in languages they could not read. There have been documented cases of recruitment companies being unresponsive to workers' requests for assistance in situations of exploitation. There are reports that the global economic crisis has led to the early termination of some contracts and the early return of some migrants to Vietnam with significant outstanding debts, placing them at risk of forced labor. There are also reports of some Vietnamese children trafficked internally and also abroad for forced labor. Vietnamese women and children are transported to locations throughout Asia for forced prostitution, often misled by fraudulent labor opportunities and sold to brothels on the borders of Cambodia and China, with some eventually sent to third countries, including Thailand and Malaysia. In both sex trafficking and labor trafficking, debt bondage, confiscation of identity and travel documents, and threats of deportation are utilized to intimidate victims. Some Vietnamese women migrating to China, Taiwan, Hong Kong, Macau, and increasingly to South Korea as part of internationally brokered marriages are subsequently subjected to conditions of forced labor or forced prostitution or both. Cambodian children and Vietnamese children from rural areas are subjected to commercial sexual exploitation, forced street hawking, and forced begging in the major urban centers of Vietnam, often as a part of organized crime rings, and some Vietnamese children are victims of forced and bonded labor in urban family-run house factories. Vietnam is a destination for child sex tourism with perpetrators reportedly coming from Japan, South Korea, China, Taiwan, the United Kingdom, Australia, Europe, and the United States, though the problem is not believed to be widespread.



The Government of Vietnam does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. While the government continued efforts to combat cross-border sex trafficking and made efforts to protect some victims of trafficking, it did not show evidence of progress in criminally prosecuting and criminally punishing labor trafficking offenders and protecting victims of all forms of trafficking, particularly victims of labor trafficking and internal trafficking; therefore, Vietnam is placed on Tier 2 Watch List. The government has never reported prosecuting a case of labor trafficking. The government has promoted increased labor exports as a way to address



unemployment and alleviate poverty, and as a source of remittances, but it has not put into place adequate measures to protect the rights of Vietnamese migrant workers or taken adequate measures to prevent new incidents of labor trafficking, such as the implementation of adequate laws to regulate labor recruitment companies. Additionally, the government has not made efforts to address the problem of internal trafficking in Vietnam.

**Recommendations for Vietnam:** Criminally prohibit and prescribe punishment for labor trafficking offenses; criminally prosecute those involved in forced labor, the recruitment of persons for the purpose of labor exploitation, or fraudulent labor recruitment; develop formal procedures for the identification of labor trafficking victims, relying on recognized indicators of forced labor, such as the confiscation of travel documents by employers or labor brokers; identify Vietnamese migrant workers who have been subjected to forced labor and provide them with victim services; increase efforts to protect Vietnamese workers going abroad for work through labor export companies; ensure that state-licensed recruitment agencies do not engage in fraud or charge illegal commissions for overseas employment; take measures to ensure that victims of labor trafficking are not threatened or otherwise punished for protesting labor conditions or for leaving their place of employment, in Vietnam or abroad; ensure victim protection and assistance services are provided to male victims and victims of labor trafficking; ensure the workers have effective legal redress from labor trafficking; make greater efforts to work closely with destination governments to investigate and prosecute trafficking cases, including labor trafficking cases; improve interagency cooperation on anti-trafficking efforts; and implement and support a visible anti-trafficking awareness campaign directed at clients of the sex trade.

### Prosecution

The Vietnamese government demonstrated some law enforcement efforts to combat trafficking in persons for transnational sex trafficking, although government statistics include some non-trafficking crimes, such as abduction and selling of children for adoption. The government did not, however, report any investigations or prosecutions of cases of internal trafficking or the labor trafficking of Vietnamese citizens. While statutes in Penal Code Article 119 can be used to prosecute some forms of trafficking and were expanded this year to include male victims of trafficking, existing laws do not adequately cover all forms of trafficking, including labor trafficking and the recruitment and harboring of trafficking victims. The majority of traffickers are prosecuted under Articles 119 and 120 of the Penal Code, which can be used to prosecute a variety of related crimes. Vietnamese law does not include provisions for attempts to commit a trafficking offense, participating as an accomplice, and organizing or directing other persons to commit an offense. During the year, the government acknowledged

that the problem of labor trafficking exists, as does the trafficking of men, and the National Assembly voted to expand trafficking-related laws to include men. However, it did not take action to identify labor trafficking cases. Vietnamese labor laws do not provide criminal penalties for labor trafficking.

Contract disputes between Vietnamese workers and their Vietnam-based export labor recruitment companies or companies overseas are left almost entirely to the export labor recruiting company to resolve. Although workers have the legal right to take cases to court, in practice few have the resources to do so, and there is no known record of a Vietnamese labor trafficking victim successfully achieving compensation in court; thus, workers are, in practice, left without reasonable legal recourse. The Ministry of Labor, War Invalids, and Social Affairs (MOLISA) reported that in 2009, 98 labor recruitment companies were fined a total of \$10,900 and two firms had their licenses revoked. However, the government did not report investigating prosecuting or convicting any offenders of labor trafficking during the reporting period. The Vietnam's Supreme People's Court reported that police in 2009 investigated 183 cases of sex trafficking involving 440 alleged offenders and convicted 360 individuals of sex trafficking offenses; however, these statistics are based on Articles 119 and 120 of the Vietnamese Penal Code, which include crimes other than trafficking, including human smuggling and child abduction for adoption. Most individuals convicted were sentenced to prison terms ranging from three to seven years' imprisonment. The government did not report any prosecutions or convictions of internal trafficking in Vietnam. Trafficking-related corruption occurred at the local level, where officials at border crossings and checkpoints take bribes to look the other way, though the government has never reported any investigations or prosecutions of officials for trafficking-related complicity.

