

during a ceremony attended by the Deputy Prime Minister and Justice Minister. This plan includes provisions for a specific visa for human trafficking victims to allow victims to receive residency and work permits while they pursue a legal case. In August 2009, the cabinet endorsed and made effective two new sets of bylaws to the Labor Law. The first protects the rights of foreign domestic workers by providing for a standard work day, paid leave, entitlement to family contact, freedom of religion, and protection from being sent to work in homes other than the sponsoring employer's. These bylaws, however, require the worker to obtain the employer's permission to leave the house; if a domestic flees the premises, the employer is neither bound to fulfill any financial obligations toward the worker nor bear the expense of returning her to her home country. The second set of bylaws governs the work of domestic worker recruitment agencies by strengthening licensing requirements and giving the MOL greater monitoring and enforcement authorities. These bylaws have not been fully implemented, partially due to some regulations in need of additional instructions.

During the reporting period, the government ordered the closure of nine recruitment agencies for failure to comply with the labor law or domestic worker bylaws, or for complaints filed against them. Six agencies had their closure order suspended after resolving the problems, and three were closed permanently. In addition, the MOL inspectorate issued 17 fines and 48 warnings against recruitment agencies for failure to comply with the labor law or recruitment agency regulations. In June 2009, the government signed a memorandum of understanding with the Government of Indonesia to strengthen the regulation and oversight of the recruitment process for domestic workers and clearly delineate protection responsibilities. The MOL continued operation of a hotline to receive labor complaints, some of which included indicators of forced labor, such as the withholding of workers' passports; the inspectorate did not maintain complete records of calls received, but contends every complaint was investigated. It also carried out over 176,000 planned or on-the-spot investigations covering all labor sectors except agriculture. It did not conduct any information or education campaigns beyond the labor inspectorate's brief awareness raising workshops for workers in garment factories.

To address exploitative child labor, the inspectorate fined 33 businesses in 2009, but handled most other cases informally with the employer and family; no criminal charges were filed against employers illegally utilizing child labor, though 375 identified children were referred to educational and other services. The government did not undertake any discernible measures to reduce the demand for commercial sex acts during the year. Jordan's Peace Operations Training Center provided anti-trafficking training as part of their standard training regimen for peacekeepers being deployed abroad as part of international peacekeeping missions. The government ratified and published the 2000 UN TIP Protocol in April 2009.

KAZAKHSTAN (Tier 2 Watch List)

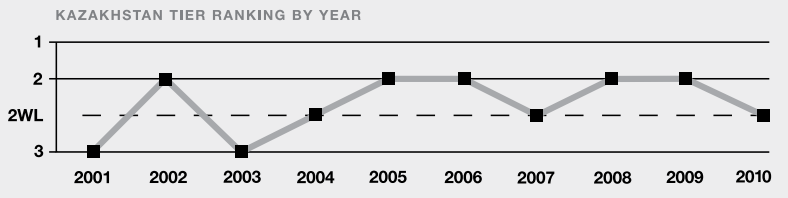
Kazakhstan is a source, destination, and to a lesser extent, a transit country for women and girls subjected to trafficking in persons, specifically forced prostitution, and for men and women in conditions of forced labor. Kazakhstani women and children are trafficked within Kazakhstan and also to the United Arab Emirates, Russia, China, Turkey, Azerbaijan, Greece, and Israel for the purpose of forced prostitution. Women and girls from Uzbekistan, Russia, Kyrgyzstan, Tajikistan, and Ukraine are subjected to forced prostitution in Kazakhstan. Kazakhstani men, women, and boys as well as men from Uzbekistan, Kyrgyzstan, and Mongolia are subjected to conditions of forced labor in domestic servitude and also in the tobacco, cotton, and meat processing industries in Kazakhstan. Twenty-five percent of the school-age children in a region of southern Kazakhstan were forced to pick cotton during the 2009 harvest.

The Government of Kazakhstan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate significant efforts to identify and assist foreign victims or victims of forced labor and did not vigorously prosecute, convict, or criminally punish any officials for government complicity, including local officials complicit in the use of forced labor during the annual cotton harvest; therefore, Kazakhstan is placed on Tier 2 Watch List. In 2009, approximately 900 school children ages seven to 17 were forced to pick cotton by local government officials in a region of Southern Kazakhstan during the fall cotton harvest; although local prosecutors began an investigation, no authorities were prosecuted, convicted, or criminally punished for their actions. Despite recognition as a destination for foreign victims trafficked for forced prostitution and forced labor, the government only identified and assisted three foreign victims during the reporting period. The government also demonstrated only modest efforts to identify victims of forced labor in 2009 – only 12 Kazakhstani victims of forced labor were identified by the government. Over the last year, the government allocated \$55,000 to an NGO service provider to open a trafficking shelter in Astana in September 2009. It also sustained a high level of funding for public awareness efforts.

Recommendations for Kazakhstan: Take substantive action to end the use of forced labor during the annual cotton harvest; increase efforts to identify foreign victims of both forced prostitution and forced labor; increase the number of foreign victims of trafficking who receive trafficking victim assistance; increase efforts to identify labor trafficking victims, including by ensuring authorities screen for potential victims of forced labor among those detained during immigration raids and refer those identified victims for assistance; investigate, prosecute, convict, and criminally punish all government

officials complicit in trafficking, including those officials involved in forcing or facilitating the use of forced labor during the cotton harvest; continue to increase the number of victims who receive government-funded assistance by increasing funding to anti-trafficking NGOs; and conduct trafficking awareness campaigns aimed at reducing the demand for both labor trafficking and commercial sexual exploitation.

in a region of southern Kazakhstan investigated local government and school officials accused of forcing approximately 900 school children ages 7 through 17 to pick cotton during the fall harvest. One student was reportedly assaulted by the deputy director of his school when he refused to pick cotton; other students were reportedly threatened with receiving bad exam grades if they did not pick cotton. No officials were prosecuted, convicted, or punished for forcing children to pick cotton, although 27 school officials were reprimanded or warned – penalties that are not sufficiently stringent to deter the practice of local officials forcing children to pick cotton. In September 2009, police launched an investigation into the use of forced labor in the clearing of Chaldai forest; local officials allegedly used their authority to protect the owner of the labor company, who was the nephew of the local mayor. The government did not prosecute, convict, or punish any of these or other government officials complicit in trafficking in 2009.



Prosecution

The Kazakhstan government demonstrated some progress in its law enforcement efforts to combat trafficking over the reporting period; however, it failed to vigorously prosecute, convict, and criminally punish government officials complicit in trafficking, including those officials who forced children to pick cotton during the 2009 harvest. Kazakhstan prohibits trafficking in persons for both forced labor and commercial sexual exploitation through Articles 128, 133, 125(3)(b), 126(3)(b), and 270 of its penal code, which prescribe penalties of up to 15 years' imprisonment – penalties sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Police conducted 49 trafficking investigations, compared with 44 investigations in 2008. Authorities prosecuted 35 cases in 2009, compared with 30 prosecutions in 2008. A total of 24 trafficking offenders were convicted in 2009, the same number as in 2008. These numbers included 21 offenders convicted for sex trafficking offenses, up from 18 in 2008, and three offenders convicted for forced labor offenses, down from six convictions in 2008. Only one trafficker received a suspended sentence and served no time in prison. Eleven sex trafficking offenders were issued sentences ranging between 5.5 and 10 years' imprisonment and nine sex trafficking offenders were issued sentences ranging from two to five years' imprisonment; three labor traffickers were issued sentences ranging from five to seven years' imprisonment. The Kazakhstani police provided victim identification and trafficking investigation training for 79 migration and criminal police, funded anti-trafficking training for officers in law enforcement academies in Russia and Turkmenistan, and partnered with other foreign governments to provide training to 1,141 Kazakhstani government officials. The Supreme Court also allocated \$20,000 for three trafficking seminars for 44 judges, 13 prosecutors, and seven police officers.

The government did not demonstrate significant efforts to combat government complicity in trafficking during the reporting period. In November 2009, prosecutors

Protection

The government demonstrated some efforts to assist and protect Kazakhstani victims; however, only three foreign victims were identified and assisted by authorities and very few victims of labor trafficking were identified, despite the fact Kazakhstan is a significant destination country for foreign victims and also for forced labor. NGOs continued to report a lack of awareness among local police and government officials about labor trafficking, causing many potential labor trafficking victims to go unidentified and unassisted during the year. In 2009, authorities conducted a series of immigration raids at factories and other places of employment highly vulnerable to forced labor; however, no foreign victims and only 12 Kazakhstani victims of forced labor were identified out of at least 17,082 workers encountered. In 2009, the Ministry of Interior established a new hotline exclusively for the assistance of Kazakhstani victims of trafficking. IOM identified 98 victims in 2009, compared with 64 victims identified in 2008. The government formally identified 59 victims – 12 Kazakhstani victims of forced labor, as well as 44 Kazakhstani and three foreign victims of sex trafficking – and provided all with shelter, food, clothing, transportation, and other services amounting to approximately \$84,000, an increase from \$46,000 allocated in 2008. The government allocated \$55,000 from this total to an NGO service provider to open a trafficking shelter in Astana in September 2009. Local authorities funded the salaries of three employees of an NGO-run, foreign funded trafficking shelter in Almaty. In total, 95 victims of forced prostitution and forced labor were assisted by IOM, privately-funded NGOs, and government-funded programs in 2009. NGOs reported that foreign victims were sometimes denied access to local medical facilities due to a lack of health insurance or temporary residency permits. Foreign victims who agreed to cooperate with law enforcement were permitted to remain in Kazakhstan for the duration of the criminal investigation; however, no foreign victims

received temporary residence permits in 2009. Although some victims cooperated with authorities during the initial investigation, some victims refused to testify in court for fear of retribution from traffickers. There were no reports of victims punished for unlawful acts committed as a direct result of being trafficked.

Prevention

The government continued its strong general trafficking prevention efforts; however, local officials in southern Kazakhstan did not prevent the use of forced labor during the 2009 fall cotton harvest. In 2009, the government allocated \$200,000 for a nation-wide anti-trafficking awareness campaign consisting of 189 hours of anti-trafficking programming broadcast on television and radio and 322 anti-trafficking articles published in newspapers. The government also provided approximately \$63,000 to NGOs to produce and disseminate trafficking awareness materials and also to conduct several trafficking roundtable discussions with students and teachers during school hours. Most trafficking awareness efforts in 2009 were targeted at potential victims of trafficking, however, and they did not address the demand for trafficking.

KENYA (Tier 2)

Kenya is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. Within the country, Kenyan children are forced into domestic servitude, commercial sexual exploitation – including involvement in the coastal sex tourism industry – and forced labor in agriculture (including on flower plantations), fishing, cattle herding, street vending, and bars. Traffickers – who gain poor families' trust through familial, tribal, or religious ties – falsely offer to raise and educate children in towns, or to obtain women lucrative employment. Trafficked Kenyan adults are exploited in involuntary domestic servitude and forced prostitution. Kenyan men, women, and children voluntarily migrate to the Middle East, other East African nations, and Europe in search of employment, where they are exploited in domestic servitude, massage parlors and brothels, and forced manual labor, including in the construction industry. At least 10 Kenyan trafficking victims remained in detention in Saudi Arabia at the end of the reporting period. Children from Burundi, Ethiopia, Rwanda, Somalia, Tanzania, and Uganda are subjected to forced labor and commercial sexual exploitation in Kenya. Chinese, Indian, and Pakistani women reportedly transit Nairobi *en route* to exploitation in Europe's sex trade. There were reports during the year that the al-Shabaab militia and Somalia's Transitional Federal Government may have recruited Somali youth under the age of 18 from Kenya-based refugee camps and Nairobi's Eastleigh neighborhood to participate in armed conflict in Somalia.

The Government of Kenya does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government re-launched its national anti-trafficking committee, finished drafting a national action plan, and partnered with a foreign government to arrest and extradite a suspected trafficker. While the government convicted at least two Kenyan trafficking offenders in 2009, most prosecutions failed to progress and data on such cases were not compiled at the provincial or national level.

Recommendations for Kenya: Pass, enact, and implement the draft comprehensive anti-trafficking bill; provide additional awareness training to all levels of government, particularly law enforcement officials, on identifying and responding to trafficking crimes; increase efforts to prosecute trafficking offenses and convict and punish trafficking offenders, including government officials suspected of complicity with human trafficking crimes; establish an official process for law enforcement officials to refer trafficking victims for assistance; institute trafficking awareness training for diplomats posted overseas; engage Middle Eastern governments on improving protections for Kenyan workers; and implement the national action plan.

Prosecution

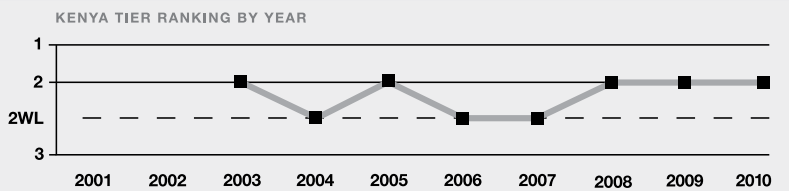
The government failed to provide statistics on its anti-trafficking law enforcement efforts, but convicted and punished at least two trafficking offenders during the reporting period. Though Kenya does not have a comprehensive anti-trafficking statute, all forms of trafficking are prohibited through a variety of legal statutes. Sections 14, 15, and 17 of the Sexual Offenses Act of 2006 prohibit the facilitation of child sex tourism (prescribed punishment of at least 10 years' imprisonment), child prostitution (prescribed punishment of at least 10 years' imprisonment), and forced prostitution (prescribed punishment of at least five years' imprisonment); these penalties are sufficiently stringent and commensurate with those for other serious crimes, such as rape. Specific sections of the Children's Act could also be used to prosecute sex trafficking offenses. These laws, however, are not widely used by prosecutors. Sections 13 and 18 of the Sexual Offenses Act and Section 18 of the Children's Act intend to prohibit child and adult sex trafficking, but contain unclear definitions and include crimes that are outside of the internationally-accepted scope of human trafficking. The Employment Act of 2007 outlaws, but does not prescribe, punishments for forced labor. Section 266 of the Penal Code outlaws unlawful compulsory labor, but classifies the crime as a misdemeanor offense and does not prescribe penalties. Section 264 prescribes a penalty of seven years' imprisonment for buying or disposing of a person as a slave, while Section 260 prescribes a penalty of 10 years' imprisonment for kidnapping for the purpose of slavery. In November 2009, Parliament's Legal

Affairs Department approved the draft Anti-Trafficking in Persons Bill and forwarded it to the Clerk's Office for review.

In September 2009, a Nairobi court sentenced two Kenyan women to 10 years' imprisonment for subjecting children to prostitution. The Department of Public Prosecutions, however, did not produce data on anti-trafficking prosecutions or convictions achieved during the year. In 2009, authorities at Jomo Kenyatta International Airport detained an American citizen on suspicion of trafficking Asian women to Eastern Europe via Nairobi and government officials worked closely with United States law enforcement to arrest and extradite him to Thailand. In the previous reporting period, Kenyan police began compiling records of sexual offenses against children in Coast Province, where child sex tourism is most prevalent. They did not, though, disaggregate how many of the 93 alleged offenders charged in 2008 purportedly perpetrated sex trafficking offenses. With the assistance of NGO lecturers, the Kenya Police Training College provided anti-trafficking and child protection training to police recruits during their training as cadets. In conjunction with international organizations, the government trained police officers and immigration officials who work along the Somali border and at the two international airports to identify victims of transnational trafficking. Corruption among law enforcement authorities and other public officials continued to hamper efforts to bring traffickers to justice; in certain regions, corrupt police or immigration officials were complicit in, received bribes to overlook, or obstructed investigations of human trafficking. The government made no efforts to investigate or prosecute officials suspected of involvement in or facilitation of trafficking during the reporting period.

– officials charged with advocating for children's rights and obtaining services for children in need – bringing the total number to 400. These officers coordinated the work of 2,427 local Children's Advisory Committees, which worked in partnership with police to combat child trafficking, monitor institutions – such as orphanages – providing charitable services to children, and advance awareness of human trafficking at the local level. During the reporting period, Children's Officers participated in trafficking investigations and provided counseling and follow-up to child trafficking victims. In addition, Children's Officers served on the management committee of the Rescue Center, a shelter for sex trafficking victims in Mombasa, and provided case assessments and service referrals for victims. The government also worked with Ugandan authorities to repatriate four Ugandan children who had been identified in conditions of forced labor. The Ministry of Gender, Children, and Social Development continued partnership with a local NGO to jointly operate a 24-hour toll-free hotline for reporting cases of child trafficking, labor, and abuse. The hotline is located in a government-owned building and staffed, in part, by Children's Officers who facilitated rescues and made referrals to appropriate district officials. During the reporting period, the hotline received 27 reports of child trafficking and 13 concerning child prostitution.

The Kenyan Embassy in Riyadh provided assistance, including with repatriation, to at least two victims of involuntary domestic servitude during the reporting period; other victims, however, complained that the embassy was slow to intervene in their cases, did not expeditiously process travel documents, and did not provide material support. While the government did not encourage Kenyan victims' assistance in the investigation and prosecution of trafficking crimes during the reporting period, it did not inappropriately incarcerate or otherwise penalize them for unlawful acts committed as a direct result of being trafficked. Police, however, reportedly arrested foreign trafficking victims for engaging in prostitution or being in Kenya without valid identity documents; in most cases, they pled guilty to immigration violations and were quickly deported. The government did not provide legal alternatives to the removal of victims to countries where they would face hardship or retribution.



Protection

The government sustained minimal but inadequate victim protection efforts throughout the year. The government lacked both a mechanism for identifying victims of trafficking among vulnerable populations and a formal referral process to transfer victims to NGOs for assistance; it maintained no record of the number of victims referred by government officials to IOM or NGO service providers during the year. The government reportedly operated two shelters for child trafficking victims – one for boys and the other for girls – in Garissa, North East Province, but did not provide further information on these facilities. In 2009, the Ministry of Gender, Children, and Social Development hired an additional 67 Children's Officers

Prevention

The government made modest progress in its efforts to prevent human trafficking. The National Steering Committee to Combat Human Trafficking, chaired by the Minister of Gender, Children, and Social Welfare, met twice during the second half of the reporting period and completed the drafting of a five-year National Action Plan on Human Trafficking; the plan has not yet been approved by the cabinet. In 2009, the government co-sponsored public advertising, including large billboards, near Mombasa airport and in resort areas carrying anti-child prostitution messages and threatening prosecution for tourists engaging in child sex tourism. In

partnership with various donor-funded programs, labor officers, children's officers, social workers, chiefs, health officials, police, and religious leaders identified and withdrew children from forced labor situations during the reporting period. District-level child labor committees, in conjunction with local Children's Advisory Committees, raised awareness of child trafficking and labor among local populations. The Ministry of Labor, which is required by law to review and attest to all employment contracts for individuals legally migrating to work overseas, verified 400 contracts between December 2009 and February 2010; migrant workers, however, often left Kenya before their contracts had been reviewed and approved. It is unknown whether the government provided anti-trafficking training for its troops before deployment on international peacekeeping missions.

KIRIBATI (Tier 2 Watch List)

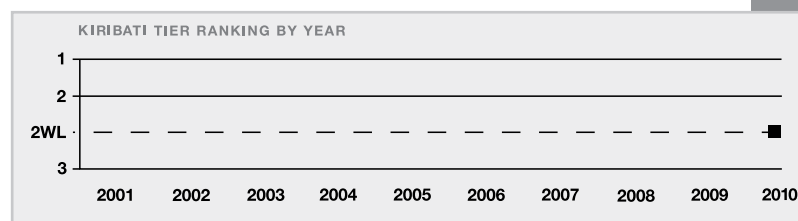
Kiribati is a source country for girls subjected to trafficking in persons, specifically commercial sexual exploitation. Crew members on Korean and perhaps other foreign fishing vessels in Kiribati or in its territorial waters exploit prostituted children on board their vessels. Some girls are also prostituted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

The Government of Kiribati does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government has not proactively identified victims, investigated or prosecuted suspected trafficking offenders, or educated the public on the dangers of human trafficking; therefore, Kiribati is placed on Tier 2 Watch List. While the government acknowledges that the prostitution of girls is a problem in Kiribati, it has taken no steps to protect victims of sex trafficking, investigate and prosecute foreign crewmen for the commercial sexual exploitation of children within its territory, proactively identify child victims of sex trafficking, or educate the public about the dangers of trafficking.