### Protection

The Vietnamese government continued some efforts to protect cross-border sex trafficking victims, but authorities need to improve efforts to identify or protect victims of labor trafficking or internal trafficking. The government did not employ systematic procedures nationwide to proactively and effectively identify victims of trafficking among vulnerable populations, such as women arrested for prostitution and migrant workers returning from abroad, and victim identification efforts remained poor across all identified migration and trafficking streams. Border guards and police at the district and provincial levels received limited training about identification of trafficking victims and handling of cases, which in some cases improved some officers' ability to monitor and investigate trafficking cases, but the lack of adequate training reportedly led to poor investigations and techniques that were harmful to some victims. Vietnam's National Steering Committee on Trafficking in Persons reported that 250 Vietnamese

victims were identified by Vietnamese and foreign police, and 500 victims were identified and repatriated by foreign governments, 100 of whom were trafficked to South Korea, Malaysia, and Singapore; however, Vietnamese statistics include some cases in which children were abducted and sold for adoption, a crime not recognized as trafficking under U.S. laws.

The government did not provide adequate legal protection or assistance to the estimated 500,000 Vietnamese workers abroad from conditions of forced labor. During the year, there were numerous reports of overcharging by labor export companies. In a few cases, authorities ordered companies to return overcharged fees to workers. During the reporting period, the government signed three new agreements with Libya, the United Arab Emirates, and Canada to provide Vietnamese laborers, but it is unknown whether agreements signed with governments of demand countries had provisions to prevent human trafficking and protect trafficking victims. Vietnam does not maintain Embassies in many countries where there are reports of trafficking and often responded weakly to protect migrant workers; diplomats were often reportedly unresponsive to complaints of exploitation, abuse, and trafficking by migrant workers. Government regulations do not prohibit labor export companies from withholding the passports of workers in destination countries and companies were known to withhold workers' travel documents, a known contributor to trafficking. Vietnamese workers do not have adequate legal recourse to file complaints in court against labor recruitment companies in cases where they may have been the victim of trafficking. In December 2009, a Hanoi court reportedly dismissed a civil suit filed against four labor export companies by a number of alleged labor trafficking victims sent to Jordan in 2008. There is no known record of a labor trafficking victim ever receiving recourse through civil courts in Vietnam.

Vietnamese Women's Union (VWU), in partnership with NGOs, ran eight shelters in three provinces that provided counseling and vocational training to female sex trafficking victims. However, the government lacks the resources and technical expertise to adequately support shelter systems, and as a result, in many areas shelter systems are rudimentary, underfunded, and lack appropriately trained personnel. There are no shelters or services specifically equipped to assist male victims of trafficking or victims of labor trafficking. Existing shelters' services were targeted to assist female sex trafficking victims; the government called upon ministries and agencies providing services to trafficking victims to extend those services to men. One NGO reported that Vietnamese border guards referred five male labor trafficking victims to a victim reception center that provided health support and vocational training. Authorities reported that repatriated Vietnamese victims who were officially identified by authorities as victims were not penalized for unlawful acts committed as a direct result of being trafficked. The government has a

system in place to identify victims of cross-border sex trafficking, but does not have a comprehensive system to identify victims of internal trafficking or labor trafficking from among vulnerable groups. Some labor trafficking victims report that authorities did not assist in their attempts to collect refunded service charges in instances of early termination that was not the fault of the workers through the civil courts system. The government reportedly encourages victims to assist in the prosecution of their traffickers, but there was no data on the number of victims involved in prosecutions during the reporting period. Victims are often reluctant to participate in investigations or trials due to social stigma, fear of retribution in their local communities, and lack of incentives for participation and witness protection. There are no legal alternatives for the removal of foreign victims to countries where they face retribution or hardship. In 2009, the Ministry of Public Security, with assistance from an NGO, developed guidelines to protect trafficking victims during investigations and prosecutions. During the year, the Border Guard partnered with an international organization to conduct training for several border posts on identifying and assisting trafficking victims.

## Prevention

The Vietnamese government continued some efforts to prevent trafficking in persons with assistance and cooperation from international organizations, NGOs, and foreign donors. However, as the government advanced goals of increasing labor exports, including to some countries where abuses of migrant workers are rife, it failed to make adequate efforts to prevent labor trafficking by requiring destination governments to provide adequate safeguards against forced labor of its migrant workers. Government regulations of labor and marriage brokers were weak and in some areas, nonexistent. The Vietnamese Women's Union ran local-level education campaigns on the dangers of sex trafficking that reached remote border areas. The government published, in some cases with NGO support, brochures on the dangers of trafficking for Vietnamese laborers abroad, and MOLISA distributed handouts and established a website on safe foreign migration. National-level and local authorities cooperated with a foreign donor partner, worked with MTV to stage a trafficking awareness-raising campaign in Vietnam's five largest cities. The National Committee on Trafficking solicited opinions and suggestions from international NGOs on the implementation of its most recent National Action Plan on Trafficking. The VWU continued to cooperate with its South Korean counterpart in pre-marriage counseling to prevent trafficking of Vietnamese women through international marriage. In September 2009, the government signed a bilateral agreement with Cambodia to standardize procedures for the repatriation of trafficking victims. The government distributed leaflets aimed at both foreign and domestic tourists to combat child sex tourism. Nevertheless, the government has yet to reach adequate agreements with

destination governments on safeguards against forced labor. Government regulations regarding labor trafficking were weak. Vietnam is not a party to the 2000 UN TIP Protocol.

## YEMEN (Tier 2 Watch List)

Yemen is a country of origin and, to a much lesser extent, a transit and destination country for women and children subjected to trafficking in persons, specifically forced labor and forced prostitution. Yemeni children, mostly boys, migrate across the northern border with Saudi Arabia, to the Yemeni cities of Aden and Sana'a, or – to a lesser extent – to Oman, and are forced to work primarily as beggars, but also for domestic servitude or forced labor in small shops. Some of these children are subjected to commercial sexual exploitation in transit or once they arrive in Saudi Arabia by traffickers, border patrols, other security officials, and their employers. The government and local NGOs estimate that there are hundreds of thousands of children in forced labor in Yemen. An unconfirmed government report indicates that fewer Yemeni children may have been forced to work in Saudi Arabia in the reporting period due to a combination of awareness campaigns, collaboration between Yemeni and Saudi authorities, and the outbreak of civil war in northern Yemen. Some parents may have refrained from sending their children to Saudi Arabia for fear of their encountering violence in northern Yemen, while other Yemeni children attempting to reach Saudi Arabia were abducted by rebel groups to work as soldiers.

Yemen, but upon arrival are forced into prostitution or domestic servitude. Female Somali refugees are forced into prostitution in Aden and Lahj governorates and Yemeni and Saudi gangs traffic African children to Saudi Arabia. Somali pirates capitalize on the instability in the Horn of Africa to subject Africans to forced labor and prostitution in Yemen, in addition to their piracy and human smuggling crimes.

Despite a 1991 law which stipulates that recruits to the armed forces must be at least 18 years of age, and assertions by the government that the military is in compliance with these laws, credible reports exist that children have been recruited into official government armed forces – as well as government-allied tribal militias and militias of the Houthi rebels – since the sixth round of the intermittent war in Sa'ada began in August 2009. A local NGO estimated that children under the age of 18 may make up more than half of some tribes' armed forces, both those fighting with the government and those allied with the Houthi rebels.

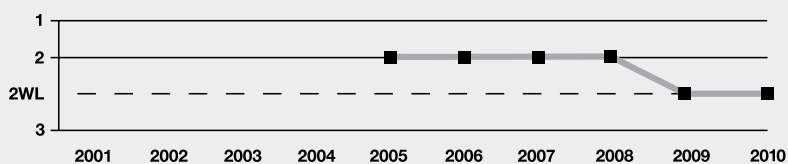
The Government of Yemen does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the Yemeni government did not show evidence of progress in prosecuting and punish trafficking offenders, identifying and protecting sex trafficking victims, or preventing sex trafficking over the last year; therefore, Yemen is placed on Tier 2 Watch List for the second consecutive year. The government took no steps to address commercial sexual exploitation. It continued, however, to provide protection and reunification services to child victims repatriated from Saudi Arabia and to make notable strides in raising awareness of child labor trafficking.

**Recommendations for Yemen:** Enforce the December 2009 Ministry of Justice decree and take judicial action against human trafficking; expand the two reception centers to also rehabilitate victims of commercial sexual exploitation; institute a formal victim identification mechanism to identify and refer victims to protection services; expand educational campaigns on trafficking to include information on the sex trafficking of children and adults; and fully implement the National Plan of Action.

### Prosecution

The Government of Yemen made minimal law enforcement efforts against human trafficking during the reporting period. Yemen prohibits some forms of human trafficking. Article 248 of the penal code prescribes 10 years' imprisonment for anyone who "buys, sells, or gives as a present, or deals in human beings; and anyone who brings into the country or exports from it a human being with the intent of taking advantage of him." This transaction- and movement-based statute does not prohibit debt bondage or many forms of forced labor and forced prostitution. Article 248 prescribes a penalty of up to ten years imprisonment, which is commensurate with that for other serious crimes, such as rape. Article

YEMEN TIER RANKING BY YEAR



To a lesser extent, Yemen is also a source country for girls subjected to commercial sexual exploitation within the country and in Saudi Arabia. Girls as young as 15 years old are exploited for commercial sex in hotels and clubs in the governorates of Sana'a, Aden and Taiz. The majority of child sex tourists in Yemen originate from Saudi Arabia, with a smaller number possibly coming from other Gulf nations. Yemeni girls who marry Saudi tourists often do not realize the temporary and exploitative nature of these agreements and some are forced into prostitution or abandoned on the streets after reaching Saudi Arabia. Yemen is a transit and destination country for women and children from the Horn of Africa; Ethiopian and Somali women and children travel willingly to Yemen with the hope of working in other Gulf countries, but once they reach Yemen are forced into prostitution or domestic servitude. Others migrate willingly with false promises of comfortable employment as domestic servants in

161 of the Child Rights Law specifically criminalizes the prostitution of children. Data on arrests and prosecutions for trafficking offenders were incomplete and varied widely depending on the source. Press and NGO sources indicate that between 20 and 26 trafficking offenders were arrested in their attempts to traffic children to Saudi Arabia. No further detail is known about these cases. A local NGO reported that some child trafficking offenders were prosecuted and received sentences up to 10 years; those prosecuted were often families who sold their children and not leaders of trafficking rings. There was no evidence of prosecutions of government officials for complicity in trafficking during the reporting period. Law enforcement officials are receiving training from the IOM in identifying and assisting victims of trafficking. In December 2009, the Ministry of Justice issued a decree to all judicial officials to aggressively pursue human trafficking prosecutions and finish pending cases as soon as possible.

### Protection

The government made limited progress in protecting victims over the last year, and remained reluctant to acknowledge trafficking for commercial sexual exploitation. The government did not employ procedures for proactively identifying victims of sex trafficking among high-risk groups and lacked a formalized victim referral process. In partnership with UNICEF and NGOs, the government continued operation of two reception centers in Sana'a and Harath to rehabilitate child trafficking victims. In 2009, these centers provided 658 children with social protection, psychological and medical care, and provided 180 children with post-care upon reunification with their families, if possible. Children without families are enrolled in orphanages. A local NGO runs a rehabilitation center in Sana'a; their centers in Sayun and Aden suspended their activities in the past year due to corruption. The government discontinued its previous support for these NGO-run shelters. However, according to officials, the government-run al-Thawra Hospital continued to provide free treatment for the children who reside in the Sana'a NGO shelter. The government did not encourage victims to assist in investigations or prosecutions of their traffickers. Yemen did not ensure that victims are not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. The government did not provide assistance to its nationals who are repatriated as victims of trafficking, although NGOs provided limited assistance and helped reunite some victims with their families. There were no legal alternatives to the removal of foreign trafficking victims to countries in which they may face hardship or retribution.