Recommendations for Kiribati: Draft and enact comprehensive, specific anti-trafficking legislation; publicly recognize and condemn incidences of trafficking children for commercial sexual exploitation; investigate, prosecute, and punish trafficking offenders; work with NGOs or international organizations to provide protective services to victims; establish formal procedures to identify and refer trafficking victims to protective services; and develop and conduct anti-trafficking information and education campaigns.

Prosecution

The Government of Kiribati made no discernible law enforcement efforts to combat human trafficking during the reporting period. No trafficking offenders were investigated, arrested, prosecuted, or convicted in the past year, although information about particular victims in trafficking situations was available. Kiribati's 2005 comprehensive anti-trafficking legislation criminalizes all forms of trafficking, but does not include specific definitions of trafficking for labor or sexual exploitation. The law prescribes sufficiently stringent punishments of up to 15 years' imprisonment, which are commensurate with penalties prescribed for other serious crimes, such as rape. The 2005 law also provides protection and rights for victims of trafficking. The lack of a legal definition of sex or labor trafficking which identifies the essential elements of a trafficking crime prevents law enforcement officers from rescuing victims or arresting trafficking offenders on trafficking charges. The government provided no training to law enforcement and court personnel on identifying trafficking victims and prosecuting trafficking offenders. As members of Pacific Island international law enforcement groups, mechanisms exist to allow the country to work in partnership with other governments on trafficking cases which have not been used. There is no evidence of officials' complicity in human trafficking activity.



Protection

The Government of Kiribati made no discernible progress in ensuring trafficking victims' access to protective services during the year. Law enforcement and social services personnel do not have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact; they identified no victims during the reporting period. The government does not have any formal arrangements or mechanisms in place to provide trafficking victims with access to legal, medical, or psychological services, and no plans to develop the capacity to do so. The Kiribati government has not developed or implemented a referral process to transfer victims detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provide short or long-term care. It has a limited capacity to protect victims of trafficking or victims of other crimes, and relies on NGOs and international organizations to provide most victim services. Kiribati does not have victim care facilities specifically to care for trafficking victims. The law in Kiribati generally protects

rights of victims of violent crime, which would include victims of trafficking.

Prevention

The government made no discernible efforts to prevent trafficking or raise public awareness of the dangers of trafficking. An inter-agency transnational crime task force made up of law enforcement officials from the police, the Attorney General's office, and the immigration, customs, and finance ministries met monthly and included trafficking in persons as one of its responsibilities. The government did not provide any specialized training for government or law enforcement officials on how to recognize, investigate, and prosecute instances of trafficking. It took no action to reduce the demand for commercial sex acts during the reporting period. There is no evidence that citizens of Kiribati are involved in international sex tourism.

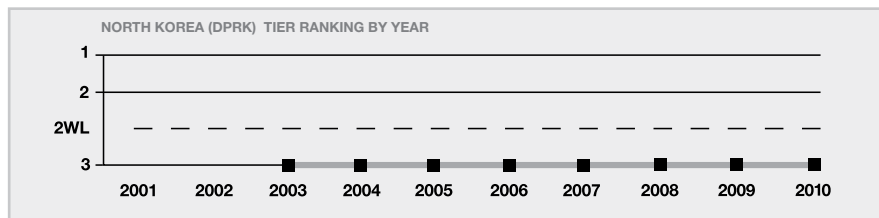
KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF (Tier 3)

The Democratic People's Republic of Korea (DPRK or North Korea) is a source country for men, women, and children who are subjected to trafficking in persons, specifically forced labor and forced prostitution. The most common form of trafficking involves North Korean women and girls forced into marriage or prostitution in China. Women and girls from North Korea migrate to China, often with the help of a facilitator, seeking food, work, freedom, and better life prospects. Trafficking networks of Korean-Chinese and North Koreans (usually men) operate along the China-North Korean border, reportedly working with Chinese and North Korean border guards to recruit women for marriage or prostitution in China. North Korean women often pass through many hands, with multiple brokers involved in their trafficking. In some cases, friends, neighbors, and village acquaintances transfer them to traffickers. Some vulnerable North Korean women who make their own way to China are lured, drugged, or kidnapped by traffickers upon arrival. Others are offered jobs but are subsequently trafficked into involuntary servitude through forced marriages to Chinese men, often of Korean ethnicity, into forced prostitution in brothels, or the Internet sex industry. Some are forced to serve as hostesses in nightclubs and karaoke bars. Many victims are unable to speak Chinese and are held as prisoners by their traffickers. If found by Chinese authorities, victims are deported back to North Korea where they may face harsh punishment, and may be subject to forced labor in DPRK labor camps. NGOs and researchers estimate that tens of thousands of undocumented North Koreans currently live in northeast China, and as many as 70 percent of them are women. There is no reliable information on how many of these North Koreans are or have been trafficked, but their status in China as economic migrants who may

be deported to North Korea makes them particularly vulnerable to trafficking. Chinese authorities cracked down on cross-border movement in advance of the 2008 Beijing Olympic Games and they seem to have continued strict enforcement throughout 2009. Reports indicate corruption involving North Korean border guards facilitating cross-border movement, particularly involving traffickers and professional border crossers.

Within North Korea, forced labor is part of an established system of political repression. North Koreans do not have a choice in the jobs they work and are not free to change jobs at will; the DPRK government determines what work each citizen will have. From April to September 2009, the government initiated a "150-Day Battle" campaign to boost the economy by requiring increased work hours and production targets of citizens, and implementing government-imposed programs, such as road building and construction work. The country initiated a second "labor mobilization" campaign, the "100-Day Battle," immediately after the initial "150-Day Battle."

The North Korean government is directly involved in subjecting North Koreans to forced labor in prison camps. An estimated 150,000 to 200,000 persons are held in detention camps in remote areas of the country; many of these prisoners were not duly convicted of a criminal offense. In prison camps, all prisoners,



including children, are subject to forced labor, including logging, mining, and farming for long hours under harsh conditions. Reports indicate that political prisoners endure severe conditions, including little food or medical care, and brutal punishments; many are not expected to survive. Many prisoners fell ill or died, due to harsh labor conditions, inadequate food, beatings, lack of medical care, and unhygienic conditions.

The North Korean government recruits workers for bilateral contracts with foreign governments, including in Russia, countries in Africa, Central and Eastern Europe, East and Southeast Asia, including Mongolia, and the Middle East. There are credible reports that many North Korean workers sent abroad by the regime under these contracts are subjected to forced labor, with their movement and communications constantly under surveillance and restricted by North Korean government "minders." Credible reports state that they face threats of government reprisals against them or their relatives in North Korea if they attempt to escape or complain to outside parties. Worker salaries are deposited into accounts controlled by the North Korean government, which keeps most of the money, claiming fees for various

“voluntary” contributions to government endeavors. Workers only receive a fraction of the money paid to the North Korean government for their work. Tens of thousands of North Korean workers are estimated to be employed in Russian logging camps, where they reportedly have only two days of rest per year and face punishments when they fail to meet production targets. Wages of some North Korean workers employed in Russia reportedly were withheld until the laborers returned home, in a coercive tactic by North Korean authorities to compel their labor. North Korean workers at joint ventures with foreign investors within the DPRK are employed under arrangements similar to those that apply to overseas contract workers.

The North Korean government does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government has explicitly denied that human trafficking is a problem. Authorities do not differentiate between trafficking and other forms of illegal border crossing, and victims are punished for violation of migration laws. The government contributes to the problem of trafficking through its harsh restrictions on emigration and through its forced labor prison camps, where North Koreans live in conditions of servitude, receiving little food and little if any medical care.

Recommendations for the Democratic People’s Republic of Korea: Improve the poor economic, social, political, and human rights conditions in North Korea that render North Koreans highly vulnerable to trafficking; recognize human trafficking as a problem in North Korea, and one that is distinct from people smuggling; institute systematic victim identification procedures to identify and protect victims of trafficking; cease the systematic punishment of trafficking victims in forced labor camps; and support an NGO presence in North Korea to assist victims of trafficking.

Prosecution

The North Korean government made little, if any, efforts to combat trafficking in persons through law enforcement efforts over the last year, and continued to severely restrict the movement of its citizens internally and across its borders. The North Korean government continues to deny the existence of trafficking as a problem. Little information is available on North Korea’s internal legal system. The country’s Penal Code prohibits crossing the border without permission; these laws are used against both traffickers and trafficking victims. It is doubtful that North Korean laws are adequate to address trafficking. Article 150 of the Penal Code criminalizes *inter alia* the abduction, sale, or trafficking of children. Article 7 of the 1946 Law on Equality of the Sexes forbids trafficking in women. However, fair trials do not occur in North Korea. It is not made clear under what provisions of the law, if any, traffickers are prosecuted. Laws used to prosecute traffickers and trafficking victims are those that seek to limit all cross-border migration, including refugee outflows, and often end up harming victims. During the

reporting period, reports indicate that more restrictions have been imposed on leaving North Korea, and there are reports of more severe punishments being imposed on those who seek to leave the country and those who are forcibly returned. Reports by North Korean defectors include instances of the government punishing traffickers; however, NGO reports indicate that the “traffickers” may include activists or professional border crossers who assist North Koreans voluntarily leaving for China. There were no known trafficking prosecutions or convictions during the reporting period.

Protection

The North Korean government does not make any known attempts to identify individuals as victims of trafficking or assist victims of trafficking. On the contrary, victims undergo severe punishment by the regime if caught attempting to cross the border or if deported back to North Korea by Chinese authorities. While authorities screened repatriated North Koreans for contacts with South Koreans and exposure to South Korean cultural influences, they did not make a distinction between trafficking victims and illegal migrants. North Koreans forcibly repatriated by Chinese authorities, including a significant number of women believed to be trafficking victims, are sent to prison camps, where they may be subject to forced labor, torture, sexual abuse by prison guards, or other severe punishment. Repatriated victims who are suspected of having become pregnant with a child of possible Chinese paternity may be subject to forced abortions and infanticide; reports indicate that prison authorities may brutally kill babies born to repatriated victims while in prison. The government did not ensure that trafficking victims are not penalized for unlawful acts committed as a direct result of being trafficked.

Prevention

North Korean authorities have made no effort to prevent human trafficking. Internal conditions in the DPRK prompt many North Koreans to flee the country making them particularly vulnerable to human traffickers. The DPRK continues to ban the existence of indigenous NGOs, and there are no international NGOs in the country that work to prevent trafficking or assist trafficking victims. North Korea is not a party to the 2000 UN TIP Protocol.

KOREA, REPUBLIC OF (Tier 1)

The Republic of Korea (ROK or South Korea) is a source, transit, and destination country for men and women subjected to trafficking in persons, specifically forced labor, and women and girls in forced commercial sexual exploitation. Some men and women from Russia, Uzbekistan, Kazakhstan, Mongolia, Morocco, China, the Philippines, Thailand, Cambodia, and other Southeast Asian countries are recruited for employment in the ROK, and subjected to forced prostitution or forced labor.

Some foreign women from Russia, Ukraine, Mongolia, China, and other Southeast Asian countries who enter the country on entertainment visas, including those recruited to be singers and bar workers near U.S. military facilities, were trafficked for forced prostitution. Most sex and labor trafficking victims had their passports confiscated and wages withheld by their employers, and some victims had their movements restricted. Migrant workers who travel to the ROK for employment may incur thousands of dollars in debts, contributing to their vulnerability to debt bondage. The use of debt bondage was common among sex trafficking victims, and employers and brokers often found ways to compound victims' debt. Some women from less developed countries recruited for marriage with South Korean men through international marriage brokers are subjected to forced prostitution or forced labor upon arrival in the ROK; some brokers reportedly charge on average \$10,000-\$13,000 from Korean clients. There are approximately 500,000 low-skilled migrant workers in the ROK from elsewhere in Asia, many of whom were working under the Employment Permit System (EPS).

government has never prosecuted a South Korean citizen for engaging in child sex tourism abroad.

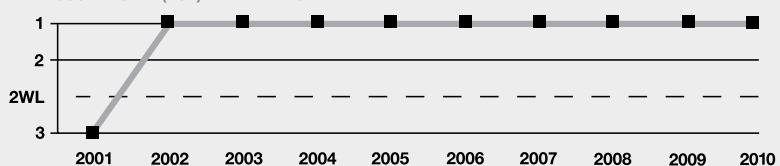
Recommendations for the Republic of Korea:

Significantly increase efforts to investigate, prosecute, and convict trafficking offenders involved in both sex and labor trafficking in the ROK; ensure immigration and police officials are trained to identify victims of sex and labor trafficking; develop and implement proactive victim identification procedures to identify trafficking victims among vulnerable populations, including foreign women arrested for prostitution and foreign workers; develop and implement a formal trafficking-specific referral process for law enforcement officials to direct trafficking victims to short- and long-term care; increase the availability of protection and assistance to victims of labor trafficking; make greater efforts to inform migrant workers of their rights in the ROK; as a preventative measure, take steps to ensure foreign workers have judicial recourse to hold employers accountable for abuses including nonpayment of wages and the withholding of passports; ensure labor offices have adequate interpretation services to serve foreign workers; take steps to reduce the demand for child sex tourism by increasing law enforcement efforts to investigate and prosecute South Korean child sex tourists; and improve the available statistical data on trafficking in the ROK.

Prosecution

The ROK government made some anti-trafficking law enforcement efforts over the last year. The ROK prohibits trafficking through its 2004 "Act on the Punishment of Acts of Arranging Sexual Traffic" and its Labor Standards Act, which prescribes up to 10 years' and five years' imprisonment, respectively – penalties that are sufficiently stringent. Authorities reported prosecuting 27 offenders, of which 17 were convicted and the remaining 10 are still in trial; however, the government was unable to report details of these cases, including the sentences prescribed to convicted trafficking offenders. An additional six sex trafficking offenders were fined under Article 18 of the Act on the Punishment of Acts of Arranging Sexual Traffic; two of them received fines of \$1,700. There were 65 prosecutions under Article 11, which can be used to prosecute trafficking offenses. However, the Government of the ROK was not able to provide more information regarding the underlying facts of these cases; therefore, it is unclear how many of these prosecutions involved trafficking offenses. The government convicted one South Korean national under the Immigration Control Act for withholding a foreign worker's passport to secure payment of debts, and sentenced the offender to 10 months' imprisonment. Over 10,000 migrant workers reported violations of the labor law in 2009, most of which involved unpaid wages. The government did not identify trafficking cases among complaints filed against the EPS. The Ministry of Labor reported employers withheld \$20.5 million in unpaid wages to 9,452 workers, and authorities assisted workers

SOUTH KOREA (ROK) TIER RANKING BY YEAR



While new protections were implemented for EPS workers, observers claimed the EPS assigns excessive power to employers over workers' mobility and legal status, making them vulnerable to trafficking. South Korean women were subjected to forced prostitution domestically and abroad in destinations including the United States, Canada, Japan, and Australia. According to observers in destination countries, South Korean men continue to be a major source of demand for child sex tourism in Southeast Asia and the Pacific Islands. The growing use of the Internet aided the brokering of the sex trade in the ROK, and in some cases South Korean nationals also used online brokers to arrange for prostitution overseas, particularly in the Philippines, Thailand, and China.

The Government of the Republic of Korea fully complies with the minimum standards for the elimination of trafficking. The government's framework for addressing human trafficking is confined to the trafficking of women and children for commercial sexual exploitation, and often conflates prostitution and trafficking. The government did report efforts to investigate, prosecute, and convict offenders of trafficking violations. Authorities reported that trafficking related crimes against foreigners were investigated and prosecuted as human rights abuses. The government does not have procedures to proactively identify victims of trafficking, and did not identify any trafficking victims during the year. Additionally, the

in getting employers to pay about 55 percent of these unpaid wages. While more than 2,000 cases were referred to prosecutors, it was unclear how many of these cases were prosecuted. Restrictions on the ability of foreign workers to change jobs were improved by 2009 revisions to the EPS, but continued to make it difficult for migrant workers to seek legal redress. The government began to enforce new laws restricting the actions of international marriage brokers. In December 2009 the government investigated the some 2,000 brokers registered in the ROK and found 422 violations, though none of these violations led to criminal trafficking prosecutions. Foreign officials expressed concern local police were not motivated to investigate some sex trafficking leads that had been provided to South Korean authorities. There were some reports police officers took bribes from brothel owners in exchange for prior notice about police raids. In May 2009, the ROK government sentenced one police officer to one year in prison for accepting bribes from a brothel. Another six officers were subjected to disciplinary measures for taking smaller bribes from brothel owners.

Protection

The Government of the Republic of Korea exhibited some efforts to protect trafficking victims, but its lack of a system to identify trafficking victims among vulnerable groups limited its ability to assist and protect victims. Authorities did not report identifying any trafficking victims during the year, including among the 20,000 foreigners deported from the country in 2009 for immigration violation. The government reported it referred foreign victims of sexual or labor exploitation to institutions providing victim care, though the government lacks an institutionalized referral process. Some undocumented workers who may have been trafficking victims were rounded up in police raids and deported. In 2009, the government spent \$15 million on shelters and victim care facilities to support victims of abuse, including trafficking victims; these shelters were accessible to trafficking victims, though the government was unable to provide data on the number of trafficking victims who used these shelters. Most of the victim shelters and counseling centers accessible to trafficking victims are run by NGOs funded either wholly or in part by the government. In December 2009, the government began requiring counselors and social workers who deal with women formerly in the sex industry to take four weeks of sex trafficking training. The government also established during the year 14 additional shelters for foreign women who were victims of violence, including trafficking, bringing the total to 18 shelters. The Ministry of Labor operated eight Migrant Workers' Centers nationwide to help foreign workers in the country. However, according to one NGO observer, some staff members at labor offices charged with assisting migrant workers were unwilling to assist some migrant workers with their labor complaints. The government can provide "G-1 visas" to trafficking victims who assist in the investigation and prosecution of traffickers, but did

not provide any trafficking victims a G-1 visa during the reporting period. The government ran telephone hotlines accessible to victims of sex trafficking and to victims of labor trafficking.

Prevention

The ROK government continued anti-trafficking prevention efforts during the reporting period, though these efforts were focused on sex trafficking and did not address labor trafficking. In 2009, the government distributed brochures on preventing the sex trade and trafficking to public agencies and counseling centers and ran advertisements to raise awareness about sex trafficking on subways and electronic billboards. During the reporting period, the Ministry of Gender Equality created a compulsory training program on sex trafficking prevention and disseminated the material to public agencies. In an effort to reduce demand for commercial sex acts, the Ministry of Justice continued to run 39 "Johns Schools," requiring convicted male "clients" of prostitution attend these one-day seminars – in lieu of criminal punishment. According to observers, South Korean men continue to be a major source of demand for child sex tourism throughout Asia. During the reporting period, the government did not prosecute any Korean nationals for engaging in child sex tourism abroad. The ROK government conducted training for the fisheries industry on the Child and Youth Protection Act, but did not make any other efforts to reduce the overall demand for child sex tourism. The ROK government provided anti-trafficking training to troops prior to their deployment abroad on international peacekeeping missions. The Republic of Korea is not a party to the 2000 UN TIP Protocol.