### Prevention

The Yemeni government made marked progress in preventing child labor trafficking during the reporting period, particularly through informational and

educational campaigns, some in partnership with NGOs and international organizations. The government, however, did not make efforts to prevent sex trafficking of children or adults. One anti-labor trafficking campaign, aired in a Ramadan TV series and in TV and radio interviews, told the stories of trafficked children. The Ministry of Social Affairs and Labor (MOSAL) continued a previous campaign and trained 1,500 community leaders – mainly teachers and imams – about trafficking. Through lectures at taxi stands, MOSAL officials also trained 1,160 taxi and small bus drivers to recognize signs of trafficking, and distributed over 30,000 brochures and stickers to bus and taxi drivers and in taxi stations across the country. The Council of Ministers ratified a national strategy for addressing trafficking in persons on March 31, 2009. MOSAL has contracted a scholar to complete a national situation report and evaluation of current government interventions. The government has not yet developed a universal birth registration system and many children, especially in rural areas, were never registered or registered only after several years, depriving them of a key identity document and therefore increasing their vulnerability to trafficking. The government did not take any significant measures during the reporting period to reduce the demand for commercial sex acts, address the problem of child sex tourism, or ensure its nationals deployed to peacekeeping missions do not facilitate or engage in human trafficking. The Ministry of Justice and Ministry of Interior issued a decree in October 2009 aimed at reducing trafficking via “temporary marriages” by requiring approval by government officials; however, it is unclear whether this decree has been enforced. A bill passed in parliament in February 2009 setting the minimum age for marriage at 17 – a move that would have significantly prevented child trafficking – was rejected by the Sharia Codification Committee which said it was un-Islamic. Yemen has not ratified the 2000 UN TIP Protocol.

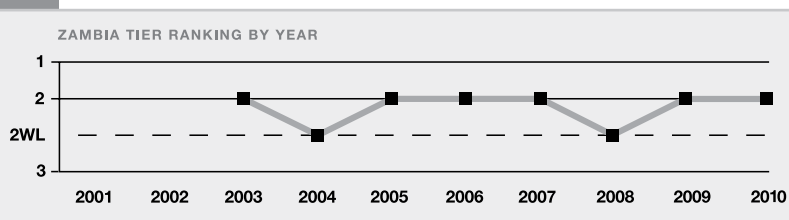
## ZAMBIA (Tier 2)

Zambia is a source, transit, and destination country for men, women, and children subjected to forced labor and forced prostitution. Most trafficking occurred within the country's borders and primarily involved women and children from rural areas exploited in cities in involuntary domestic servitude or other types of forced labor. Zambian trafficking victims have also been identified in South Africa, the Democratic Republic of the Congo, and Namibia. While orphans and street children are the most vulnerable, a government report shows that children of more affluent village families are also vulnerable to trafficking, as sending children to the city is perceived as a status symbol. Some child domestic workers receive adequate room and board, but others are starved, beaten, deprived of sleep, and/or overworked to the point of exhaustion, practices indicative of forced labor. To a lesser extent, Zambia is a destination for migrants from



Malawi and Mozambique who are exploited in forced labor or forced prostitution. An increasing number of Chinese and Indian men recruited to work in Chinese- or Indian-owned mines in Zambia's Copperbelt region are reportedly exploited by the mining companies in forced labor. After work hours, some Chinese miners are confined to guarded compounds surrounded by high concrete walls topped by electrified barbed wire. Zambia's geographic location, numerous porous borders, and immigration enforcement challenges make it a nexus for trafficking from the Great Lakes Region to South Africa. Increasing numbers of South Asian victims are trafficked through Zambia to South Africa. Officials believe transnational trafficking through Zambia is becoming increasingly organized and linked to criminal groups based largely in South Africa. Traffickers often supply victims with fake documents, and the same travel document is sometimes used for multiple individuals.

Two Zambian men successfully prosecuted under the new act in 2009 for selling their children to Tanzanian traffickers are being held in prison pending High Court sentencing. There are currently nine new trafficking prosecutions pending. Immigration and police officials note that transnational trafficking offenders are often convicted for immigration violations due to lack of sufficient evidence to prosecute under anti-trafficking legislation. Such was the situation in the well-publicized case of a Namibian immigration official accused of trafficking Zambian children for labor. Prosecutors were generally able to prove the transportation of a victim and sometimes were able to prove the recruitment of victims, but often lacked adequate evidence to prove an intent to exploit a victim through force, fraud, or coercion upon the victims' arrival at the final destination. Parliament considered but has not yet passed draft amendments to the immigration law that include anti-trafficking provisions. In partnership with IOM, the government distributed simplified copies of the anti-trafficking law to border posts. The first class of 120 police officers with specific anti-trafficking training graduated in late 2009 from a police training college. NGOs trained 240 police, police prosecutors, local court justices, and magistrates in the skills necessary for investigating and prosecuting child trafficking cases. There is no evidence that the government tolerates official complicity in trafficking crimes. A working-level official was charged under the Immigration Act with facilitating the illegal entry of a prohibited immigrant, reportedly due to lack of evidence to support conviction under the anti-trafficking act. The Zambian Police Victims' Support Unit (VSU) forged a partnership with an NGO to revise its data collection practices on trafficking to improve monitoring and reporting.