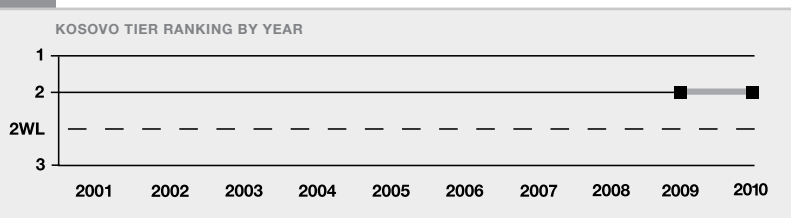
KOSOVO (Tier 2)

Kosovo is a source, transit, and destination country for women and children who are subjected to trafficking in persons, specifically forced prostitution, and children in forced begging. Most foreign victims of forced prostitution are young women from Eastern Europe including Moldova, Albania, Bulgaria and Serbia. Kosovo women and children are subjected to forced prostitution within Kosovo and also in countries throughout Europe. One NGO reported identifying more than 300 children, particularly from Roma communities, forced to beg in Kosovo; traffickers allegedly force boys to wash car windshields at traffic lights and compel girls to beg for money at hotels and restaurants. Police continue to report that internal trafficking involving Kosovo Serbs may also occur in north Kosovo. For the fourth consecutive year, IOM reported that it provided assistance to more domestic trafficking victims than foreign victims.

The Government of Kosovo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government convicted an increased number

of trafficking offenders and undertook critical outreach efforts to prevent trafficking during the reporting period. However, it did not assign adequate punishments to convicted traffickers; many sentences were below the legal minimum prescribed under its trafficking law. Furthermore, the majority of convicted trafficking offenders were freed on appeal in 2009. Inadequate victim identification techniques continued to hamper the government's ability to detect and protect trafficking victims. Shelters were underutilized throughout the year.

Recommendations for Kosovo: Proactively prosecute, convict, and sentence sex and labor trafficking offenders, including officials complicit in trafficking; consider dedicating prosecutors to the specialization of prosecuting of trafficking cases; ensure adequate services for repatriated victims; increase funding for the NGO-run anti-trafficking shelter for adults; improve the victim identification process so that potential victims are allowed time away from their immediate situation to recount their experiences with minimal pressure, particularly in a post-raid environment; consider including NGOs during initial contact with potential victims and expanding the victim's advocate role during this process; and increase detection and protection for victims of forced begging in Kosovo.



Prosecution

The Government of Kosovo showed uneven efforts to address human trafficking through law enforcement means over the year. Kosovo law criminalizes sex and labor trafficking and prescribes penalties of between two and 12 years' imprisonment – penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In December 2009 and February 2010, anti-trafficking police launched a series of nighttime raids on bars, coffee shops, and nightclubs in select cities in Kosovo, resulting in the closure of 50 commercial sex establishments and the arrest of nine trafficking suspects. In 2009, the government prosecuted 25 sex trafficking offenders, resulting in 22 convictions, an increase from 15 convictions obtained in 2008. Four traffickers were sentenced to over five years' imprisonment; eleven traffickers were sentenced to over one year imprisonment; four received sentences of between six and twelve months' imprisonment; and three received sentences of between two to six months' imprisonment. Of the 22 convicted traffickers, however, only two began serving their prison sentences; the remainder remained free on appeal,

possibly allowing them to continue to exploit their victims.

The government continued to provide anti-trafficking training to border police, law enforcement, and recruits during the reporting period. International experts, however, noted overall inadequate implementation of anti-trafficking laws and prosecution of trafficking offenders in 2009. In addition, NGOs and international experts reported that trafficking-related corruption continued to hamper the government's anti-trafficking efforts. Foreign trafficking victims often arrive in Kosovo with valid documents and employment contracts stamped by Kosovo officials who may be aware that the document holders are trafficking victims. In March 2009, Kosovo authorities suspended five police officers, with pay, on suspicion of facilitating human trafficking; and authorities later determined that they were part of a smuggling case.

Protection

During the reporting period, the Government of Kosovo sustained its efforts to protect trafficking victims. The government identified 29 victims of trafficking in 2009, a slight increase over the 27 it identified in 2008. The government continued to operate and fully fund its high-security temporary shelter and reported its assistance to 23 trafficking victims, including two children, in 2009. Victims' freedom of movement were limited in the government-run shelter and some international organizations reported poor conditions; victims were housed for approximately 72 hours in this shelter while the police conducted a risk assessment; police reportedly then referred them to a local NGO or IOM to discuss reintegration or repatriation options. The government provided funding to the only NGO in Kosovo that offered specialized longer-term care to adult trafficking victims and to another NGO that offered shelter to child trafficking victims; however, very few victims utilized these facilities. The government reportedly used standard operating procedures (SOPs) when encountering suspected trafficking victims; however, 2009 assessments conducted by UNODC and by the Commission of European Communities indicated ongoing problems with victim identification. Although Kosovo law exempts identified victims from punishment for unlawful acts committed as a direct result of their being trafficked, inadequate implementation of the government's SOPs may have led to a failure to adequately identify all trafficking victims and the return of some victims to their exploiters. Although police identified nearly 200 suspected trafficking victims after two night-time raids during the year, police subsequently failed to identify any as victims, thus raising concerns that the raids lacked the critical balance between law enforcement and victim protection considerations. According to one NGO, police did little to identify or protect children subjected to forced begging, and reported the summary deportation of some victims of forced begging and their subsequent re-

trafficking the following day. International organizations and experts report that the absence of an effective witness protection system remained a serious impediment to effectively encouraging victims to participate in trafficking prosecutions; no victims assisted in the investigation and prosecution of their traffickers in 2009.

The government provided only limited repatriation or reintegration assistance to victims after they left a shelter. One international organization noted a lack of opportunities for trafficked girls who did not want to return to their families, who in many cases contributed to their initial trafficking. The government provided foreign victims of trafficking with legal alternatives to their removal to countries where they would face hardship or retribution, including through the granting of refugee status or approval of temporary residency permits.

Prevention

The Government of Kosovo sustained its prevention efforts, mostly through partnerships with NGOs and international organizations in 2009. It conducted anti-trafficking outreach with high school and college-level students to educate them about the risks of trafficking, holding multiple anti-trafficking discussions with students at high schools and the University of Pristina. The government also undertook actions designed to inform listeners about trafficking issues using radio broadcasts in October 2008 and January 2010. IOM reported that the government provided two day-long community based training sessions to educate students and youth organization leaders about trafficking in October 2009. The government signed an inter-ministerial MOU in January 2010 to improve data sharing and collection of trafficking and actively monitored implementation of its National Action Plan.

KUWAIT (Tier 3)

Kuwait is a destination country for men and women, some of whom are subsequently subjected to trafficking in persons, specifically forced labor. The majority of trafficking victims are from among the approximately 550,000 foreign women recruited for domestic service work in Kuwait. Men and women migrate from India, Egypt, Bangladesh, Syria, Pakistan, the Philippines, Sri Lanka, Indonesia, Nepal, Iran, Jordan, and Iraq to work in Kuwait, most of them in the domestic service, construction, and sanitation industries. Although these migrants enter Kuwait voluntarily, upon arrival some are subjected to conditions of forced labor by their sponsors and labor agents, including through such practices as non-payment of wages, threats, physical or sexual abuse, and restrictions on movement, such as the withholding of passports. Labor recruitment agencies and their sub-agents at the community level in South Asia may coerce or defraud workers into accepting work in Kuwait that turns out to be exploitative and, in some instances, constitutes involuntary servitude.

In some cases, arriving migrant workers have found the terms of employment in Kuwait are wholly different from those they agreed to in their home countries, making them vulnerable to human trafficking. As a result of such contract fraud, the Government of Indonesia in October 2009 banned further migration of domestic workers to Kuwait. Some 600 Indonesian domestic workers sought refuge in the Indonesian embassy in Kuwait in the last year; some of these domestic workers may have been victims of trafficking. Some of these workers arrive in the country to find their promised jobs do not exist. Many of the migrant workers arriving for work in Kuwait have paid exorbitant fees to recruiters in their home countries – a practice making workers highly vulnerable to forced labor once in Kuwait. Some unscrupulous Kuwaiti sponsors and recruiting agents prey on some of these migrants by charging them high amounts for residency visas, which foreign workers are supposed to receive for free. Adult female migrant workers are particularly vulnerable and consequently are often victims of nonconsensual commercial sexual exploitation and forced prostitution. Some domestic workers have fled from employers, and subsequently have been coerced into prostitution.

The Government of Kuwait does not fully comply with the minimum standards for the elimination of trafficking and is not making sufficient efforts to do so. Although the government made some efforts to improve its performance from previous years, heated public discourse and wide press debate on human trafficking have not yet resulted in the implementation of adequate laws. The Kuwaiti government made progress on some of the commitments it made in 2007 by making trafficking-related law enforcement data available and by continuing to investigate and prosecute some types of trafficking-related offenses. The government has not, however, made sufficient progress in fulfilling other commitments it made in 2007, including commitments to enact legislation specifically prohibiting human trafficking, to establish a 700-person permanent shelter for victims of trafficking, and to develop and implement a training program to educate government officials on the effective handling of trafficking cases. The government remains reluctant to prosecute Kuwaiti citizens for trafficking-related offenses; much of the human trafficking found in Kuwait involves domestic workers in Kuwaiti private residences. The government acknowledged some workers face difficulties but denied this contributes to a systemic trafficking problem.

Recommendations for Kuwait: Enact the draft anti-trafficking bill to specifically prohibit and punish all human trafficking offenses; enact the draft domestic workers bill to provide domestic workers with the same rights as other workers; establish methods to proactively identify victims of human trafficking, especially among the female domestic worker population; ensure sponsors and employers do not illegally hold migrant workers' passports; and expand on anti-trafficking training to law enforcement and judicial officials.

Prosecution

The Government of Kuwait demonstrated minimal progress in anti-human trafficking law enforcement efforts over the last year. Although the government has not yet enacted legislation explicitly prohibiting trafficking in persons, the Kuwaiti Criminal Code prohibits several trafficking-related offenses. Limited forms of transnational slavery are prohibited through Article 185, which prescribes a maximum penalty of five years' imprisonment. Article 201, which prohibits forced prostitution, prescribes a maximum sentence of five years' imprisonment if the victim is an adult and seven years if the victim is under the age of 18. While these prescribed penalties are sufficiently severe and commensurate with those prescribed for other serious offenses, the government did not punish any trafficking offenders under these statutes. Kuwait charged 15 Kuwaiti citizens and 63 expatriates with crimes relating to the abuse of domestic workers, including one murder, although only two criminals were imprisoned. Two of these Kuwaiti employers were sentenced to 15 and 16 years in prison; however, one absconded and was not apprehended. Another Kuwaiti employer was sentenced to two years imprisonment, but this sentence was subsequently suspended upon payment of a \$350 fine. The victim – an Indonesian maid – had been beaten, scalded by boiling water, and branded with a heated knife by the employer. Another Kuwaiti employer was sentenced in December 2009 to fifteen years in prison for beating to death an Asian woman employed as her maid. In April 2010, an appeals court reduced the jail term to seven years. The government also convicted 48 defendants charged with violence against foreign workers in other occupations. No information on sentences was available for these cases.

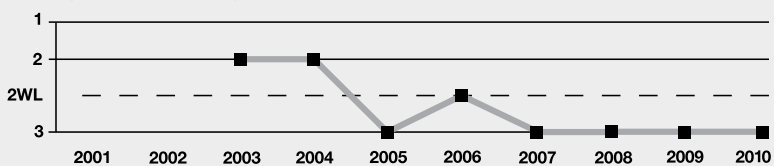
Protection

During the year, Kuwait made no discernible efforts to improve protection for victims of trafficking. The government continued to lack a formal procedure for the systematic identification and protection of trafficking victims among vulnerable populations, such as foreign workers arrested without proper identity documents and women forced into prostitution. Kuwait's short-term shelter has a maximum capacity of 40 and is intended to provide medical, psychological, and legal services. According to the Ministry of Social Affairs and Labor (MOSAL), approximately 300 domestic workers enter and leave the shelter each year and are referred from embassy shelters. Sources indicate, however, officials restricted the number of women each embassy sends to the shelter and requested the embassies only refer "simple" cases. There was no shelter available for male migrant workers. In 2007, the government committed to opening a 700-person shelter for both men and women. This shelter had not yet been established, as the government was in the process of transferring the building from the Ministry of Education to MOSAL. During the reporting period, the Indonesian government, together with IOM, sent delegations to Saudi Arabia, Kuwait and Jordan to assess the plight of Indonesian domestic workers in these countries. Over 400 victims, found in the Indonesian embassy shelter in Kuwait and unable to leave because they either did not have passports or exit permits (or both), were flown home as a result of the delegation's intervention. Trafficking victims were generally deported for running away from their sponsors or employers. Foreigners convicted of prostitution are also deported, regardless of whether they were sex trafficking victims. Government authorities did not encourage victims to participate in the investigation or prosecution of their traffickers.

Prevention

The Government of Kuwait made some efforts to prevent trafficking in persons this year. Kuwait's National Assembly passed and enacted a new private sector labor law, which, among other things, increased punishment for the illegal recruitment of workers, and allowed for the establishment of a state-owned recruitment company to oversee and manage the recruitment of all migrant workers – this recruitment company had not yet been established. The law excludes Kuwait's half-million domestic workers – the group most vulnerable to human trafficking – and does not establish mechanisms to monitor workers' rights. In August, MOSAL issued a ministerial resolution to immediately permit most foreign workers to change employers after three years of work, without having to secure the permission of the current Kuwaiti sponsor. In April 2010, MOSAL issued another resolution instituting a minimum wage of approximately \$200 a month, Kuwait's first-ever minimum wage. However, domestic workers are not included in these resolutions.

KUWAIT TIER RANKING BY YEAR



Kuwaiti law enforcement generally takes an administrative or civil approach in addressing cases of forced labor or exploitation, such as assessing fines, shutting down employment firms, issuing orders for employers to return withheld passports, or requiring employers to pay back wages. Such administrative penalties are not sufficiently stringent and do not reflect the heinous nature of human trafficking crimes. Kuwaiti courts sentenced two police officers to ten years in jail each for raping three female migrant workers. The crime took place in a detention facility, where the women were being held after running away from their employers.

A ministerial decree forbids sponsors and employers from withholding passports. However, this decree was not adequately enforced. It was reported that over 90 percent of the domestic workers who went to their embassies for assistance did not have access to their passports. The Ministry of Foreign Affairs published a warning against sex tourism in all of Kuwait's Arabic dailies in February 2010 and the Ministry of Awqaf and Islamic Affairs required some Sunni mosques to deliver Friday sermons on the danger of sex abroad and Islam's strict teachings against improper sexual relations. Government officials received training on migrant workers' rights and the ability to use existing laws to prosecute trafficking-related crimes. The government drafted an anti-trafficking bill that remained on the parliamentary agenda as of May 2010.

KYRGYZ REPUBLIC (Tier 2)

The Kyrgyz Republic (or Kyrgyzstan) is a source, transit, and to a lesser extent a destination country for men and women subjected to trafficking in persons, specifically conditions of forced labor, and women in forced prostitution. Kyrgyz men and women are subjected to bonded labor in China and to conditions of forced labor in Kazakhstan and Russia, specifically in the agricultural, construction, and textile industries. Women from the Kyrgyz Republic are subjected to forced prostitution in UAE, Kazakhstan, China, South Korea, Turkey, Greece, Cyprus, Thailand, Germany, and Syria. Some men and women from Uzbekistan, Tajikistan, and Turkmenistan transit Kyrgyzstan as they migrate to Russia, the UAE, and Turkey, where they are subsequently subjected to forced labor and forced prostitution. Men and women are trafficked within the Kyrgyz Republic for forced labor, and women are subjected to forced prostitution within the country. The city of Osh is a growing destination for women trafficked from Uzbekistan for the purpose of commercial sexual exploitation.

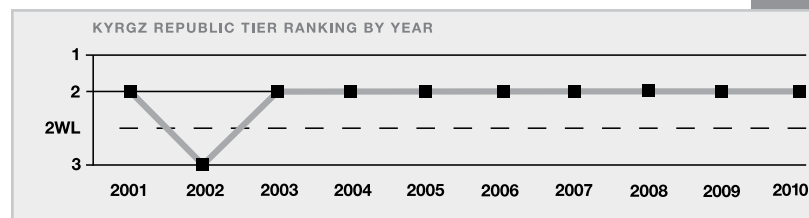
The Government of the Kyrgyz Republic does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government's efforts to prosecute and convict trafficking offenders continued to decrease. Despite the fact that at least 113 victims of trafficking were identified in Kyrgyzstan, only four suspected traffickers were prosecuted and only three trafficking offenders were convicted in 2009. The government sustained its limited victim assistance efforts and made important efforts to improve birth registration records, a move that may prevent future incidents of trafficking.

Recommendations for the Kyrgyz Republic: Increase efforts to prosecute and convict trafficking offenders and ensure that a majority of convicted trafficking offenders serve time in prison; vigorously investigate, prosecute, convict, and punish government officials complicit in trafficking; continue to improve the collection of

trafficking law enforcement data; continue trafficking sensitivity training for police, prosecutors, and judges; and ensure that victims of trafficking are not punished for unlawful acts committed as a direct result of being trafficked.

Prosecution

The Kyrgyz government improved its collection of trafficking-specific law enforcement data, although it demonstrated weak law enforcement efforts during the reporting period. The 2005 law on Prevention and Combating Trafficking in Persons criminalizes trafficking for both commercial sexual exploitation and forced labor and prescribes penalties of from 3 to 20 years' imprisonment, which are sufficiently stringent and commensurate with prescribed penalties for other serious crimes, such as rape. In 2009, the government conducted 11 trafficking investigations, including nine labor trafficking and two sex trafficking investigations, and prosecuted four individuals, including three for labor and one for sex trafficking, compared with eight prosecutions conducted in 2008. The government convicted 3 trafficking offenders – including 2 for labor and one for sex trafficking, down from 6 convictions in 2008. All three convicted trafficking offenders in 2009 were sentenced to 10 years' imprisonment. Members of the judiciary, law enforcement, and other government officials received trafficking training provided by IOM and NGOs. NGOs contend that some low-level law enforcement officials are complicit in human trafficking and accept bribes from traffickers; other low-level police tolerate trafficking due to a lack of awareness. The government reported no efforts to investigate these allegations or to prosecute and punish any government officials complicit in trafficking.



Protection

The government maintained its limited efforts to assist victims during the reporting period. The government and NGOs identified at least 113 victims of trafficking in 2009, compared with 161 victims identified in 2008. Although the government provided no direct funding for shelter or assistance to victims, it continued to provide facilities for three shelters run by anti-trafficking NGOs. In 2009, 22 of the 113 victims assisted by NGOs and international organizations were assisted by shelters that received free facilities and utilities provided by the government, compared with 34 victims assisted by NGOs in 2008. Government officials referred 21 victims to IOM and NGOs for assistance in Kyrgyzstan and consular

officials at Kyrgyz embassies in destination countries referred 18 victims to IOM for assistance with safe repatriation in 2009, compared with 20 victims referred by government officials in 2008. Although no foreign victims were identified in 2009, Kyrgyz law permits non-Commonwealth of Independent States' citizens to remain in the country pending investigation and prosecution of a trafficking case if the prosecutor or investigator in the case makes a request to immigration authorities. The government encouraged victims to participate in trafficking investigations and prosecutions; two victims assisted law enforcement during the reporting period. There were no reports of victims penalized for unlawful acts committed as a direct result of being trafficked during the reporting period.

Prevention

The Kyrgyz government sustained its prevention efforts over the last year and made important progress in improving its national identity record system. The government has not historically maintained accurate birth and nationality records, which has made Kyrgyz nationals traveling abroad more vulnerable to trafficking, as they lacked appropriate travel documents. However the Government of the Kyrgyz Republic, in partnership with the United Nations, began to digitize passport records in a central database during the reporting period. In 2010, the Kyrgyz Bureau of Vital Records is expected to expand this program to include birth records. In 2009, the Border Guard Service increased its efforts to provide travelers leaving Kyrgyzstan at the airport, train stations, and at land crossings with fliers and other trafficking awareness materials prepared by IOM. The Kyrgyz government maintained migration offices in six key destination cities in Russia to assist and advise its nationals vulnerable to labor trafficking of their rights and also provided in-kind assistance to an NGO-run national labor migration hotline that provided legal advice and assistance to potential victims of trafficking. The government strengthened partnerships with anti-trafficking NGOs during the reporting period. In 2009, the government issued 17 criminal citations against unlicensed labor recruitment companies; though these penalties are administrative in nature, such actions may reduce the potential for unlicensed labor recruitment companies from trafficking unsuspecting victims.