The Government of Zambia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government increased and improved law enforcement efforts against trafficking offenders. It also took greater steps to raise public awareness of trafficking and address demand for sex and labor trafficking. Services available for victims, however, remain inadequate, and victim assistance facilities, which the government is required by law to construct, have not been started.

**Recommendations for Zambia:** Continue to train police, immigration officials, prosecutors, and judges on effectively investigating and prosecuting trafficking crimes; formalize and implement victim identification and referral procedures; improve government services for human trafficking victims as provided for in the new law; increase officials' awareness of the specific provisions of the new anti-trafficking law, particularly among labor officials; and investigate and prosecute mining company personnel who operate their mines using forced labor.

### Prosecution

The Government of Zambia's anti-trafficking law enforcement efforts increased over the past year. Zambia's comprehensive Anti-Human Trafficking Act of 2008 criminalizes all forms of trafficking. The law prescribes penalties that range from 25 years' to life imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape.

### Protection

The government showed some progress in its efforts to protect trafficking victims over the reporting period. The government did not develop or implement systematic procedures for the identification of trafficking victims, nor did it demonstrate use of a formal mechanism for referring victims to NGOs for protective services. It has not yet funded projects mandated by its anti-trafficking law, such as establishing shelters for victims of trafficking. During the reporting period, officials informally referred 33 victims to IOM, which provided case management and referrals to secure shelters with some psychological counseling, medical treatment, and assistance dealing with the police. Some also offered brief training in income-generating activities such as sewing or handicrafts. Of the 33 Somali, Congolese, Rwandan, Zimbabwean, and Zambian victims referred to IOM by government officials, 25 were under 18 years of age. The new law provides legal alternatives to the removal of victims to countries where they may face hardship or retribution, though the government did not report how many victims, if any, benefitted from these legal alternatives in the last year. Due to limited secure

shelter space, foreign victims willing to return to their home countries were sometimes housed in detention facilities before repatriation. The Zambian government did not penalize victims for unlawful acts committed as a direct result of being trafficked. Officials encouraged victims to assist in the investigation and prosecution of traffickers; currently victims are working with authorities in two open cases. In another case, however, the victims reportedly disappeared from a temporary shelter before the case could be concluded.

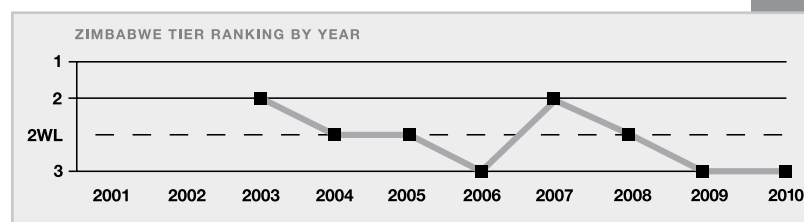
### Prevention

The Zambian government maintained its efforts to prevent trafficking. In October 2009, the Cabinet approved a national Plan of Action, and established an inter-ministerial anti-trafficking secretariat. Pending approval of a national communication strategy, the government continued to work with NGOs on public awareness projects like IOM's "Break the Chain of Human Trafficking" campaign. Campaigns targeted potential trafficking victims and those who might drive the demand for trafficking. The government supported partners' programs with high-level participation at events and conferences, arranging speakers, and issuing public statements. The VSU regularly featured trafficking on its weekly "Police and You" radio program. To combat internal trafficking, the Ministry of Community Development and Social Services and UNICEF harnessed the influence of traditional leaders through outreach to 50 tribal chiefs and their assistants. The military did not provide anti-trafficking training to troops participating in peacekeeping missions. There were no reports of Zambian peacekeepers exploiting trafficking victims

## ZIMBABWE (Tier 3)

Zimbabwe is a country of origin, transit, and destination for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. Zimbabwean women and girls from towns bordering South Africa and Zambia are forced into prostitution in brothels that cater to long-distance truck drivers. Some of these victims are subsequently moved across the border for continued exploitation. Zimbabwean men, women, and children from rural areas are subjected to forced agricultural labor and domestic servitude, or are trafficked into commercial sexual exploitation and subjected to involuntary domestic servitude in cities and towns. Young men and boys are forced by Zimbabwean government security forces to work in the diamond fields of Marange district. Zimbabwean young men and boys illegally migrate to South Africa, where some are forced to labor for months on farms or in mines and in construction without pay before their employers report them to authorities for deportation. Women and men are lured into exploitative labor situations in Angola, United Arab Emirates, Malaysia, and South Africa with false promises of jobs in construction, information technology,

and hospitality. Some may end up victims of trafficking. Young women and girls are also lured to China, Egypt, the United Kingdom, and Canada under false pretenses, and then subjected to commercial sexual exploitation. Men, women, and children from Bangladesh, Somalia, India, Pakistan, the Democratic Republic of the Congo, Malawi, Mozambique, and Zambia are trafficked through Zimbabwe *en route* to South Africa. Foreign women and children are trafficked for labor and commercial sexual exploitation from communities near the borders with the four surrounding countries. A small number of trafficked South African girls are exploited in Zimbabwe in involuntary domestic servitude.



The Government of Zimbabwe does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. While the government showed increased interest in trafficking issues and began to provide anti-trafficking training to some public servants, officials made no apparent efforts to proactively identify victims of trafficking. Members of government security services forced men and boys to perform hard labor in diamond mines.

**Recommendations for Zimbabwe:** Cease security forces' use of local populations for forced diamond mining; prosecute, convict, and punish trafficking offenders; advance comprehensive anti-trafficking legislation; formalize procedures for interviewing victims and transferring them to the care of NGOs; incorporate trafficking crimes into police procedures for recording and reporting crime data; actively support the trafficking hotline; and launch a broad awareness-raising campaign that educates all levels of government officials, as well as the general public, on the nature of trafficking and the availability of assistance for victims.

### Prosecution

The Government of Zimbabwe did not record or release information on the number of trafficking investigations, prosecutions, or convictions it pursued in the last year. Zimbabwean law does not prohibit all forms of trafficking in persons, though existing statutes outlaw forced labor and numerous forms of sexual exploitation.

Forced labor offenses are punishable by a fine or two years' imprisonment, or both; these penalties are not sufficiently stringent. Because trafficking is not a crime according to Zimbabwean law, police do not note whether related crimes such as child prostitution involve elements of trafficking. There have been no reports of prosecutions or convictions for forced labor or forced prostitution

offenses during the reporting period. Resource constraints in the Zimbabwe Republic Police (ZRP) and the judiciary continued to hinder anti-trafficking law enforcement activity. Police lack human, financial, and other resources to conduct proper investigations. Significant delays in the court system often led to detainees remaining in custody for several years before their cases were tried in court. Police and other officials forged partnerships with counterparts in South Africa in order to investigate and prosecute transnational trafficking cases. In summer 2009, seven Zimbabwean men were recruited in Zimbabwe by a Chinese national for jobs with a Chinese-owned construction company in Angola. On arrival, their passports were confiscated and they were subjected to forced labor. Some of the victims returned to Zimbabwe and filed civil complaints against the Chinese recruiter for financial restitution. Law enforcement sources report that the case is progressing slowly in the Zimbabwean labor courts. Police and anti-corruption commission officials have interviewed the victims, but have not filed charges. Human rights organizations, international organization sources, and diamond industry experts continued to report that the Government of Zimbabwe condoned and participated in labor trafficking crimes in the Marange district, where military personnel forced local men and boys to work in the diamond mines. In 2009, the Zimbabwe Republic Police Training Department actively worked with IOM on all of its 2010 counter-trafficking training programs for law enforcement.

### Protection

The Zimbabwean government provided trafficking victims with some protection and continued to ensure victims' access to shelter and care services provided by NGOs and international organizations. Although the government has a formal process for referring some victims to international organizations and NGOs for services, the government continued to depend on these organizations to identify trafficking victims and alert the authorities. Its primary partner in addressing human trafficking was IOM, which trained social service providers and NGOs in providing trafficking victims safe shelter, psycho-social support, family tracing, and reunification. The Department of Social Welfare lacked funds to adequately assist victims; it routinely referred internal and transnational trafficking victims to shelters run by local and international NGOs offering specialized services within their existing programs. The government did not keep records about trafficking-related incidents, and could not provide data on how many trafficking victims officials had referred to these facilities. IOM reported it provided assistance to at least 11 trafficking victims in 2009. Trained Department of Social Welfare staff referred identified victims to safe houses where short, medium, and long-term assistance could be provided. The Department of Immigration required all deportees from South Africa and Botswana to attend an IOM briefing on safe migration, which includes a discussion of trafficking. In the past, the government encouraged

victims to assist in the prosecution of traffickers, but was believed to have not prosecuted any traffickers during the reporting period. The government did not inappropriately incarcerate or otherwise penalize identified victims for unlawful acts committed as a direct result of being trafficked. The law provides foreign victims with relief from removal to countries where they may face hardship or retribution, although not all trafficking victims who wished to stay in Zimbabwe were routinely provided such relief. In July 2009, 27 Indian men believed to be victims of traffickers were held in Harare Central police station for two weeks for immigration violations before they were deported. Victims may file civil suits against trafficking offenders under the Criminal Procedure and Evidence Act, which provides for victim restitution and compensation. In order to file a civil suit, however, victims must stay in Zimbabwe and overcome serious administrative hurdles in the overcrowded court system. With the exception of deportees from South Africa and Botswana, the government's law enforcement, immigration, and social services did not have a formal system for proactively identifying trafficking victims among vulnerable populations.

### Prevention

The government demonstrated some efforts to prevent trafficking. An inter-ministerial task force on trafficking made up of senior government officials that was established in 2006 still lacks a national plan of action and an operational working group. The group met during the reporting period, but it has not implemented any significant plans to date. Government officials attended and led portions of 15 sector-specific training workshops in partnership with IOM. The Ministry of Labor and Social Welfare and UNICEF have agreements with 21 NGOs to advance the National Action Plan for Orphans and Vulnerable Children, designed to ensure their access to education, food, health services, and birth registrations as a means of protecting them from abuse and exploitation. Orphans without birth certificates are particularly vulnerable to exploitation in forced labor and prostitution. The government did not directly fund any trafficking awareness programs, but the state-run media continued to print and air messages about the dangers of illegal migration, false employment scams, underage and forced marriages, prostitution, and exploitative labor conditions. Information regarding measures adopted by the government to ensure its nationals deployed to peacekeeping missions did not facilitate or engage in trafficking was unavailable. Zimbabwe is not a party to the 2000 UN TIP Protocol.

## HAITI (Special Case)

In the months prior to the January 12, 2010 earthquake, the Government of Haiti had made limited anti-trafficking progress; prospects for additional, future progress were greatly impeded by the earthquake, which killed over 230,000 people, displaced 1.3 million people, including at least half a million children, and destroyed much of Port au Prince, including much of the government's infrastructure. The limited capacity of Haitian state institutions to respond to human trafficking was further weakened by the earthquake's monumental damage. Haiti remains a Special Case for the fifth consecutive year as the earthquake derailed government efforts to address the significant challenges facing the country, including human trafficking. The Government of Haiti, in partnership with NGOs, identified child trafficking victims, but it did not enact much-needed anti-trafficking legislation. The following background and recommendations are provided to guide government officials and organizations working on anti-trafficking initiatives in Haiti.