LAOS (Tier 2 Watch List)

Laos is a source, and to a much lesser extent, a transit and destination country for women and girls who are subjected to trafficking in persons, specifically forced prostitution, and men, women, and children who are in conditions of forced labor in factory work, domestic labor, and the fishing industry. Lao men, women, and children are found in conditions of forced labor in Thailand. Many Laotians, particularly women, pay broker fees to obtain jobs in Thailand, normally ranging from \$70 to \$200,

but are subsequently subjected to conditions of sexual servitude and forced labor once they arrive in Thailand. Lao men are subjected to conditions of forced labor in the Thai fishing and construction industry. A small number of Lao women and girls reportedly were also trafficked to China to become brides for Chinese men. Ethnic minority populations are particularly vulnerable to trafficking in Thailand. Laos is increasingly a transit country for Vietnamese, Chinese, and Burmese women who are subjected to sex trafficking and forced labor in Thailand. Some Vietnamese women are subjected to forced prostitution in Laos. Although there are fewer reported instances, internal trafficking also remains a problem, affecting young women and girls forced into prostitution.

The Government of Laos does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, Laos has not demonstrated enough evidence of progress in its law enforcement efforts to address human trafficking and in the identification and protection of trafficking victims; therefore, Laos is placed on Tier 2 Watch List. During the reporting period, the government reported three trafficking prosecutions, but did not convict any trafficking offenders. While the government provided some assistance to victims identified by foreign governments repatriated to Laos, it did not report identifying any trafficking victims. The government has never administratively or criminally punished any public official for complicity in trafficking in persons. The government continued to rely almost completely on NGOs and international organizations to provide victim assistance.

Recommendations for Laos: Increase efforts to investigate and prosecute both sex and labor trafficking offenders, including through cooperation with Thai authorities on cross-border trafficking cases; make efforts to address internal trafficking, including by identifying Lao citizens trafficked within the country; create and implement formal victim identification procedures and train police and border officials to identify trafficking victims, including victims returning from Thailand; improve coordination between Thai authorities and the central government regarding victim assistance and between the Vientiane transit center and local communities where victims will be reintegrated; consider opening a transit center in Savannakhet for victims repatriated from Thailand; increase efforts to combat trafficking-related complicity; expedite the processing of NGO MOUs to implement anti-trafficking projects; implement and support a visible anti-trafficking awareness campaign directed at clients of the sex trade; and increase collaboration with international organizations and civil society to build capacity to combat trafficking in persons.

Prosecution

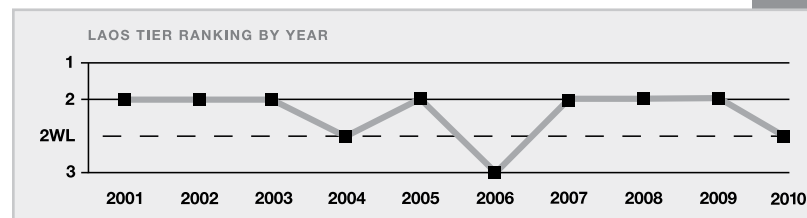
The Lao government continued to prosecute some trafficking cases, but did not convict any trafficking

offenders during the reporting period. Laos prohibits all forms of human trafficking through its 2006 revision of Penal Code Article 134, which prescribes penalties ranging from five years to life imprisonment, which is sufficiently stringent and commensurate with those prescribed for other serious crimes. Lao police report investigating 50 suspected trafficking cases in 2009, and the prosecution of 11 trafficking offenders. Impunity of corrupt government officials remained a problem throughout the Lao justice system. Corruption is endemic in Laos, and observers of trafficking in Laos believe that particularly at the local level, some officials are involved in facilitating human trafficking, sometimes in collusion with their Thai counterparts. However, the government has never reported any officials disciplined or punished for involvement in trafficking in persons. The government continued to collaborate with international organizations and NGOs on law enforcement capacity building.

Protection

The Government of Laos continued some efforts to ensure that victims of trafficking received access to protective services during the reporting period. The government did not employ systematic efforts to identify trafficking victims among Lao migrants returning from neighboring countries. The government continued to rely almost completely on NGOs and international organizations to provide victim assistance. Lao authorities did not report identifying any trafficking victims within Lao borders. In 2009, Thai authorities identified and repatriated approximately 155 Lao victims under an official repatriation mechanism; almost all of whom were girls. The Ministry of Labor and Social Welfare (MLSW), with NGO funding, continued to operate a small transit center in Vientiane for victims identified and repatriated by Thai authorities to remain for one week. However, while most repatriated victims were from southern Laos, all victims were required to be processed through the Vientiane transit center in central Laos. The Lao Women's Union operates counseling centers in six provinces to provide information about trafficking prevention and, with the assistance of international NGOs and foreign donors, helps to run a shelter in Vientiane to assist victims and help reintegrate them into society. Women and children who are identified as trafficking victims are exempted from criminal prosecution for unlawful acts committed as a direct result of trafficking, but the law does not protect men from prosecution. Since victims generally avoid identification by Thai authorities, there are believed to be many victims who return to Laos through informal channels, particularly male victims, but no such victims were identified by the Lao government. The government does not have systematic procedures to proactively identify victims of trafficking among vulnerable groups, such as migrants returning from Thailand and girls and women detained for involvement in prostitution. The Lao Embassy in Bangkok assists in coordinating repatriation of Lao nationals who are identified as trafficking victims in Thailand. Inefficiency within the government in the

signing of MOUs has caused lengthy delays in NGO victim protection projects. The Law on Development and Protection of Women includes protection provisions for victims of trafficking, but these provisions do not apply to men. Victim access to legal redress is hampered by culture and lack of resources on the part of victims and the legal community. Through legal aid clinics, the Lao Bar Association, with NGO funding, is currently assisting six trafficking victims. Laos does not provide legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship, but does not typically repatriate foreign trafficking victims.



Prevention

The Lao government continued limited efforts to prevent trafficking in persons with assistance from international organizations and NGOs. The MLSW worked with UNICEF to set up trafficking awareness-raising billboards near border checkpoints and in large cities, and distribute comic books to schools, to educate younger Lao about the dangers of trafficking. UNESCO and the Lao Youth Union partnered on radio programs in Lao and minority languages on the dangers of trafficking. In October 2009, Laos and China established a liaison office in China's Yunnan Province to repatriate a small number of Lao women trafficked to China for forced marriage. Authorities did not employ screening procedures to identify trafficking victims in raids of nightclubs used as fronts for commercial sex. The Lao National Tourism Authority, with NGO and donor funding, ran a campaign prior to the 2009 Southeast Asia Games, warning tourists and citizens to not engage in child sex tourism.

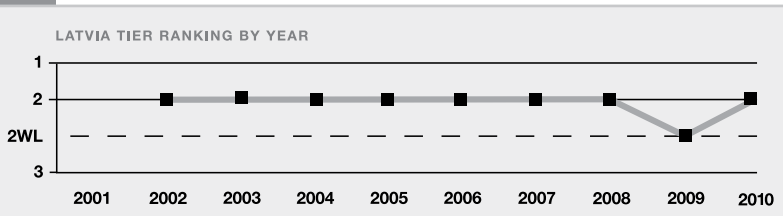
LATVIA (Tier 2)

Latvia is a source country for women subjected to trafficking in persons, specifically forced prostitution, and for men and women in conditions of forced labor. Latvian women are forced into prostitution in Italy, the United Kingdom, Ireland, the Netherlands, Belgium, Denmark, and Germany. Latvian men and women are subjected to conditions of forced labor in the United Kingdom. There are unofficial reports that some Latvian teenage girls are trafficked within the country for the purpose of forced prostitution.

The Government of Latvia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During

the reporting period, the government demonstrated modest progress in prosecuting and convicting trafficking offenders and made efforts to improve victim access to assistance. The government also increased the amount spent on victim assistance. In March 2010, the Ministry of Interior established a new inter-agency working group tasked with implementing the 2009-2013 National Anti-Trafficking Program – which was adopted in August 2009 – and coordinating efforts among state agencies, municipal governments, and NGOs. Despite these important efforts, more should be done to identify and certify victims, ensuring them access to necessary care.

Recommendations for Latvia: Increase the number of victims certified to receive government-funded assistance; increase efforts to identify victims of trafficking among vulnerable populations, such as women and girls in prostitution, and refer these victims for assistance; increase use of Section 154-1 to prosecute and convict trafficking offenders; impose sufficient criminal penalties on persons convicted of human trafficking offenses; increase efforts to investigate and prosecute domestic and labor trafficking offenses; ensure law enforcement, border guards, and labor inspectors receive labor trafficking training; provide law enforcement with proactive victim identification training; fully implement the 2009-2013 National Anti-Trafficking Program; and increase efforts to raise awareness about both forced prostitution and labor trafficking.



Prosecution

The Government of Latvia demonstrated increased law enforcement efforts in 2009, though the number of convicted trafficking offenders sentenced to time in prison remained low. Latvia prohibits all forms of trafficking through Sections 154-1, 154-2, and 164 of its Criminal Law, which prescribe penalties ranging from a fine up to 15 years' imprisonment. These prescribed penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government used Section 165-1 – a non-trafficking law – to investigate, prosecute, and convict most trafficking cases during the reporting period. Use of this statute allowed prosecutors more flexibility to pursue cases in which the victim's volition was more difficult to establish. Authorities initiated 34 trafficking investigations, a significant increase from 17 trafficking investigations in 2008. During the reporting period, authorities prosecuted 26 suspected trafficking offenders, up from 14 individuals in 2008. Fifteen trafficking

offenders were convicted during the reporting period, compared with 11 offenders in 2008. Proportionally, roughly the same percentage of convicted offenders received jail sentences in 2008 and 2009: four of the 15 trafficking offenders convicted in 2009 were sentenced to serve some time in prison compared with three of 11 convicted offenders in 2008. In 2009, 11 trafficking offenders were given suspended sentences or fines and served no time in prison, compared with eight in 2008. Three convicted sex trafficking offenders were sentenced to one to five years' imprisonment and one offender was sentenced to five to 10 years' imprisonment during the reporting period. The government did not provide state labor inspectors with specialized training on forced labor cases, and it postponed anticipated anti-trafficking training for judges and prosecutors until sometime in 2010.

Protection

The government demonstrated improved efforts to assist victims during the reporting period and the number of victims provided with access to government-funded assistance increased. The Ministry of Welfare authorized increased funding for victim services to \$78,000, upon discovering that seven additional victims had been identified than originally projected in the assistance budget; the government provided \$58,000 in such funding in 2008. In 2009, 10 new victims were certified by the government and provided with government-funded assistance including medical aid, shelter, and rehabilitative care; seven other victims certified in 2008 continued receiving government funded services in 2009. A total of 12 victims were provided with government-funded assistance in 2008. However, local NGOs continued to report difficulties with certifying victims of trafficking as eligible for government-funded assistance pursuant to the Law on Social Services and Social Assistance. NGOs and the government identified 34 potential trafficking victims during the reporting period, compared with 28 potential victims from the previous year. Government authorities identified and referred seven victims to NGO service-providers for assistance, down from 17 victims identified and referred in 2008. In October 2009, the government amended its Law on Social Services and Social Assistance to allow all Latvian and foreign victims of trafficking, including victims from European Union member states, access to government-funded victim assistance. The government offered foreign victims temporary legal alternatives to deportation to countries where they may face hardship or retribution; victims who agree to assist law enforcement may apply for temporary residency and work permits. No victims applied for or received the 30-day reflection period during the reporting period. Although the police have mechanisms to screen for victims of trafficking, concerns remained regarding the general understanding of trafficking by law enforcement; NGOs reported that some victims of trafficking may be unwilling to self-identify themselves as trafficking victims to police officials. Law

enforcement officials reported increased efforts to screen for victims of trafficking in vulnerable populations living in Latvia, including street children, women in prostitution, and foreign migrant populations, though no victims were identified as a result of these efforts during the reporting period. The government encouraged victims to participate in investigations against their traffickers; in 2009, 21 victims assisted with law enforcement investigations. The government did not penalize victims for unlawful acts committed as a direct result of their being trafficked.

Prevention

The Latvian government sustained its efforts to prevent trafficking in persons during the reporting period. The Ministry of Education provided trafficking awareness training for 296 teachers in 2009; the training enabled teachers to communicate with students about the existence and realities of human trafficking. The government sponsored a crime prevention campaign, including trafficking prevention activities, in 697 schools throughout the country titled "Safe Days at School." The Latvian State Tourism Agency partnered with Air Baltic to distribute information to air travelers entering Latvia about the Agency's hotline and e-mail address, which can be used to report potential instances of sex tourism and trafficking. The government did not conduct a campaign to reduce the demand for commercial sex.

LEBANON (Tier 2 Watch List)

Lebanon is a source and destination country for women and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. The country may also be a transit point for Eastern European women and children destined for forced prostitution in other Middle Eastern countries. Women from Sri Lanka, the Philippines, Ethiopia, and Madagascar who travel to Lebanon voluntarily and legally to work in domestic service, with the assistance of recruitment agencies, often find themselves in conditions of forced labor, including through the use of such practices as withholding of passports, non-payment of wages, restrictions on movement, verbal abuse, and physical assault. Workers who leave their employer's house without permission automatically lose their legal status unless a change in sponsorship is prearranged and approved by Surete Generale (SG), the government agency responsible for the entry, residency, and departure of foreign workers. In some cases, employers have kept foreign domestic workers confined in houses for years. The Lebanese government's "artiste" visa program, which facilitated the entry of 4,518 women from Eastern Europe, Morocco, and Tunisia in 2009 to work in the adult entertainment industry, serves to sustain a significant sex trade and facilitates sex trafficking. There is limited anecdotal information indicating that some children in Lebanon may be subjected to situations of forced labor

and commercial sexual exploitation; no rigorous case study or other data exists, however, to define the scope or magnitude of the problem.

The Government of Lebanon does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government marginally improved its referral of trafficking victims to an NGO safe house and demonstrated a newfound interest in addressing child trafficking within the country. Its increasing attention to labor issues, particularly abuses suffered by foreign domestic workers, was evidenced by courts' hearing of several cases containing elements of trafficking crimes in 2009. Although the government failed to bring specific charges of forced labor or forced prostitution in these cases, they represent its first attempts to address trafficking crimes perpetrated against domestic servants. Despite these efforts, the government failed to show substantial progress in identifying foreign victims of trafficking – particularly victims of involuntary domestic servitude – and criminally punishing their exploiters. It neither made combating human trafficking a national priority nor allocated resources for protection of victims. It also made no concerted efforts to educate the Lebanese public regarding the issue. Therefore, Lebanon is placed on Tier 2 Watch List for the second consecutive year. The government's limited progress was due, in part, to parliamentary inaction before the June 2009 elections and the lack of a government from June until November.

Recommendations for Lebanon: Criminalize all forms of human trafficking; enact the draft Labor Law amendment extending legal protections to foreign workers; investigate and prosecute trafficking offenses using existing laws and convict and punish trafficking offenders; enforce the law prohibiting the confiscation of domestic workers' passports; develop and institute formal procedures to identify victims of trafficking among vulnerable populations, such as women holding "artiste" visas and domestic workers who have escaped abusive employers; ensure that identified victims of trafficking are promptly referred to protection services rather than detained for unlawful acts committed as a direct result of being trafficked, such as immigration violations and prostitution; increase formal bilateral partnerships and systematic information sharing with governments of source countries to better protect migrant workers from abuse and resolve cases of administrative detention; and provide the unified employment contract in the native languages of immigrating domestic workers.

Prosecution

The government made modest but insufficient efforts to prosecute and punish trafficking offenders during the reporting period. The Ministry of Justice (MOJ) did not respond to requests for data regarding its anti-trafficking law enforcement efforts. Although Lebanon lacks a modern, comprehensive anti-trafficking statute, its current criminal code prohibits most forms of human

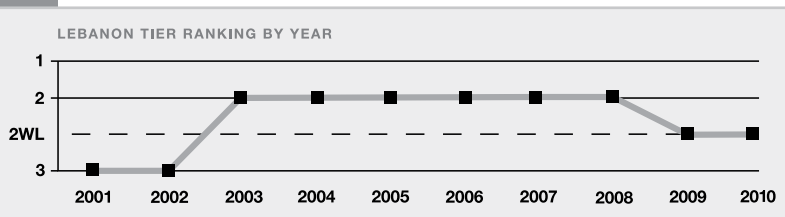
trafficking. The prescribed penalties of a minimum of one year's imprisonment for forced prostitution (Article 524) are neither sufficiently stringent nor commensurate with those prescribed for other serious crimes, such as rape. Penalties of temporary hard labor for deprivation of freedom (Article 569) and one year's imprisonment for forced labor or involuntary servitude (Article 649) are not sufficiently stringent. The MOJ completed its review of a draft anti-trafficking law and, in December 2009, submitted it to the newly-formed Cabinet for approval. In the previous reporting period, the National Steering Committee transmitted an amendment extending legal protections to foreign workers to the Ministry of Labor (MOL) for submission to the Cabinet as part of the draft Labor Law; the draft legislation was not forwarded for the Cabinet's approval in 2009.

SG, an employer paid her domestic worker back wages and a return plane ticket without the need for a court order; this employer awaits a criminal trial on narcotics charges for forcing the worker to smuggle drugs. The government did not suspend any employment agencies in 2009 for facilitating trafficking of persons. Nor did it provide specialized training for its officials to recognize, investigate, or prosecute cases of trafficking.

Protection

The government neither made sufficient efforts to ensure that trafficking victims received access to protective services, nor allocated resources to provide for their care during the reporting period. Although the government lacked systematic guidelines for proactively identifying trafficking victims among high risk populations, leading to the deportation of most runaway domestic workers and "artistes" without determining if any were trafficking victims, the SG permitted an NGO to interview detainees in Beirut to independently determine if trafficking victims were among the detention center population. The government did not provide victims with services and relied on an NGO to provide shelter to a limited number of foreign victims. The government has a standing Memorandum of Understanding with this NGO to refer trafficking victims to and provide security for the shelter. Of the 146 trafficking victims served by the NGO in 2009, three were referred by law enforcement authorities. As a result of NGO outreach, in July 2009, the general prosecutor for the Mount Lebanon referred a trafficking victim to an NGO for assistance rather than prosecuting the victim for crimes that resulted from her being trafficked. Illegal workers were generally not prosecuted or fined, but they were arrested and detained until deportation. The SG operated a prison-style detention center in Beirut for up to 500 foreigners who are in violation of their visa status and awaiting disposition of their cases. In October 2009, a working committee comprised of representatives of the SG and two NGOs was established to draft standard operating procedures to guide the SG in identifying trafficking victims among detainees, referring them to NGO services, and tracking detainee cases to enable more efficient and timely processing. During the year, the SG improved its notification of some source country embassies of the presence of their citizens in the detention center.