**Scope and Magnitude.** Haiti is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. The majority of trafficking cases are found among the estimated 225,000 *restaveks*—the term for the practice of child slavery in domestic settings—in Haiti and the approximately 3,000 additional Haitian *restaveks* living in Dominican Republic. The majority of children become *restaveks* when they move to cities to live with extended families in the hopes of going to school. *Restaveks* are treated differently from other non-biological children living in households; in addition to involuntary servitude, *restaveks* are particularly vulnerable to beatings, sexual assaults and other abuses by family members in the homes in which they are residing. *Restaveks* are often dismissed when they become teenagers. Dismissed and runaway *restaveks* make up a significant proportion of the large population of street children, who frequently are forced to work in prostitution or street crime by violent criminal gangs. Since the earthquake, local shelters have received a record number of *restaveks*. Many are also living in Internally Displaced Persons (IDP) camps. The Haitian National Police and local NGOs reported an increase in alleged cases of forced labor and forced prostitution of children and adults since the earthquake. Women and girls are increasingly vulnerable to the IDP's self-appointed "security guardians," who exploit them in exchange for "protection."

The UN has reported on forced prostitution of Dominican women in brothels in Haiti frequented by MINUSTAH Peacekeepers. Some of the Haitians who voluntarily migrate to The Bahamas, the Dominican Republic, other Caribbean nations, South America, and the United States subsequently face conditions of forced

labor in agriculture, horticulture, domestic service, and construction.

**Government and International Efforts:** In a positive step, Haitian officials recognize that human trafficking, including the nonconsensual exploitation of *restavek* children, is a serious problem in the country; however, the lack of legislation prohibiting all forms of trafficking is a major obstacle to progress. The national police child protection unit, the Brigade for the Protection of Minors, does not pursue forced labor or forced prostitution cases because there is no statutory penalty. There may also be confusion among elements of the Haitian government and some of its international donors between the crimes of human smuggling, human trafficking, and illegal adoption. Legislation criminalizing all forms of human trafficking has been pending in Parliament for several years.

The government lacked formal victim identification and assistance policies and resources but the government's social welfare agency worked well with NGOs to identify and refer victims. Prior to the earthquake, the Ministry of Social Affairs in partnership with an international NGO identified 126 *restaveks*; after the earthquake NGOs have identified 816 *restaveks* in 25 major IDP camps in Port-au-Prince. In addition, border officials took commendable steps to identify and assist potential child trafficking victims in the aftermath of the earthquake. Shelter services for adult trafficking victims do not exist. Prevention efforts have been largely NGO driven.

There have been reports that after the earthquake, some members of the international aid community have disregarded Haitian government input on strategies to assist trafficking victims and prevent trafficking. For example, influential members of the international aid community are promoting family-based foster care for unaccompanied minors despite Haitian government concerns that this foster care could lead to more children in situations of forced labor – similar to *restaveks* – because the government lacks the capacity to adequately monitor placements. A divergent definition of trafficking in persons within the NGO community further hindered coordinated anti-trafficking strategies. There have been reports of duplication of anti-trafficking efforts by international organizations unaware of local mechanisms already in place.

**Recommendations for Haiti:** Enact legislation criminalizing forced prostitution and all forms of forced labor, including involuntary domestic servitude, with penalties that reflect the heinous nature of this human rights abuse; in partnership with NGOs, adopt and employ formal procedures to guide officials in proactive victim identification and referral of victims to available services; provide in-kind support for victim services; improve access to quality education for all children

Recommendations for the international aid community: increase coordination with the government of Haiti and Haitian NGOs on anti-trafficking responses; promote



a definition of trafficking, which includes forced child labor such as that experienced systematically by *restaveks*; incorporate *restavek* prevention and protection in relief and broader development efforts, including education initiatives for all children and sensitization for parents regarding the reality of *restavek* life; build the capacity of Haitian institutions responsible for child protection.

## SOMALIA (Special Case)

Somalia remains a Special Case for an eighth consecutive year due to the lack of a viable central government since 1991. Control of its geographic area is divided among the self-declared independent Republic of Somaliland, the semi-autonomous region of Puntland, and the remainder of the country nominally under the control of the Transitional Federal Government (TFG). Somalia currently lacks a national governing structure that could assume responsibility for addressing the country's human trafficking problem. During the reporting period, fighting by TFG troops, allied militias, and African Union forces against anti-TFG forces, terrorist groups, and extremist elements continued. The TFG remained preoccupied with the task of securing government representatives and installations from attacks by such elements; in this perpetual state of insecurity the government was not able to address human trafficking. In addition, the TFG currently lacks the necessary means to identify, investigate, or address systemic issues in Somalia, including those related to forced labor and forced prostitution; its capacity to address human trafficking will not significantly increase without tangible progress in reestablishing governance and stability in Somalia.

**Scope and Magnitude.** Information regarding trafficking in Somalia remains extremely difficult to obtain or verify; however, the Somali territory is believed to be a source, transit, and perhaps destination country for men, women, and children who are subjected to trafficking in persons, specifically conditions of forced labor and sexual servitude. There have been very few reported cases of trafficking, mostly as a result of the lack of public awareness of the problem. Somali women and girls, some of whom were trafficking victims, engaged in prostitution in brothels in Garowe, the Puntland-administered part of Las Anod (Soor region), and pirate towns such as Eyl and Harardheere. Some female brothel owners, who can profit as much as \$50 per client, reportedly kept these victims in harsh conditions and meted out physical abuse. Because of an inability to provide care for all family members, some desperate Somalis willingly surrender custody of their children to people with whom they share family relations and clan linkages; some of these children may become victims of forced labor or commercial sexual exploitation. In Somali society, certain groups are traditionally viewed as inferior and are marginalized; Somali Bantus and Midgaan are sometimes kept in servitude to other more powerful Somali clan members as domestics, farm laborers, and herders.