From February to June 2009, the government offered a temporary amnesty period so out-of-status workers could regularize their illegal status by finding a new sponsoring employer instead of facing deportation; during this period 2,039 foreign workers successfully altered their status without experiencing administrative detention. There was no attempt to identify trafficking victims among the out-of-status workers who came forward. The government also pursued some policies and practices that harmed foreign victims of trafficking. For example, authorities required that women recruited under its "artiste" visa program be confined in hotels for most of the day and summarily deported them if they complained of mistreatment. Victims were neither encouraged to bring their cases



The government has yet to prosecute a case of forced labor against an employer. Pursuit of such cases was hampered by bureaucratic indifference and inefficiency, difficulty proving cases of alleged abuse, victims' lack of knowledge of their rights, court backlogs, and cultural biases, particularly against foreign domestic workers. Lack of sufficient anti-trafficking training also hindered prosecutors' and judges' recognition of potential trafficking cases. Given the significant hurdles to pursuing criminal complaints in the Lebanese court system, many foreign victims were compelled to opt for quick administrative settlements followed by mandatory deportation. Evidence suggests, however, that many cases were not resolved, and trafficking victims were deported without receiving their wages due. During the year, some civil and criminal courts heard cases brought by domestic workers, primarily concerning the non-payment of wages, which constituted trafficking-related offenses. In December 2009, a criminal court judge in Batroun sentenced, under Article 554 (Personal Injuries) of the penal code, a woman to 15 days' imprisonment and ordered to pay compensation of \$7,200 for regularly beating her Filipina domestic worker – abuse that likely indicates a situation of forced labor – in 2006. In May 2009, the Internal Security Forces arrested two Lebanese men on allegations of forcing a Kazakh dancer into prostitution; they were released after she refused to press charges. In April 2009, a civil court, using Articles 248, 652, 654, and 656 of the Obligations and Contracts Law, ruled that an employer must pay her domestic worker \$42,252 as compensation for 14 years of back wages and other indemnities, signifying that the worker was likely a victim of involuntary domestic servitude. During a September 2009 investigation conducted by the

to the attention of public prosecutors, nor offered legal alternatives to removal to countries where they might face hardship or retribution.

Prevention

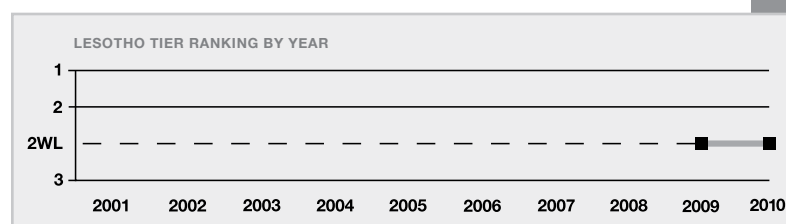
The Government of Lebanon made limited efforts to prevent trafficking over the last year. The standard or “unified” contract for domestic workers, published in February 2009, was not translated into the native languages of migrant laborers; domestic workers must still sign the contract in Arabic – a language most cannot read – upon arrival in Beirut. This practice enables contract fraud and contributes to forced labor. The standard SG procedure of turning over arriving domestic workers’ passports to the workers’ sponsors limits those workers’ freedom of movement and makes them vulnerable to situations of human trafficking. The Ministry of Foreign Affairs began, however, negotiating a bilateral agreement with the Government of Ethiopia regarding the migration and employment of Ethiopian domestic workers in Lebanon. In April 2009, the Higher Council for Childhood (HCC) partnered with an international NGO to hold a national workshop on child trafficking, ensuring representation from relevant ministries and coordinating certain logistics. This workshop was followed by six awareness sessions conducted throughout the country for government and NGO social workers, during which HCC representatives delivered information on Lebanon’s obligation to respond to child trafficking. The government did not take any steps to reduce the demand for forced labor or commercial sex acts during the year. The Ministry of Labor provided no statistics documenting the work of its 130 inspectors charged with investigating situations of forced adult or child labor.

LESOTHO (Tier 2 Watch List)

Lesotho is a source and transit country for women and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution, and for men in forced labor. Women and children are subjected within Lesotho to involuntary domestic servitude and children, to a lesser extent, to commercial sexual exploitation. Basotho victims of transnational trafficking are most often taken to South Africa. Long-distance truck drivers offer to transport women and girls looking for legitimate employment in South Africa. *En route*, some of these women and girls are raped by the truck drivers, then later prostituted by the driver or an associate. Many men who migrate voluntarily to South Africa to work illegally in agriculture and mining become victims of labor trafficking. Victims work for weeks or months for no pay; just before their promised “pay day” the employers turn them over to authorities to be deported for immigration violations. Women and children are exploited in South Africa in involuntary domestic servitude and commercial sex, and some girls may still be brought to South Africa for forced marriages in remote villages. Some Basotho women who voluntarily migrate to South Africa seeking

work in domestic service become victims of traffickers, who detain them in prison-like conditions and force them to engage in prostitution. Most internal and transnational traffickers operate through informal, loose associations and acquire victims from their families and neighbors. Chinese and reportedly Nigerian organized crime units, however, acquire some Basotho victims while transporting foreign victims through Lesotho to Johannesburg, where they “distribute” victims locally or move them overseas. Children who have lost at least one parent to HIV/AIDS are more vulnerable to traffickers’ manipulations; older children trying to feed their siblings are most likely to be lured by a trafficker’s fraudulent job offer.

The Government of Lesotho does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. While operating under severe resource constraints, the government formed an active multi-sectoral task force, created a national plan of action, trained more officials to identify trafficking situations and victims, and raised public awareness. Despite these efforts, however, the government has shown no evidence of efforts to combat human trafficking through law enforcement activities, and protections for victims are still minimal; therefore, Lesotho is placed on Tier 2 Watch List for the second consecutive year.



Recommendations for Lesotho: Enact a comprehensive law prohibiting all forms of human trafficking; provide support to establish and maintain facilities to provide care to victims of trafficking, possibly in partnership with international organizations or NGOs; forge a partnership with South African police to investigate reports of Basotho forced to labor on farms in South Africa and prosecute exploitative farm owners; complete and implement the national plan of action; establish a system to collect and analyze data on victims identified and assisted, trafficking-related offenses investigated and prosecuted, and trafficking offenders convicted and punished; increase training for law enforcement officers in victim identification, particularly at border points; and continue efforts to raise public awareness of trafficking.

Prosecution

The government did not increase its law enforcement efforts during the past year, and no suspected trafficking offenders were identified during the reporting period. Lesotho has no comprehensive anti-trafficking law, which hinders the government’s ability to address

human trafficking. Lesotho does not prohibit all forms of trafficking in persons, though its Constitution prohibits slavery, servitude, and forced labor. The Child Protection Act of 1980, the Sexual Offenses Act of 2003, the Common Law, and the Labor Code Order of 1981, as amended, prescribe sufficiently stringent penalties of at least five years' imprisonment for crimes that could be used to prosecute trafficking offenses. The Child Protection and Welfare Bill, drafted in 2005, was approved by the Cabinet in 2009 and is currently awaiting debate in Parliament. It prohibits child trafficking and prescribes sufficiently stringent penalties of 20 years' imprisonment for trafficking offenders. No current or draft laws specifically prohibit the trafficking of adults. The government did not provide official data on trafficking or trafficking-related prosecutions or convictions during the reporting period. The Multi-Sectoral Committee, an anti-trafficking task force, in partnership with a local NGO, arranged for and participated in three trafficking workshops. The session in October 2009 particularly targeted police and immigration officials, and focused on identifying trafficking offenders and their victims, as well as identifying laws that could be used to prosecute traffickers under Lesotho's existing legal system. While officials opened no official investigations into trafficking activity in Lesotho, the Lesotho Mounted Police Service worked with South African police to investigate suspected trafficking cases in border areas. Each month, immigration officers at the Maseru border post assisted approximately 20-30 victims of labor trafficking, usually men exploited in forced labor before being deported from South Africa. Law enforcement officers did not proactively identify victims among other vulnerable populations, such as women and children in prostitution, and most were not trained to identify victims they may encounter as part of their normal duties. There was no evidence of government involvement in or tolerance of trafficking on a local or institutional level.

Protection

The Lesotho government took minimal steps to protect victims of trafficking over the last year. Most officials did not proactively identify victims, and agencies have no formal mechanism for referring victims to service providers. Lesotho has no care facilities specifically for trafficking victims. Orphanages supported by the Government of Lesotho and NGOs are available to provide some services to children presumed to be victims of trafficking. Staff from the Child and Gender Protection Unit (CGPU) of the Lesotho Mounted Police Service provided counseling to women and children who were victims of abuse, including some they believe were trafficking victims. The government acknowledged the need in its draft anti-trafficking national plan of action. Basotho law does not protect victims from prosecution or otherwise being penalized for unlawful acts committed as a direct result of being trafficked, nor does it provide foreign victims with legal alternatives to their removal to countries where they may face hardship or retribution.

Prevention

The Government of Lesotho clearly increased its efforts to prevent trafficking. The Multi-Sectoral Committee on Trafficking, which was formed in July 2009 and is comprised of representatives of government ministries, NGOs, police, border security, the judicial system, UNDP, UNICEF, academia, and religious orders met regularly and began working on a national plan of action. The action plan was nearly complete in early 2010. The government requested and received funding from UNDP to research trafficking in Lesotho; the Ministry of Home Affairs is expected to make the final report available in mid-2010. Authorities conducted several high-visibility information campaigns during the past year, spurring a sharp rise in the number of news reports about human trafficking. Campaigns run in partnership with the Government of South Africa targeted large border towns where trafficking is likely more prevalent. The CGPU and partners in local communities conducted awareness workshops, and trained other officers in the Lesotho Mounted Police on victim awareness and identification. UNICEF helped the CGPU to distribute educational materials on human trafficking. The Minister of Home Affairs presided over the launch of an NGO's "Red Light" campaign, which addresses sex trafficking in the context of the World Cup in South Africa in June 2010. As part of national campaigns against gender-based violence, child sexual abuse, and human trafficking, the government made efforts to reduce the demand for commercial sex acts.

LIBERIA (Tier 2)

Liberia is a source, transit, and destination country principally for young women and children subjected to trafficking in persons, specifically forced labor and forced prostitution. Most trafficking victims originate from within the country's borders and are forced to work as domestic servants, street vendors, or beggars supporting religious instructors, or are subjected to forced prostitution. Traffickers operate independently and are commonly family members who may promise poorer relatives a better life for their children. Children sent to work as domestic servants for wealthier relatives are vulnerable to forced labor or commercial sexual exploitation. Victims of trans-border trafficking come to Liberia from Sierra Leone, Guinea, and Cote d'Ivoire and are subjected to the same types of forced labor as internally trafficked victims, and are also found on rubber plantations and at alluvial diamond sites. A small number of men, women, and children from Liberia are trafficked to Cote d'Ivoire, Guinea, and Nigeria.

The Government of Liberia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. The government made limited progress in its efforts to combat trafficking, which it may conflate with people smuggling and fraudulent adoptions. The government showed a lack of commitment, however, on following through with prosecutions of trafficking

offenses and training its law enforcement personnel on anti-trafficking skills.

Recommendations for Liberia: Increase efforts to apprehend, prosecute, and punish trafficking offenders; allocate increased funding for basic anti-trafficking law enforcement and victim protection needs; increase the ability of airport security staff to identify potential cases of human trafficking; investigate possible collusion of government personnel in human trafficking; educate judges about the anti-trafficking law; and increase efforts to educate the public about human trafficking.

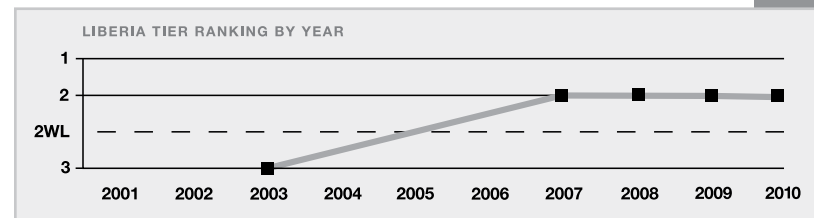
Prosecution

The Government of Liberia increased law enforcement efforts to combat trafficking during the reporting period. Liberia's 2005 Act to Ban Trafficking specifically prohibits transnational as well as internal trafficking. Its prescribed penalties of six years' imprisonment for sex trafficking and 11 years' to life imprisonment for child sex trafficking are sufficiently stringent and commensurate with other serious crimes such as rape. Its prescribed penalties of one to 20 years' imprisonment for labor trafficking and a minimum of six years' imprisonment for child labor trafficking are sufficiently stringent. The government did not convict or sentence any trafficking offenders under this 2005 law. The director of the Women and Children Protection Section of the Liberian National Police reported that police investigated two cases of human trafficking from January to September 2009, though neither resulted in a prosecution. In one of the cases, a Liberian immigration officer bought a boy being trafficked from Guinea for labor, reportedly to insure his safety, and then arrested the offender; immigration authorities repatriated the victim to his home country and the alleged trafficker remains in detention awaiting trial. The government provided no anti-trafficking training to police officers, though some police officials attended training sessions conducted by UNICEF or IOM.

Protection

During the past year, the government continued to ensure victims' access to protection services provided by NGO and international organization-run shelters and orphanages, as a severe lack of resources and personnel limited the Liberian government's ability to provide those services directly. Foreign victims had the same access to these services as Liberians. There was no specialized care available for trafficking victims. The government attempted to repatriate foreign victims when possible, and victims were offered immigration relief if they wished to remain in Liberia. The government sustained anti-trafficking partnerships with other governments in the region over the reporting period, assisting in the return of several trafficking victims to Sierra Leone and Guinea. The Anti-Human Trafficking Task Force identified 37 cases of human trafficking during the reporting period, with 71 victims. Liberia's immigration, social services, and law enforcement agencies did not make adequate efforts to proactively identify victims of trafficking among

high-risk groups. Under the 2005 Anti-Trafficking Law, victims are not penalized for any immigration-related offense, prostitution, or other unlawful act that resulted directly from trafficking. The government did not discourage victims from assisting with the investigation or prosecution of traffickers. The government did not report any civil complaints by trafficking victims seeking restitution from their exploiters.



Prevention

The Liberian government sustained modest efforts to prevent trafficking in persons throughout the reporting period. With radio as the preferred medium, the Ministry of Labor continued to run campaigns against trafficking, and also erected billboards around Monrovia to project public messages on the dangers of human trafficking. Immigration officials continued to expel illegal immigrants using falsified Liberian documents, but in general the Bureau of Immigration and Naturalization exerted little control over land borders.

LIBYA (Tier 2 Watch List)

Libya is a transit and destination country for men and women from sub-Saharan Africa and Asia subjected to trafficking in persons, specifically forced labor and forced prostitution. Migrants typically seek employment in Libya as laborers and domestic workers or transit Libya *en route* to Europe. The number of migrants and trafficking victims who were smuggled to or through Malta and Italy decreased in the reporting period due to Libyan and Italian joint naval patrols; however, migrants complained of poor treatment and the patrols did not make efforts to identify trafficking victims among them. Although precise figures are unavailable, international organizations and other foreign observers estimate that up to one percent of Libya's 1.5 to 2 million foreigners (i.e., up to 20,000 people) may be victims of trafficking. In many cases, smuggling debts and illegal status leave migrants vulnerable to coercion, resulting in cases of forced prostitution and forced labor; employers of irregular migrants sometimes withhold payment or travel documents, which represent risk factors for trafficking. As in previous years, there were isolated reports that women from sub-Saharan Africa were forced into prostitution in Libya. There were also reports that migrants from Georgia were subjected to forced labor in Libya.

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

however, it is making significant efforts to do so. Despite these overall efforts, the government did not show evidence of significant efforts to investigate and prosecute trafficking offenses or to protect trafficking victims; Libya is therefore placed on Tier 2 Watch List for the fifth consecutive year. Undocumented migrants detained by Libyan authorities, including trafficking victims, were punished.

Recommendations for Libya: Draft, pass, and enact legislation that prohibits all forms of trafficking; increase law enforcement efforts to investigate and prosecute trafficking offenses; implement standard procedures on identifying trafficking victims and provide victims with protection; investigate and prosecute officials who are complicit in human trafficking; ensure that victims are not susceptible to deportation or punishment for their unlawful presence in Libya; enforce and build awareness of the labor law's provision which criminalizes the holding of an employee's passport; and undertake an information campaign to raise public awareness of the problem of human trafficking.

period. The government did not develop or implement procedures for authorities' proactive identification of trafficking victims, nor did it demonstrate efforts to refer victims detained by authorities to protective facilities. The government referred vulnerable people on an *ad hoc* basis to international organizations or relief workers; some of these were likely trafficking victims. The government provided office space in some detention centers where UNHCR relief workers provided medical and psychological care for an unknown number of detainees, which likely included trafficking victims. International organizations reported that conditions in detention centers worsened significantly since the launch of the Libyan-Italian joint naval patrols in May 2009 and, along with rights groups, expressed concern that the joint patrols return all interdicted migrants to the country without screening for victims of trafficking. The government did not actively encourage victims to participate in the investigation and prosecution of trafficking offenders. Like irregular migrants, trafficking victims were susceptible to deportation or punishment for unlawful presence in Libya as result of being trafficked; a recently released HRW report quoted an observer as saying that migrants can be detained "from a few weeks to 20 years." The same report noted that Libyan authorities regularly beat groups of undocumented African migrants who were returned to Libya by Italian law enforcement officials after the migrants' failed attempt to sail from Libya to Italy. Since the government did not have procedures to identify trafficking victims, some of these undocumented migrants may have been trafficking victims.

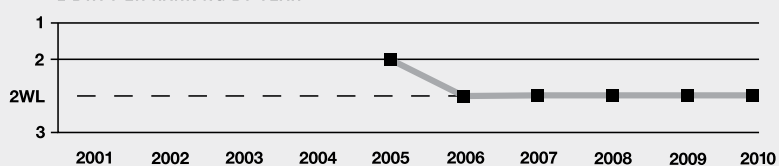
Prevention

The Government of Libya made minimal efforts to prevent human trafficking. Public awareness of human trafficking – as a phenomenon distinct from illegal immigration and smuggling – remained low in Libya, including among government officials. During the reporting period, the government did not conduct any anti-trafficking public information campaigns. Libya did not take actions to reduce the demand for commercial sex acts or to prevent possible child sex tourism committed abroad by Libyan nationals. The directors of the government's migrant detention center participated in IOM workshops on care for migrant workers, which covered issues of human trafficking. Libya provided in-kind assistance, including facilities, transportation costs, and translation services, for these workshops and other workshops targeting prosecutors and judges.

LITHUANIA (Tier 1)

Lithuania is a source, transit, and destination country for women and girls subjected to trafficking in persons, specifically forced prostitution. Forty percent of identified Lithuanian trafficking victims are women and girls subjected to sex trafficking within Lithuania. Lithuanian women are also subjected to forced prostitution in the

LIBYA TIER RANKING BY YEAR



Prosecution

The Government of Libya demonstrated no discernible law enforcement efforts over the past year. Libya does not have a comprehensive law prohibiting all forms of trafficking in persons. While articles in the criminal code prohibit prostitution, sexual exploitation, slavery, and trafficking in women, there was no indication that the government used these statutes to prosecute trafficking offenses during the reporting period. Moreover, Libyan law does not prohibit all forms of human trafficking. The 1970 labor law does not criminalize forced labor, but penalizes some exploitative labor practices, including holding an employee's passport. However, there was no information regarding prosecutions or convictions of violators of this law. Police imprisoned Nigerian traffickers attempting to traffic a Nigerian woman through Libya to Europe; there was no information regarding the legal statutes under which the arrests were made. A recent Human Rights Watch (HRW) publication included interviews indicating that some police were complicit in human trafficking activities. Libyan judges and prosecutors participated in an IOM workshop training on recognizing, investigating, and prosecuting trafficking.

Protection

The Libyan government took minimal steps to improve the protection of trafficking victims during the reporting

United Kingdom, Germany, the Netherlands, Greece, Italy, France, and the Czech Republic. A small number of women from Russia and Belarus are transited through Lithuania and are subjected to forced prostitution in Western Europe.

The Government of Lithuania fully complies with the minimum standards for the elimination of trafficking. The government did not provide funding for assistance to victims of trafficking during the reporting period; however, the government proactively identified and referred more than half of the trafficking victims assisted by foreign funded NGOs in 2009. A majority of convicted traffickers continued to serve significant time in prison. The government also demonstrated good cooperation with anti-trafficking NGOs.

Recommendations for Lithuania: Improve efforts to identify, investigate, and prosecute forced labor offenses; allocate some funding or in-kind support to NGOs providing victim protection services; continue to proactively identify victims of trafficking and refer them to NGO service providers; continue to ensure a majority of convicted traffickers serve some time in prison; vigorously investigate instances of labor trafficking; and increase public awareness efforts targeted at potential adult victims of trafficking.

Prosecution

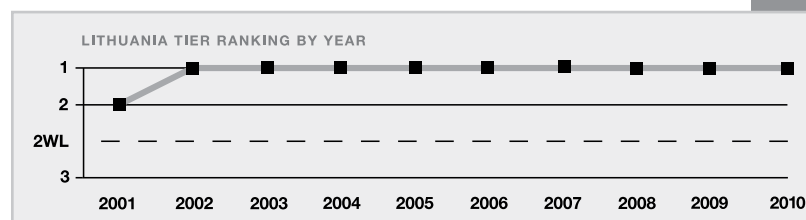
The Government of Lithuania sustained its anti-trafficking law enforcement efforts during the reporting period. Lithuania prohibits all forms of trafficking through Articles 147 and 157 of its criminal code, which prescribes penalties ranging from a fine up to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape.

Lithuanian authorities initiated 11 sex trafficking investigations in 2009, compared with 16 sex trafficking investigations and three labor trafficking investigations initiated in 2008. Two of the three labor trafficking investigations initiated in 2008 were on-going at the end of the reporting period. Authorities prosecuted 14 individuals for sex trafficking offenses during the reporting period, compared with 20 individuals prosecuted in 2008. In 2009, fourteen trafficking offenders were convicted, compared with 13 convictions in 2008. Twelve of the 14 convicted traffickers were issued sentences ranging from two to nine years' imprisonment, while two traffickers were ordered to serve no time in prison. During the reporting period, the Government of Lithuania forged partnerships with six European governments to cooperate in 44 separate trafficking investigations. The government extradited one person accused of trafficking offenses to Finland during the reporting period.

Protection

The Lithuanian government demonstrated mixed progress in its efforts to assist victims of human trafficking over the

reporting period. The government provided no funding for anti-trafficking NGOs to conduct victim assistance and rehabilitation compared with \$150,000 allocated in 2008. However, the government continued its important victim identification and referral efforts; the government identified and referred more than half of the victims assisted within the country during the reporting period. In 2009, law enforcement identified 57 trafficking victims and referred them to NGOs for assistance, compared with 86 victims referred in 2008. Approximately 170 victims were provided with assistance by privately funded NGOs during the reporting period. The Ministry of Foreign Affairs (MFA) referred nine Lithuanian victims identified abroad to local anti-trafficking NGOs for shelter and social support and also provided approximately \$2,100 to facilitate their travel back to Lithuania, compared with 17 victims similarly assisted by the MFA in 2008. The government encouraged victims to assist in trafficking investigations and prosecutions; in 2009, 57 Lithuanian victims assisted with trafficking investigations and prosecutions. Foreign victims who participated in court proceedings were eligible for temporary residency and work permits; however, the government did not identify any foreign victims in 2009. The government did not penalize identified victims for unlawful acts committed as a direct result of their being trafficked.



Prevention

The Lithuanian government demonstrated some efforts to prevent trafficking during the reporting period. In November 2009, law enforcement officials, in partnership with a local NGO, organized a human trafficking awareness event including the viewing of a film and the distribution of brochures for over 200 children living in orphanages. Police officers from four counties organized a series of anti-trafficking discussions, reaching an audience of approximately 400 students. The government adopted its 2009-2012 national anti-trafficking action plan in July 2009, although the government did not allocate funding to implement the plan during the reporting period.

LUXEMBOURG (Tier 1)

Luxembourg is a destination country for women primarily from France, Belgium, Russia, and Ukraine subjected to trafficking in persons, specifically forced prostitution. An increasing number of women from Africa, primarily Nigeria, are engaged in prostitution in the country, and are particularly vulnerable to forced prostitution due to debts they incur in the process of migrating to

Luxembourg. Victims of sex trafficking in Luxembourg are primarily recruited abroad through agents for work in Luxembourg's cabarets and are subsequently forced into prostitution. According to a 2009 EU Report on child trafficking within the EU, Luxembourg authorities characterize child trafficking in Luxembourg as a "marginal" and "isolated" problem. The government and NGOs did not identify any cases of forced labor during the reporting period.

The Government of Luxembourg fully complies with the minimum standards for the elimination of trafficking. During the year, the government adopted a law to improve protections for victims of trafficking and identified an increased number of sex trafficking victims. The government has yet to develop and enact formalized, victim-centered procedures for the proactive identification of all potential trafficking victims in Luxembourg.

Recommendations for Luxembourg: Establish formal procedures to identify victims among vulnerable groups, such as women in the commercial sex trade and undocumented migrants, and to ensure these victims have access to available services; consider including NGOs in the identification process to foster and encourage more trust from victims; ensure specialized and comprehensive protections for all trafficking victims, including victims of forced labor, as well as child and male victims; and launch an awareness campaign to educate authorities and the general public about forms of labor trafficking.

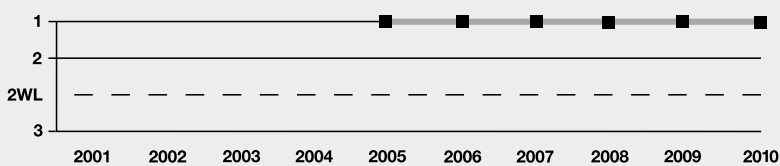
Protection

The Government of Luxembourg made some improvements in the protection of trafficking victims during the reporting period. In March 2009, it adopted the Law on Assistance, Protection and Safety of Trafficking Victims, Memorial A, number 129, 2009. The law codified comprehensive assistance for trafficking victims, including shelter, social, financial, medical, therapeutic, and legal assistance. The law also allows trafficking victims who are EU citizens the right to work while in Luxembourg. Luxembourg law provides temporary residency status for trafficking victims and a 90-day reflection period for victims to decide whether to cooperate with authorities. During the reporting period, police identified 21 victims of forced prostitution recruited for work in Luxembourg cabarets, compared with 10 the previous year. Law enforcement authorities reportedly referred identified trafficking victims to NGOs and provided them with short-term shelter and basic assistance. It did not, however, offer identified victims access to specialized services, long-term shelter or housing benefits often required for victims' recovery. The government encouraged victims to participate in the investigation and prosecution of trafficking offenders during the reflection period, however no victims assisted in the prosecution of their traffickers in 2009. The government continued to fund two NGOs providing services for women in distress that also serve female human trafficking victims. There were no specialized services or shelter available specifically for child victims, however authorities reported placing child victims in a general shelter for juveniles. The government has a stated policy of ensuring that victims are not punished for unlawful acts committed as a direct result of their being trafficked; it is unclear whether all women in prostitution who are in the country illegally are checked for trafficking indicators before being deported or imprisoned. It is also unclear whether authorities proactively identified victims among women in prostitution in Luxembourg's legalized sex trade and cabarets. The new protection law for trafficking victims codified law enforcement's responsibility to refer victims for services, however the government did not adopt formalized, stand-alone procedures for all front-line responders to use when referring potential victims for care.

Prevention

The government made minimal progress in implementing new programs to prevent trafficking during the reporting period. It sustained partnerships with ECPAT and a local NGO on a campaign targeting potential women and child victims of trafficking. It failed, however, to launch any new campaigns aimed at reducing the demand for commercial sex acts and forced labor. The government did not report any child sex tourism prosecutions or prevention efforts during the reporting period.

LUXEMBOURG TIER RANKING BY YEAR



Prosecution

The Luxembourg government sustained its anti-trafficking law enforcement efforts in 2009. Luxembourg prohibits all forms of trafficking through its Law on Trafficking in Human Beings, Memorial A, number 51, 2009, which prescribes penalties for convicted offenders ranging from five to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government prosecuted and convicted six sex trafficking offenders during the reporting period, compared with seven from the previous year. Sentences imposed on those convicted ranged from two to three years' imprisonment with fines, an improvement from the previous year, but still below the legally prescribed minimum punishment for trafficking. The government continued its ongoing training of police, immigration, and other government officials and NGOs on victim identification. There was no evidence of trafficking complicity by Luxembourg public officials during the year.

MACAU (Tier 2)

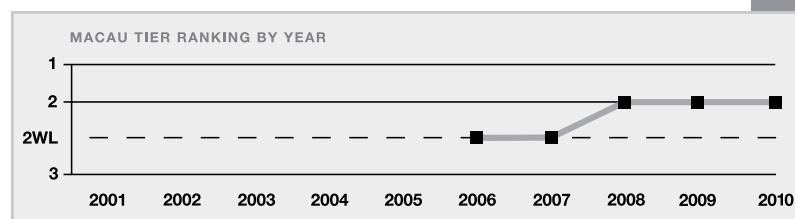
The Macau Special Administrative Region (MSAR) of the People's Republic of China is primarily a destination, and to a much lesser extent, a source territory for women and children subjected to trafficking in persons, specifically commercial sexual exploitation. Victims are primarily from the Chinese mainland, Mongolia, Russia, and Southeast Asia, with many of them from inland Chinese provinces who travel to the border province of Guangdong in search of better employment. There, they fall prey to false advertisements for jobs in casinos and other legitimate employment in Macau, but upon arrival, they are forced into prostitution. Foreign and mainland Chinese women are sometimes passed to local organized crime groups upon arrival, held captive, and forced into sexual servitude. Chinese, Russian, and Thai criminal syndicates are believed to sometimes be involved in bringing women into Macau's commercial sex industry. Victims are sometimes confined in massage parlors and illegal brothels, where they are closely monitored, forced to work long hours, have their identity documents confiscated, and threatened with violence; all factors that make it particularly difficult for them to seek help. Macau is a source territory for women and girls who are subjected to forced prostitution elsewhere in Asia.

The MSAR does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued efforts to raise awareness about trafficking amongst officials and the general public. Authorities convicted one trafficking offender during the past year. However, authorities identified far fewer victims during the reporting period than in the previous year and victim identification and protection efforts need to be further improved. Macau has the resources and government infrastructure to make greater strides in combating trafficking.

Recommendations for Macau: Significantly increase the number of investigations and prosecutions of traffickers; make greater efforts to cooperate with source country governments on cross-border trafficking cases to investigate and prosecute trafficking offenders; continue to use proactive victim identification procedures to increase the number of trafficking victims identified by authorities, such as among women arrested for prostitution offenses and migrant workers; make efforts to investigate and prosecute official complicity in trafficking; ; make greater efforts to combat international organized crime syndicates involved in human trafficking in Macau; provide incentives for victims to assist authorities in the prosecution of their traffickers, such as the ability to work in Macau; and support a visible anti-trafficking awareness campaign directed at employers and clients of the commercial sex trade.

Prosecution

The MSAR government made limited progress in anti-trafficking law enforcement efforts during the reporting period. Macau's 2008 anti-trafficking legislation prohibits all forms of trafficking in persons and prescribes penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes. During the reporting period, authorities investigated six new trafficking cases. There were no cases of joint investigations between Macau authorities and foreign governments during the reporting period. In one ongoing investigation, law enforcement officials arrested six individuals who appeared to have been running a trafficking operation for over a decade. The syndicate was believed to have lured women to Macau by promising them jobs in massage parlors, and subsequently forcing them into prostitution upon arrival in the territory. Many cases investigated in 2008 were closed due to lack of evidence. In November 2009, Macau prosecutors convicted their first trafficking offender under the anti-trafficking law. A local man was sentenced to over seven years' imprisonment for his role in the trafficking of two female Macau residents to Japan in 2008. Corruption remains a serious problem in Macau, often linked to the gambling industry and organized crime networks. There were no reports of trafficking complicity by Macau officials during the reporting period. One Macau police officer arrested in 2008 for allegedly blackmailing two women in prostitution for 'protection' fees has still not been brought to trial. The involvement of international criminal syndicates in trafficking likely continued to challenge Macau's law enforcement efforts.



Protection

Macau authorities demonstrated limited progress in its efforts to protect trafficking victims, particularly in the proactive identification of trafficking victims. Authorities identified six sex trafficking victims during the reporting period, a significant decrease from the 23 victims identified during the previous reporting period. Four victims were from mainland China, one from Vietnam, and one from Mongolia. Three victims stayed at a government shelter, and the other victims were repatriated to their home country at their request. Macau authorities proactively identified two of the six victims. The government did not report any efforts to identify trafficking cases amongst the more than 1,600 migrant workers who filed labor complaints in 2009. Victims identified by Macau authorities received

counseling, medical care, and financial stipends while in the government shelter, but foreign victims are not offered legal alternatives to their removal to countries where they may face hardship or retribution. The government sustained an existing partnership with a local NGO in order to identify interpreters who could assist in cases involving foreign victims. The government should further improve efforts to proactively identify trafficking victims among individuals deported for immigration violations, including women in prostitution. The Women's General Association of Macau continued to receive government funding to run a 24-hour trafficking victim assistance hotline. In November 2009, the government reached out to an international organization and funded a gathering of international experts in Macau to train 70 police, immigration, and social welfare officers on victim identification and protection. Macau officials also participated in regional anti-trafficking training run by a foreign donor.

Prevention

The MSAR government continued some efforts to prevent trafficking in persons during the reporting period. The government continued to display anti-trafficking brochures and posters in multiple languages at border checkpoints, hospitals, and popular public gathering areas. The Health Bureau installed television terminals to broadcast an MTV-produced trafficking video and local public service announcements on trafficking to be shown at health centers frequented by foreign workers. Authorities partnered with a local NGO to print 2,000 booklets featuring 55 anti-trafficking poster entries by secondary school students submitted for a recent NGO contest. The government did not take measures during the year to reduce the demand for commercial sex acts or conduct any awareness efforts targeting clients of Macau's prostitution industry.

MACEDONIA (Tier 2)

Macedonia is a source, transit, and destination country for women and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Macedonian women and children are trafficked internally within the country. Women and girls from Albania, Bulgaria and Kosovo were reportedly subjected to forced prostitution or forced labor in Macedonia in 2009. Macedonian victims and victims transiting through Macedonia are subjected to forced prostitution or forced labor in South Central and Western Europe. Children, primarily ethnic Roma, are subjected to forced begging by their parents or other relatives. Girls were subjected to conditions of forced labor in Macedonian bars and nightclubs. A small number of Macedonian men were allegedly subjected to forced labor in Azerbaijan. Traffickers continued to operate in more hidden, private sectors in an attempt to conceal their exploitation of victims from law enforcement.

The Government of Macedonia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to strengthen its anti-trafficking framework and issued its first annual National Rapporteur's report on trafficking. The government did not convict any trafficking offenders, identified fewer official trafficking victims, and did not provide funding to NGOs for the care and assistance of foreign and domestic trafficking victims in Macedonia. The government did not prosecute any officials for trafficking specific crimes, but took significant strides in fighting trafficking-related corruption.

Recommendations for Macedonia: Vigorously investigate, prosecute, convict and sentence traffickers, including any public officials complicit in trafficking; strengthen partnerships with NGOs and other stakeholders in order to more effectively implement the National Strategy regarding reintegration and rehabilitation of trafficking victims; improve cooperation on victim identification to ease victims' fear and foster more trust with law enforcement; and empower the National Rapporteur to publish more critical and comprehensive assessments of anti-trafficking efforts in Macedonia so the office becomes a more effective instrument for change.

Prosecution

The Government of Macedonia made limited progress in its law enforcement response to human trafficking during the reporting period. The government prohibits sex and labor trafficking through Article 418(a) and (d) of its 2004 criminal code. In 2009, the government arrested 18 suspects for trafficking-related offenses and opened investigations of seven trafficking cases, of which five are ongoing. In the other two cases, the public prosecutor indicted and began prosecution in 2009. The government did not convict any trafficking offenders during the reporting period. In September 2009, the government adopted amendments to its criminal code that require a minimum sentence of eight years' imprisonment for any public official convicted of a trafficking offense committed while in the course of official duty. The government investigated and prosecuted corruption in certain sectors of law enforcement, which posed challenges to anti-trafficking and anti-smuggling efforts during the reporting period. The government reported evidence of immigration officials' forging residency documents of potential trafficking victims in 2009. The government did not prosecute or convict any officials for complicity specific to trafficking during the reporting period; however, it convicted 60 border police for soliciting bribes and, in a separate case, convicted one official of smuggling migrants in 2009.

Protection

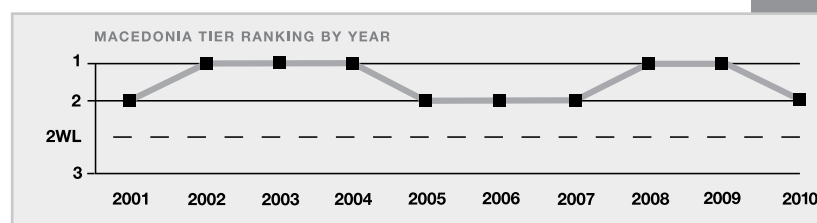
The Government of Macedonia did not demonstrate sufficient progress in protecting trafficking victims in

2009. Macedonia's victim identification procedures require that first-line responders liberally identify people, such as illegal migrants and foreign women and girls in prostitution, as potential victims until they can be formally vetted by a trained anti-trafficking authority. Of the 157 potential trafficking victims identified by authorities in 2009, seven were confirmed as trafficking victims; all were children. Eighteen victims were identified in 2008. With IOM assistance, the government organized a series of trainings reaching 280 front-line responders on proactive victim identification. These trainings were funded with the government's EU pre-accession funds, earmarked for trafficking. Additionally, in conjunction with the OSCE, the government trained all of the country's labor inspectors on proactive victim identification in the labor sector. Macedonian law exempts victims from criminal prosecution for unlawful acts committed as a direct result of being trafficked. While the government's standard operating procedures mandate a multi-disciplinary approach to identifying victims, NGOs and international organizations should be more systematically included in this process. The government continued to fund and operate a transit center for foreign migrants and trafficking victims with the help of a local NGO that specializes in victim rehabilitation, especially children. The government provided in-kind contributions to the NGO assisting foreign victims in this center. All potential victims are offered a two-month reflection period during which time they are offered victim assistance services, regardless of whether they choose to testify for the state. At any time during the reflection period, if they decide to cooperate with authorities in the investigation of the crime, an additional six-month residency permit can be granted. As an undocumented foreigner, until a foreign trafficking victim receives a legal residency status, his or her movement is restricted to within the shelter. During the reporting period, one foreign victim stayed in the transit center under the reflection period. No foreign victims to date have requested the six-month residency permit.

The largest Macedonian NGO providing protection and assistance to domestic trafficking victims continued to rely primarily on international donors to provide victims with both immediate and long-term comprehensive services for their rehabilitation and reintegration. Victims also received reintegration support from Macedonia's 30 social welfare centers located throughout the country. The government provided significant funding to these centers, which are not focused exclusively on helping trafficking victims and, according to NGOs, lack the capacity to fully address the complex and comprehensive needs of domestic trafficking victims. These centers assisted seven trafficking victims in 2009, the same number assisted in 2008. Aware of this problem, the government is in the process of refurbishing a domestic shelter that will house domestic victims of trafficking. In 2009, the Ministry of Labor and Social Policy succeeded in obtaining funding

from the national budget for operation of a domestic shelter.

Although the government drafted legislation to ensure that domestic trafficking victims receive free healthcare, a lack of implementation of this provision resulted in an NGO paying for some victims' emergency medical care in 2009. During the reporting period, the government took over complete financial responsibility for the National Referral Mechanism Office, a coordinating body responsible for monitoring victim identification, referral, assistance, and legal processes. Macedonian law provides legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship through both a two-month reflection period and a six-month residency permit. The government encouraged victims to participate in the prosecution of their traffickers; it reported that three victims provided witness testimony in courts and three assisted in law enforcement investigations in 2009. Reportedly, one of the reasons victims do not report their traffickers is because the traffickers tell the victims they have connections with the police.