Human smuggling is widespread in Somalia and evidence suggests that traffickers utilize the same networks and methods as those used by smugglers. There were reports of trafficking offenders preying on young women and children, mostly internally displaced persons from South/Central Somalia, at marketplaces and in the streets, falsely promising them lucrative jobs outside Somalia. Dubious employment agencies are involved with or serve as fronts for traffickers, targeting individuals desiring to reach the Gulf States. Somali women are smuggled, sometimes via Djibouti, to destinations in the Middle East, including Yemen and Syria, as well as to Sudan and South Africa, where they are subjected to conditions of involuntary domestic servitude and, to a lesser extent, forced prostitution. In 2009, there were several reported cases of Somali women trafficked into the commercial sex trade in Sudan after smugglers abandoned them midway through their journey to Libya. Somali men are subjected to conditions of forced labor as herdsman and menial workers in the Gulf States. Somali children are reportedly smuggled to Saudi Arabia through Yemen for forced begging. Members of the Somali diaspora use fake offers of marriage to lure unsuspecting victims, many of whom are relatives, to Europe, where they are forced into commercial sexual exploitation. Ethiopian women are smuggled through Somalia to Yemen and onward to other destinations in the Middle East where they are forced into domestic servitude and commercial sexual exploitation.

The recruitment and use of children in militias and other fighting forces is a longstanding practice in Somalia and continued during the year. A January 2010 UN report indicated that the number of child soldiers in Somalia had increased over the last three years, with widespread recruitment from schools, madrasas, and among street children. While the TFG's military appeared to be less systematic in the practice of recruiting children than other armed groups, youth under the age of 18 continued to be recruited, including by force and deception, into militias associated with the TFG, its allied forces, and into militias controlled by individuals within the government. Ethnic Somalis claiming to represent the TFG reportedly also recruited underage Somalis from Kenya-based refugee camps in North East Province, as well as possibly Kenyan youth from surrounding areas. There were no reports of Somaliland and Puntland authorities recruiting or using child soldiers during the reporting period.

During the reporting period, al-Shabaab, Hisbul Islam, and allied armed groups used force and deception to exploit orphaned and street children for use in armed conflict, carrying out assassinations, planting bombs, portering, and domestic servitude. Al-Shabaab systematically and forcibly conscripted children, sometimes as young as eight, from southern Somalia, as well as smaller numbers from Puntland. In Kismayo, Baidoa, and Merka, al-Shabaab obligated all boys 15 years of age and older to fight or face death; leaders reportedly killed an estimated 16 teenagers after they refused to serve as fighters. The group also forcibly recruited young

girls who were then “married off” to its militia leaders and used for logistical support and intelligence gathering. In February 2010, for example, Hassan Turki recruited 100 girls between 14 and 18 years of age into his militia in Afmadow, Lower Juba. Al-Shabaab also reportedly recruited Somali children from Kenya-based refugee camps and Nairobi’s Eastleigh neighborhood.

**Government Efforts.** The respective authorities operating in Somalia’s three regions made few concrete efforts to address human trafficking during the reporting period; there is a severe lack of capacity in every part of the country to adequately address the problem. Understanding of human trafficking and how it is to be identified and addressed remained low among government officials and the general population. TFG officials recognized trafficking as a problem, but acknowledged that it is not a priority.

None of the three regions have laws that specifically prohibit human trafficking, though the pre-1991 penal code outlaws forced and compulsory labor and local laws prohibit forced labor, involuntary servitude, and slavery in Somaliland. There is neither a unified police force in the territory to enforce these laws, nor any authoritative legal system through which trafficking offenders could be prosecuted. There were no known prosecutions or convictions of human trafficking offenses, including by traditional or *Shari’a* courts, during the reporting period. Unlike in previous years, both Somaliland and Puntland authorities made some efforts to arrest and prosecute smugglers; some arrests may have been linked to human trafficking, but most suspects were released due to lack of evidence. Most crimes, including rape, were addressed under customary law, with penalties varying among

clans; most punishments for rape involved paying five to 40 goats or up to 50 camels to the victim’s clan members. The government did not provide anti-trafficking training for government officials or protection to trafficking victims; extremely limited victim services were available through national and international NGOs.

The Somaliland administration sustained a partnership with IOM during the reporting period to raise public awareness of human trafficking through radio messaging, posters, billboards, and community-level meetings. IOM also helped local officials construct a one-room counter-trafficking center and establish a committee to identify and assist victims at the Togwajale border post. The Somaliland Human Rights Commission reportedly began a study of human trafficking in the republic.

During the reporting period, the TFG’s military improved its recruitment practices and participated in formal troop training to stop child soldier recruitment. New recruits, trained in Uganda and Djibouti, were thoroughly vetted and underage soldiers were removed from the new units upon return to the country. In June 2009, President Sharif publicly condemned al-Shabaab leadership for its recruitment and use of children in armed hostilities. In May 2009, TFG police arrested 14 children who had been kidnapped in the Lower Shabelle Region and forced by al-Shabaab into its militia; the police released the children after several days of care. In March 2010, police intercepted a vehicle along Mogadishu-Afgoe Road transporting 30 children recently recruited by al-Shabaab and took the children to the office of the Police Commissioner. The police provided the children with food and alerted the media in hopes that parents would retrieve their children after hearing radio broadcasts.

*“In 2000, when the Trafficking Protocol was adopted, only a small handful of states specifically prohibited the process by which individuals were moved into and maintained in situations of exploitation at home or abroad. Slavery was certainly outlawed in almost every country, but these laws, like their international equivalents, were almost never invoked – certainly not against the exploitative practices such as forced labor, child labor, or debt bondage. ... International scrutiny of state actions with respect to such exploitation was extremely limited and ineffective. In less than a decade, that situation has changed dramatically and irreversibly.”*

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