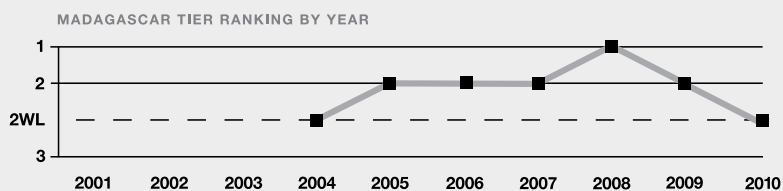
Prevention

The Government of Macedonia made progress in its anti-trafficking prevention efforts. In January 2010, the government's newly appointed National Rapporteur published Macedonia's first annual report on trafficking, which also covered migrant smuggling. The report was presented to the stakeholders, the international community, and NGOs for comment, but the final product lacked a comprehensive assessment of anti-trafficking efforts in Macedonia and contained cursory recommendations for improvement. The government continued to rely on NGOs and international organizations to assist in conducting many of its anti-trafficking prevention programs; it forged partnerships with NGOs to distribute general anti-trafficking leaflets in specified locations and schools throughout 2009. It also translated IOM's "Buy Responsibly" campaign and in November 2009 began broadcasting it over state television as part of a campaign to target client demand for products potentially resulting from labor trafficking. The government continued seminars in the University of Skopje and collaborated with another NGO on a series of workshops that addressed client demand for victims of sex trafficking. It also provided \$1,000 to an NGO to conduct trafficking prevention lectures to youth around the country in 2009. In September 2009, the government

formally adopted its 2009-2012 National Action Plan on trafficking, and for the first time budgeted specific funding for the plan's implementation.

MADAGASCAR (Tier 2 Watch List)

Madagascar is a source country for women and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. An estimated 6,000 Malagasy women are currently employed as domestic workers in Lebanon, with a smaller number in Kuwait. Many of these women come from rural areas and are often illiterate or poorly educated, making them more vulnerable to deception and abuse at the hands of recruitment agencies and employers. Detailed information regarding situations of forced labor and other abuses experienced by Malagasy domestic workers in Lebanon came to light during the year. Numerous trafficking victims returning to Madagascar reported harsh working conditions, physical violence, sexual harassment and assault, confinement to the home, confiscation of travel documents, and withholding of salaries. Eight deaths were reported among this population in 2009.



Children, mostly from rural areas, are subject to conditions of domestic servitude, commercial sexual exploitation, and forced labor in mining, fishing, and agriculture within the country. Most child trafficking occurs with the involvement of family members, but friends, transport operators, tour guides, and hotel workers also facilitate the enslavement of children. A child sex tourism problem exists in coastal cities, including Tamatave, Nosy Be, and Diego Suarez, as well as the capital city of Antananarivo; some children are recruited for work in the capital using fraudulent offers of employment as waitresses and maids before being forced into the commercial sex trade on the coast. The main sources of child sex tourists are France, Germany, and Switzerland. Parents sell young women into marriages, some of which are short-term, often for significant sums of money.

The Government of Madagascar does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Since the March 2009 coup, combating human trafficking has received little attention in Madagascar; the recent focus on the abuse of domestic workers in Lebanon

has not resulted in any commensurate governmental response to the problem. The government's anti-trafficking efforts were insufficient and decreased during the year – especially in the areas of prosecuting trafficking offenders, identifying and protecting victims, and raising public awareness of the problem – while the prevalence of officials' complicity in human trafficking became more evident. Lack of political will, institutional capacity, and relevant training remained significant impediments to improved anti-trafficking performance, particularly impacting the effectiveness of law enforcement activities; the government failed to investigate or prosecute traffickers in 2009. Therefore, Madagascar is placed on Tier 2 Watch List.

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

Prosecution

The Malagasy government's anti-trafficking law enforcement efforts diminished over the year, as it reported no investigations or prosecutions of trafficking offenders. Anti-Trafficking Law No. 2007-038 prohibits all forms of human trafficking, though it only prescribes punishments for sex trafficking; these range from two years' to life imprisonment, penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 262 of the Labor Code criminalizes labor trafficking, for which it prescribes inadequate penalties of one to three years' imprisonment. Decree 2007-563 prohibits and prescribes minimal punishments of up to two years' imprisonment for various forms of child trafficking, including prostitution, domestic servitude, and forced labor. The government has yet to use its anti-trafficking law to punish traffickers. Poor coordination among ministries, a lack of data sharing between officials at regional and national levels, and the lack of a presidential decree codifying and mandating its use at the provincial level hindered the law's implementation. The government did not investigate or prosecute cases of forced labor during the reporting period.

The Government of Madagascar nominally suspended the work of several employment agencies implicated in human trafficking during the year, but did not follow through on its commitment to conduct inspections of these businesses. In November 2009, the government instituted a ban on sending workers to Lebanon, but it was poorly implemented, possibly due to complicity of high-ranking government officials; up to 10 labor recruitment agencies were reportedly owned by civil servants in the Ministry of Labor. Government officials also reportedly assist unlicensed recruitment agencies in obtaining fraudulent travel documents. Anecdotal evidence indicates there was also official complicity in permitting organized child prostitution rings to operate, particularly in Nosy Be. Local police remained hesitant to pursue child sex trafficking and child sex tourism offenses, possibly because of deep-rooted corruption, pressures from the local community, or fear of an international incident. The government took no action against official complicity in human trafficking during the reporting period.

Protection

The Malagasy government made weak efforts to ensure that victims were provided access to necessary services and it did not operate specific victim assistance programs. The majority of trafficking victims identified in 2009 were assisted by NGO-run centers. Madagascar lacks procedures to proactively identify trafficking victims among vulnerable populations or refer victims for care. However, the Ministry of Health's local-level Child Rights Protection Networks – which grew through a partnership with UNICEF to include 761 communes in 2009 – brought together government institutions, law enforcement, and NGOs to partially fill this role. These networks coordinated child protection activities, identified and reported abuse cases, and assisted some trafficking victims in accessing social and legal services. Victims who returned from Lebanon were immediately confined to a psychiatric institution and not provided with appropriate social or legal services. Madagascar's honorary consul in Beirut made limited attempts to mediate with labor agencies and refer Malagasy victims to a Beirut-based NGO shelter. The government sent an official from its embassy in Paris to Beirut to research the abuse of Malagasy domestic workers in Lebanon, but did not take measures to initiate bilateral engagement with the Government of Lebanon regarding protection of and legal remedies for exploited workers. The government did not penalize trafficking victims for unlawful acts committed as a direct result of their being trafficked, but did not show evidence that it encouraged them to assist in the investigation and prosecution of their exploiters. The government did not provide legal alternatives to the removal of victims to countries where they would face hardship or retribution.

Prevention

The government's efforts to prevent trafficking decreased during the year, particularly in the area of public awareness raising. The President's Inter-Ministerial Anti-Trafficking Committee ceased functioning in early 2009. The government's Antananarivo-based Manjary Soa Center withdrew an unknown number of children from the worst forms of child labor and provided them with education or vocational training. Two additional centers opened in Toliara and Toamasina in 2009 and were the only programs fully funded by the government to combat child labor. Although nine Regional Committees to Fight Child Labor worked to increase coordination among government entities, NGOs, and ILO/IPEC under the framework of the National Action Plan for the Fight Against Child Labor, the Ministry of Labor's five child labor inspectors were insufficient to cover areas beyond Antananarivo or in informal economic sectors. The ministry conducted no complaint-driven child labor inspections and provided no information on incidences of child labor, if any, uncovered during regular inspections. The government continued to distribute to arriving international passengers fliers and a customs booklet containing a full-page warning of the consequences of child sex tourism. In 2009, the government charged a French national with rape and corruption of a minor after he paid for sex acts with several young girls.

MALAWI (Tier 2)

Malawi is primarily a source country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution within the country and abroad. Most Malawian trafficking victims are exploited internally, though Malawian victims of sex and labor trafficking have also been identified in South Africa, Zambia, Mozambique, Tanzania, and parts of Europe. To a lesser extent, Malawi is a transit point for foreign victims and a destination country for men, women, and children from Zambia, Mozambique, Tanzania, and Zimbabwe subjected to conditions of forced labor or commercial sexual exploitation. Within the country, some children are forced into domestic servitude, cattle herding, agricultural labor, and menial work in various small businesses. Exploited girls and women become "bar girls" at local bars and rest houses where they are coerced to have sex with customers in exchange for room and board. Forced labor in agriculture is often found on tobacco plantations. Labor traffickers are often villagers who have moved to urban areas and subsequently recruit children from their original villages through offers of good jobs. Brothel owners or other prostitution facilitators lure girls with promises of nice clothing and lodging. Upon arrival, they charge the girl high rental fees for these items and instruct her how to engage in prostitution to pay off the debt. South African and Tanzanian long-distance truck drivers and mini-bus operators move victims across

porous borders by avoiding immigration checkpoints. Some local businesswomen who also travel regularly to neighboring countries to buy clothing for import have been identified as traffickers. Reports of European tourists paying for sex with teenage boys and girls continue.

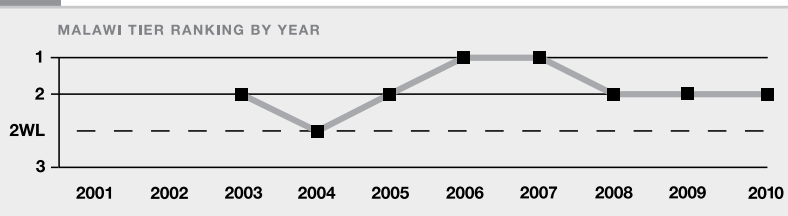
The Government of Malawi does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. While the government maintained its efforts to ensure victims' access to protective services and prevent trafficking, adults trafficked for sex or labor exploitation and children exploited in domestic servitude and prostitution still did not receive the same amount of care as children exploited in forced labor.

Recommendations for Malawi: Expand training programs for judges, prosecutors, and police on how to identify, investigate, and prosecute trafficking offenses using existing laws; pass and enact comprehensive anti-trafficking legislation; continue to manually compile basic trafficking law enforcement data until it is possible to institute an automated system to compile comprehensive data on cases investigated and prosecuted, as well as victims assisted; and expand the existing focus on protecting victims of child labor trafficking to include children exploited in domestic servitude and prostitution.

available, though some individual districts provided data on their specific activities. In 2009, the Magistrate's Court in the district of Mchinji on the Zambian border prosecuted five trafficking offenders on criminal charges and convicted four. In one case involving 14 child victims of labor trafficking, three offenders were sentenced to seven years of hard labor, one was fined \$33, and one was acquitted. The Mchinji court convicted a trafficker caught while transporting 59 children to Zambia to be exploited in forced labor, and sentenced him to five years in prison. The government also prosecuted and convicted 34 trafficking offenders for exploiting children in forced farm labor. Each was fined \$131, which is approximately one-third of the average annual income in Malawi. Police, child protection, social welfare, and other officials received training in how to recognize, investigate, and prosecute instances of trafficking either directly from the government or in partnership with NGOs. The Ministry of Labor incorporated a child protection curriculum into labor inspector training. Requests to work with other governments are handled on an *ad hoc*, informal basis, especially between district officials in Mchinji and officials across the Zambian border. The Anti-Corruption Bureau's investigation, begun in 2007, into two complaints of government corruption relating to trafficking was ongoing at the end of the reporting period.

Protection

The Malawi government maintained its efforts to ensure that victims were provided access to appropriate services, and provided in-kind support to NGO service providers. Malawi continued to depend heavily on foreign donors and NGOs to fund and operate most of the country's anti-trafficking programs. This past year, it provided technical and coordination assistance to NGOs and helped set project guidelines. In Dedza district, police rescued 14 Malawian and 10 Mozambican child victims of labor trafficking. The government provided law enforcement, immigration, and social services personnel with basic training in identifying victims of trafficking, though it has not yet established systematic procedures for proactively identifying victims of trafficking among vulnerable populations, especially persons in the commercial sex trade. Government personnel sustained partnerships with NGOs to connect their local programs with government labor inspectors, child protection officers, district social welfare officers, the police, and district child protection committees. The government funded one rehabilitation drop-in center in Lilongwe for victims of trafficking and gender-based violence. The center did not keep specific records of trafficking victims that it may have assisted. Over 100 police stations throughout the country housed victim support units to respond to gender-based violence and trafficking crimes. These units provided limited counseling and, in some places, temporary shelter, though the capacity to identify and assist victims varied greatly among stations. Inter-ministerial child protection committees monitored their districts for



Prosecution

The Government of Malawi maintained its progress in its anti-trafficking law enforcement efforts during the last year. Malawi prohibits all forms of trafficking through various laws, including the Employment Act and Articles 135 through 147 and 257 through 269 of the Penal Code, though the country lacks specific anti-trafficking laws. The penalties prescribed under these statutes range from small fines to 10 years' imprisonment; these penalties are sufficiently stringent and commensurate with punishments prescribed for other serious crimes. For a second year, the draft Child Care, Protection and Justice Bill, which defines child trafficking and imposes a penalty of life imprisonment for convicted traffickers, remained in the government's Cabinet and was not passed by Parliament. Also for a second year, the Malawi Law Commission did not complete drafting comprehensive anti-trafficking legislation specifically outlawing all forms of human trafficking. Local law enforcement agencies in Malawi only keep written record of their activities, which are not consolidated at any central record facility. Data on nation-wide statistics was not

suspicious behavior which might indicate trafficking activity. Overall, the government encouraged victims' participation in the investigation and prosecution of trafficking crimes and did not inappropriately incarcerate, fine, or otherwise penalize victims for unlawful acts committed as a direct result of being trafficked.

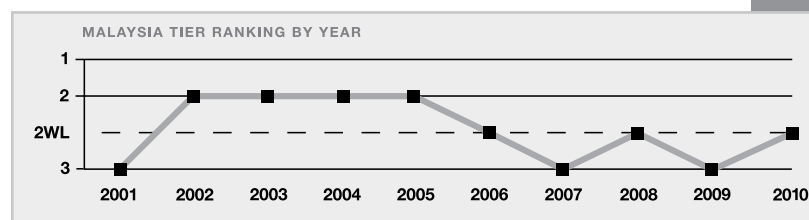
Prevention

The government sustained its efforts to prevent human trafficking and raise public awareness of the crime in 2009. An inter-ministerial task force on human trafficking, led by the Ministry of Gender, Child Development and Community Development, forged a partnership with international organizations and NGOs and began drafting a national plan of action which is not yet complete. Addressing child trafficking is also the responsibility of both the National Steering Committee on Orphans and Vulnerable Children and the National Steering Committee on Child Labor. Uneven levels of expertise and inadequate inter-agency coordination at national and district levels interfered with the effectiveness of these committees in preventing child trafficking. Through the National Aids Commission's Action Framework on HIV/AIDS Prevention, the government sensitized communities to the dangers of commercial sexual exploitation and attempted to reduce the demand for commercial sex acts. The Malawi Defense Force provided training on human rights, child protection, and the elimination of sexual exploitation to its nationals deployed abroad as part of peacekeeping missions.

MALAYSIA (Tier 2 Watch List)

Malaysia is a destination, and to a lesser extent, a source and transit country for women and children subjected to trafficking in persons, specifically conditions of forced prostitution and for men, women, and children who are in conditions of forced labor. The majority of trafficking victims are foreign workers who migrate willingly to Malaysia from Indonesia, Nepal, India, Thailand, China, the Philippines, Burma, Cambodia, Bangladesh, Pakistan, and Vietnam in search of greater economic opportunities, some of whom subsequently encounter forced labor or debt bondage at the hands of their employers, employment agents, or informal labor recruiters. While many of Malaysia's trafficking offenders are individual business people, large organized crime syndicates are also behind some of the trafficking of foreigners in Malaysia. A significant number of young women are recruited for work in Malaysian restaurants and hotels, some of whom migrate through the use of "Guest Relations Officer" visas, but subsequently are coerced into Malaysia's commercial sex trade. Many Malaysian labor outsourcing companies apparently recruited excess workers, who were then often subject to conditions of forced labor. Some Malaysian citizens are trafficked internally and abroad to Singapore, Hong Kong, France, and the United

Kingdom for commercial sexual exploitation. There were approximately two million documented migrant workers in Malaysia in 2009, and an additional estimated 1.9 million who were undocumented. Many migrant workers in plantations, construction sites, textile factories, and employed as domestic workers throughout Malaysia experienced restrictions on movement, deceit and fraud in wages, passport confiscation, or debt bondage, which are practices indicative of trafficking. Some Malaysian employers reportedly did not pay their foreign domestic workers three to six months' wages in order to recoup recruitment agency charges, making them vulnerable to trafficking. Refugees were particularly vulnerable to trafficking, and Malaysians from rural communities and indigenous groups were also vulnerable. The People's Volunteer Corps (RELA) continued to conduct raids targeting illegal migrant communities and detained refugees, asylum seekers, and trafficking victims along with allegedly illegal migrants. Some trafficking victims were locked up in warehouses or brothels. The Indonesian and Malaysian governments have not amended or replaced a 2006 Memorandum of Understanding (MOU) covering the employment of Indonesian domestic workers in Malaysia, which authorizes Malaysian employers to confiscate and hold the passports of domestic employees.



The Government of Malaysia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Because the assessment that the government had made significant efforts is based in part on its commitments to undertake actions over the coming year – notably greater implementation of Malaysia's anti-trafficking law against labor trafficking – Malaysia is placed on Tier 2 Watch List. The Malaysian government has shown a greater commitment to address human trafficking that is expected to lead to: increased investigations and prosecutions of labor trafficking offenses and identification of labor trafficking victims; increasing efforts to prosecute trafficking-related corruption by government officials; and greater collaboration with NGOs and international organizations to improve victim services in government shelters. During the reporting period, senior government officials, including the Prime Minister, publicly acknowledged Malaysia's human trafficking problem, the government increased its investigations of trafficking cases and filed an increased number of criminal charges against traffickers, significantly expanded training of officials on the 2007 anti-trafficking law, conducted a public awareness

campaign on human trafficking, opened three more shelters for trafficking victims, and launched a five-year national action plan on trafficking. Nevertheless, these early efforts will require continued attention, as there are many serious concerns remaining regarding trafficking in Malaysia, including the detention of trafficking victims in government facilities.

Recommendations for Malaysia: Build on initial law enforcement actions under the Trafficking in Persons Act, particularly relating to cases of labor trafficking; apply stringent criminal penalties to those involved in fraudulent labor recruitment or exploitation of forced labor; increase efforts to prosecute and convict public officials who profit from or are involved in trafficking, or who exploit victims; develop and implement procedures to identify labor trafficking victims among vulnerable groups such as migrant workers and refer them to available protection services; ensure that victims of trafficking are not threatened or otherwise punished for crimes committed as a result of being trafficked; re-negotiate MOUs with source countries to incorporate victim protection and revoke passport or travel document confiscation; increase cooperation with NGOs to improve victim protection efforts, including in shelters for trafficking victims; continue to expand the training of officials on the effective handling of sex and labor trafficking cases, with a particular emphasis on victim protection; and continue and expand a comprehensive and visible anti-trafficking awareness campaign to encompass both labor and sex trafficking.

Prosecution

The Government of Malaysia made some progress in law enforcement efforts against sex trafficking during the reporting period, and limited progress in prosecuting and convicting offenders of labor trafficking. Malaysian law prohibits all forms of human trafficking through its 2007 anti-trafficking law, which prescribes penalties that are commensurate with those of other serious offenses, such as rape. During the reporting period, the government convicted three sex trafficking offenders and reported initiating 180 trafficking-related investigations and filing 123 charges against 69 individuals, though it is unclear how many of these cases were for actual trafficking. In January 2010, authorities identified their first labor trafficking case in the fisheries industry when the Malaysian Maritime Enforcement Agency intercepted Thai fishing boats off the coast of Sarawak and arrested five Thai traffickers; the case remains pending. While NGOs reported several potential labor trafficking cases to the government, authorities did not report any related arrests or investigations. Authorities initiated a review of the licenses of the 277 companies that are authorized to act as labor recruiters in Malaysia. The government did not report any criminal prosecutions of employers who subjected workers to conditions of forced labor or labor recruiters who used deceptive practices and debt bondage to compel migrant workers into involuntary servitude. Despite a public statement by a senior official

highlighting the right of workers to hold their own passports, the government continued to allow for the confiscation of passports by employers of migrant workers, and did not prosecute any employers who confiscated passports or travel documents of migrant workers or confined them to the workplace. In September 2009, the Home Minister announced that a new MOU being negotiated between Malaysia and Indonesia would not allow confiscation of passports of migrant workers, but the 2006 MOU authorizing such confiscation has not yet been amended or replaced. Authorities did not take criminal action against Peoples Volunteer Corps (RELA) volunteers who physically threatened and abused migrant workers and extorted money from them, despite continued reports of these abuses. In response to credible reports of government officials' direct involvement in a human trafficking network along the Malaysia-Thailand border outlined in a Senate Foreign Relations Committee Report, five immigration officials were arrested for alleged involvement in a trafficking ring that took Burmese migrants to Thailand for sale to trafficking syndicates. However, officials have only lodged criminal charges under the Anti-Trafficking Act against one of the officers and the case against him is still pending. Some observers report that corruption plays a role in the trafficking of foreign migrant workers, particularly with regard to officials' authorizing excess recruitment by Malaysian outsourcing companies, despite assurances from officials that practice had been reduced by regulations implemented in July 2009 that require outsourcing companies to demonstrate their need for each worker recruited. Reports also indicate that collusion between police and trafficking offenders sometimes leads to offenders escaping arrest and punishment. Nevertheless, there were no officials convicted of trafficking-related complicity during the reporting period.

Protection

The government made minimal progress in protecting victims of trafficking during the reporting period. Efforts to identify and protect both sex and labor trafficking victims remained inadequate overall. The government did not report the identification of any Malaysian victims of trafficking. In January, officials rescued and identified 16 male forced labor victims from four deep-sea trawlers off the coast of Sarawak – the first trafficking victims in the fisheries industry identified by the government. The Ministry for Women, Family, and Community Development continued to run two trafficking “shelters” for women and children and opened a third in July 2009, which detained suspected and confirmed foreign sex trafficking victims involuntarily for 90 days until they were deported to their home countries, per Malaysian law. During the reporting period, the government also opened its first two shelters designed to house male victims of trafficking, although these shelters also detained victims involuntarily until they were deported. The government's policy of detaining trafficking victims against their will provided a disincentive for victims and their advocates from bringing cases to the government's attention.

During the reporting period, 139 women and children were certified as victims and detained in the shelters. An additional 232 individuals were given initial protective orders, but were ultimately determined by the government to not be victims of trafficking and were deported, though officials acknowledge that some of these may have been trafficking victims who were reluctant to cooperate with law enforcement proceedings. During the year, the government reportedly made some improvements in its screening to identify individuals possessing UNHCR cards or possessing traits of trafficking victims in order to separate them from the illegal migrant populations. The government continued to use RELA volunteers in indiscriminate raids to identify illegal migrants, some of whom were reportedly trafficking victims. Several foreign embassies reported that they were sometimes not informed by Malaysian authorities of the presence of their nationals in trafficking shelters, and at times, authorities would deny these diplomatic missions access to their citizens once their presence was known. Government shelters resembled immigration detention centers, by denying victims basic freedoms, and these facilities did not employ medical officers, trained psychologists, or trained victim counselors. Some victims were locked in rooms within the shelters.

While NGO trafficking shelters provide resources that government shelters do not, the government does not provide any financial assistance to NGOs, and requires all identified victims to reside in its own shelters. The anti-trafficking law provides immunity to trafficking victims for immigration offenses such as illegal entry, unlawful presence, and possession of false travel documents, but victims continue to be detained and deported, as they would be if they were arrested for illegal immigration. Malaysian law does not provide immunity for criminal acts committed as a result of being trafficked. In January 2010, a 14-year-old Indonesian girl working as a domestic worker in Malaysia was identified by authorities as a trafficking victim. Authorities prosecuted the girl for theft from her employer, and did not prosecute the girl's employer for violating child labor laws. The government issued guidelines and provided training on the identification and processing of suspected trafficking victims, but did not develop or implement formal procedures to proactively identify victims of labor trafficking. The government treated victims of trafficking as illegal aliens and turned them over to immigration authorities for deportation after they provided evidence to prosecutors. Victims are required by law to assist in the prosecution of trafficking offenders, but the lack of victim protection or any incentives for victim assistance in investigations and prosecutions remained a significant impediment to successful prosecutions. Aside from a standard 90-day stay in one of its shelters, the government did not provide other legal alternatives to the removal of victims to countries where they may face hardship or retribution. Although victims may file a civil suit against exploiters, their lack of any option to legally work during

the consideration of their suit discouraged such attempts. Some foreign governments expressed concern about the lack of legal protections in place for foreign workers in Malaysia, particularly those subjected to involuntary servitude. Some unidentified victims, including children, were routinely processed as illegal migrants and held in prisons or immigration detention centers prior to deportation.

Prevention

Malaysia made some efforts to prevent trafficking in persons over the last year. The government conducted numerous anti-trafficking training events for Malaysian police, immigration, prosecutors, labor department officials, and Women's ministry officials, and began to partner with NGOs, international organizations, and foreign governments on such trainings. In November 2009, the government launched an anti-trafficking public awareness campaign that included advertisements in print media, on the radio, and on television, including television appearances by senior government officials to discuss human trafficking. In March 2010, the government launched a five-year action plan to combat trafficking. The government began to use its "999" emergency number as a trafficking hotline where calls are routed to the Malaysian Police, though calls can only be taken in Malay and English. The Women's Ministry produced pamphlets to potential trafficking victims in nine languages, which the Immigration Department began to distribute. The Indonesian and Malaysian governments have yet to amend or replace a 2006 Memorandum of Understanding (MOU) covering the employment of Indonesian domestic workers in Malaysia, which authorizes Malaysian employers to confiscate and hold the passports of domestic employees, though negotiations to do so continued through the reporting period.

The government forged partnerships with airlines during the year, which began announcing a statement regarding the country's trafficking laws and punishments on some arriving flights. The government did not take measures to reduce the demand for forced labor or commercial sex acts. The government provided anti-trafficking training to troops preparing to deploy to international peacekeeping missions. On February 26, 2009, Malaysia became a party to the 2000 UN TIP Protocol with reservations.

MALDIVES (Tier 2 Watch List)

The Maldives is primarily a destination country for migrant workers from Bangladesh, and, to a lesser extent, India, some of whom are subjected to trafficking in persons, specifically forced labor. Some women are also subjected to forced prostitution. An unknown number of the 110,000 foreign workers currently working in the Maldives – primarily in the construction and service sectors – face fraudulent recruitment practices, confiscation of identity and travel documents,

withholding or non-payment of wages, or debt bondage. Thirty thousand of these workers do not have legal status in the country, though both legal and illegal workers were vulnerable to conditions of forced labor. Diplomatic sources estimate that half of the 35,000 Bangladeshis in the Maldives went there illegally and that most of these workers are probably victims of trafficking. Migrant workers pay \$1,000 to \$4,000 in recruitment fees in order to migrate to the Maldives; such high recruitment costs increase workers' vulnerability to forced labor, as concluded in a recent ILO report.

A small number of women from Sri Lanka, Thailand, India, China, the Philippines, Eastern Europe, and former Soviet Union countries are recruited for forced prostitution in Male, the capital. A small number of underage Maldivian girls reportedly are trafficked to Male from other islands for involuntary domestic servitude; this is a corruption of the widely acknowledged practice where families send Maldivian girls to live with a host family in Male for educational purposes.

Trafficking offenders usually fall into three groups: families that subject domestic servants to forced labor; employment agents who bring low-skilled migrant workers to the Maldives under false terms of employment and upon payment of high fees; and employers who subject the migrants to conditions of forced labor upon arrival.

necessary assistance; increase efforts to investigate and prosecute trafficking offenses and convict and sentence trafficking offenders; raise public awareness of human trafficking through media campaigns; and take steps to ensure that employers and labor brokers are not abusing labor recruitment or sponsorship processes in order to subject migrant workers to forced labor.

Prosecution

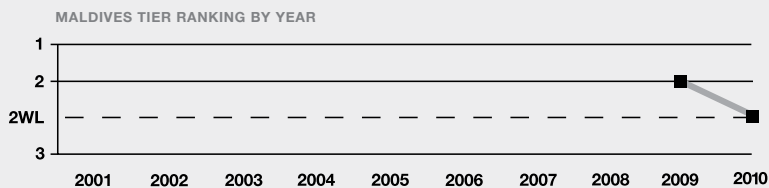
The Government of the Maldives undertook limited anti-human trafficking law enforcement efforts during the last year. Although the Maldives does not have laws prohibiting human trafficking offenses, its constitution prohibits forced labor and slavery. The only prescribed penalty for labor trafficking offenses is a fine. The government did not investigate or prosecute any trafficking cases. The Labor Tribunal, created as part of the 2008 Employment Act, heard eight cases involving foreign workers whose wages had not been paid — a possible indicator of forced labor — but the tribunal lacked legal authority to enforce its decision. In addition, employment tribunal members and employees expressed concerns about their ability to resolve cases involving foreign workers because all their proceedings were conducted in the local language.

Protection

The Maldivian government made limited efforts to ensure that victims of trafficking received access to necessary assistance during the reporting period. The government did not develop or implement formal procedures for proactively identifying victims, and the government did not identify any specific cases of trafficking or provide an estimate of the number of victims. Officers with the Maldivian Police and the Department of Immigration and Emigration have received training in the recognition of trafficking victims. The Maldives did not provide services such as shelter, counseling, medical care, or legal aid to foreign or Maldivian victims of trafficking. On an ad-hoc basis, it provided extremely short-term housing for migrants immediately before deportation. The government's general policy for dealing with trafficking victims was deportation, and it did not provide foreign victims with legal alternatives to their removal to countries where they might face hardship or retribution. Authorities did not encourage victims to participate in the investigation or prosecution of trafficking offenders, since no investigations or prosecutions took place. Due to a lack of comprehensive victim identification procedures, the Maldives may not have ensured that expatriates subjected to forced labor and prostitution were not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficking.

Prevention

The Maldives made limited progress to prevent human trafficking over the last year. The government did not conduct any anti-trafficking or educational campaigns and it did not take steps to create an inter-agency structure



The Government of the Maldives does not comply with the minimum standards for the elimination of trafficking in persons; however, it is making significant efforts to do so. Despite these efforts, the government lacks systematic procedures for identifying victims of trafficking among vulnerable populations, and during the reporting period it did not investigate or prosecute trafficking-related offenses or take concrete actions to protect trafficking victims and prevent trafficking in the Maldives. Therefore, the Maldives is placed on Tier 2 Watch List. After 30 years of one-party rule, the new government – formed in 2009 – is continuing to build the institutions of democratic governance.

Recommendations for the Maldives: Draft and enact legislation prohibiting and punishing all forms of trafficking in persons; develop and implement systematic procedures for government officials to identify victims of trafficking among vulnerable groups, such as undocumented migrants and women in prostitution; ensure that identified victims of trafficking are provided

– such as a committee or plan of action – for coordination on anti-trafficking matters. The government did not take any measures to reduce demand for forced labor on the islands. In 2010, the Maldives enacted a provision in the 2008 Employment Act requiring all employers to use employment agents. The Human Rights Commission of the Maldives, a constitutionally-established independent body, published a report in August 2009 that contained strong trafficking-related recommendations including prosecutions for forced labor offenders and regulations of recruitment agencies. In February 2010, the Ministry of Home Affairs' Department of Immigration and Emigration prominently posted on its website a readout of bilateral discussions on trafficking. Senior government officials recently attended the South Asian Association for Regional Cooperation's convention on trafficking, which focused on sex trafficking. The Maldives is not a party to the 2000 UN TIP Protocol.

MALI (Tier 2 Watch List)

Mali is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced labor and, to a lesser extent, forced prostitution. Within Mali, women and girls are forced into domestic servitude and, to a limited extent, prostitution. Malian boys are found in conditions of forced begging and forced labor in gold mines and agricultural settings both within Mali and neighboring countries. Reports indicate that Malian children are trafficked to Senegal and Guinea for forced labor in gold mines and for forced labor on cotton and cocoa farms in Cote d'Ivoire. Boys from Mali, Guinea, Burkina Faso, Niger and other countries are forced into begging and exploited for labor by religious instructors within Mali and across borders. Adult men and boys, primarily of Songhai ethnicity, are subjected to the longstanding practice of debt bondage in the salt mines of Taoudenni in northern Mali. Some members of Mali's black Tamachek community are subjected to traditional slavery-related practices rooted in hereditary master-slave relationships.

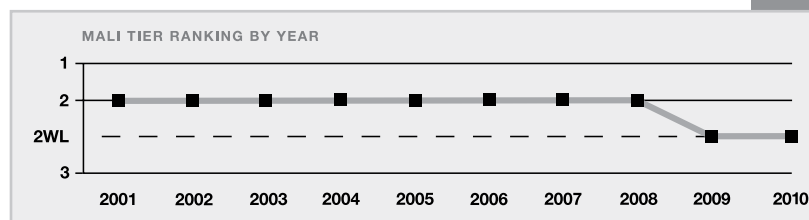
The Government of Mali does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, such as assisting with the identification and rescue of 80 child trafficking victim and drafting new anti-trafficking legislation, the government failed to show evidence of progress in prosecuting and convicting trafficking offenders, and did not take action on five pending cases of traditional slavery. Therefore, Mali is placed on Tier 2 Watch List for the second consecutive year.

Recommendations for Mali: Investigate and prosecute trafficking offenses, including cases of traditional slavery, and convict and punish trafficking offenders using existing laws; criminalize the trafficking of adults for labor and commercial sexual exploitation, including hereditary slavery; develop a system for collecting

data on trafficking crimes and the number of victims identified and referred by government authorities to service providers for care; enhance victim identification and assistance efforts, particularly in regard to hereditary slavery; and increase efforts to raise public awareness about trafficking and traditional hereditary servitude.

Prosecution

The Government of Mali demonstrated limited law enforcement efforts to combat trafficking during the last year. Mali does not prohibit all forms of trafficking, though Article 244 of the criminal code prohibits all forms of child trafficking. Conviction of child trafficking carries a penalty of from five to 20 years' imprisonment. These penalties are sufficiently stringent and comparable with penalties for sexual assault. Article 229 of the criminal code criminalizes the sexual exploitation of children and forced prostitution of adult women. Malian law may not adequately criminalize other forms of trafficking. Criminal Code Article 242, passed in 1973, prohibits individuals from entering into agreements or contracts that deprive third parties of their liberty: NGOs argue that this law, which has sometimes been characterized as an anti-slavery law, is inadequate to prosecute cases of hereditary slavery. In November 2009, the Malian government participated in a conference organized by a leading anti-slavery NGO to introduce draft anti-slavery legislation to civil society organizations, and officials plan to introduce a separate law outlawing all forms of trafficking to the Malian legislature later in 2010.



During the reporting period, the government made two arrests for human trafficking offenses: in both cases, the suspected traffickers were released without trial. Malian authorities reported no prosecutions or convictions of trafficking offenders. On two occasions in 2009, one suspected trafficking offender was taken into custody by Malian authorities with trafficked children in his possession as he attempted to leave the country: on both occasions, he was released with no explanation. A trial date has not yet been set for three individuals arrested in March 2008 for allegedly trafficking two Malian and 24 Guinean children to Mali from Guinea; they were released in June pending trial. Six cases of traditional enslavement remained pending in Malian courts and judicial authorities have taken no discernible action to prosecute these cases to completion in a criminal court. In one case, however, local authorities responded to an NGO request

to discuss an amicable resolution, though this is not an adequate response to an alleged crime of slavery. One of these cases involves a black Tamachek child taken from his parents in Kidal in September 2007 by an individual claiming traditional ownership rights over the child; the child remains in the custody of this traditional master.

During the reporting period, the government provided no training on human trafficking investigations or legislation to Malian law enforcement and judicial officials. Authorities collaborated with the governments of Burkina Faso, Guinea, and Mauritania to secure the repatriation of trafficking victims. There were no reports of official complicity in human trafficking. Some officials may not perceive certain kinds of trafficking, such as forced begging at the order of Koranic teachers, as egregious human trafficking offenses, thereby impeding some trafficking investigations. Traditional conflict mediation was favored over the rule of law in some cases of child trafficking and exploitation. In several cases, for example, authorities released religious teachers suspected of forcing children to beg after it was determined that the teacher had the parents' permission to take the child.

Protection

The Government of Mali demonstrated moderate efforts to protect trafficking victims in the last year. Authorities did not report a formal system for identifying trafficking victims among vulnerable populations, such as child laborers. Due to its limited resources, the government did not operate any victim shelters or provide direct aid to victims. Instead, it referred victims to NGOs and international organizations for assistance, and provided in-kind support to these organizations in the form of land or buildings. Authorities reported assisting 80 child victims of trafficking during 2009. The government did not report assisting any victims of traditional slavery. Most cases of trafficking identified by NGOs are reported to the government, and an official from the Ministry for the Advancement of Women, Children, and the Family coordinates the process of repatriation with a counterpart in the government of the victim's country of origin.

During the reporting period, officials interviewed victims in one suspected child trafficking case and also interviewed one victim of traditional slavery. Mali does not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. Identified victims are not inappropriately incarcerated or fined for unlawful acts committed as a direct result of being trafficked. While the Malian government stated that it has developed a system for collecting data on trafficking crimes and the number of victims identified, officials have not made this system public.

Prevention

The Government of Mali made limited efforts to prevent trafficking, through awareness-raising or other means, during the last year. A regional government office in the

zone with the higher prevalence of forced agricultural labor operated a public awareness campaign on child trafficking and child labor. Many government officials do not acknowledge that hereditary slavery exists in Mali. During the reporting period, the National Steering Committee Against Child Labor, which is comprised of 43 government, NGO, and international organization members, reported no actions and suffered from poor interagency communication. However, the Ministry for the Promotion of Women and Children created a more streamlined committee to combat trafficking, and the Malian government decided to introduce a law criminalizing all forms of trafficking in 2010. The government took no visible measures to reduce the demand for commercial sex acts or forced labor.

MALTA (Tier 2 Watch List)

Malta is a destination country for European women subjected to trafficking in persons, specifically forced prostitution. During this reporting period and in the past, the Maltese media also covered possible cases of Maltese teenage girls who may have been involved in forced prostitution in Malta. Malta is likely a destination country for men subjected to forced labor as reflected by a report in 2009 that three Pakistani males were forced to work in Pakistani restaurants in Malta. The dozens of children and 4,304 total irregular migrants currently residing in Malta from African countries may be vulnerable to human trafficking in Malta's "grey" informal labor market.

The Government of Malta does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate progress in convicting and punishing trafficking offenders, or in identifying and ensuring the protection of trafficking victims during the reporting period; therefore, Malta is placed on Tier 2 Watch List.

Recommendations for Malta: Vigorously prosecute and convict trafficking offenders; ensure that convicted trafficking offenders, including any officials identified as complicit in trafficking, receive adequate punishment; attempt to establish partnerships with NGOs in Malta on anti-trafficking activities and encourage NGOs to cooperate with the government in providing services to potential victims; continue to develop and implement procedures for identifying and caring for victims, including victims of forced labor and possible child victims; offer appropriate protection for foreign unaccompanied minors that takes into consideration their vulnerability to trafficking; and establish partnerships with international organizations and NGOs in relevant source countries, as appropriate, to ensure safe and voluntary repatriation for victims.

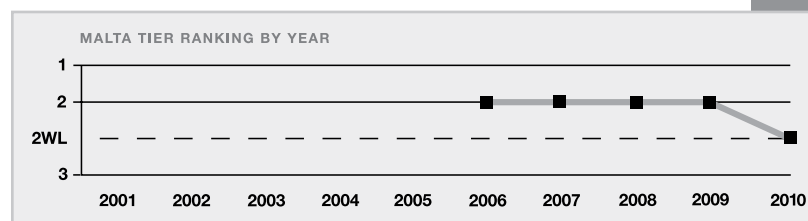
Prosecution

The Government of Malta demonstrated minimal progress in its efforts to prosecute trafficking in persons offenses and punish trafficking offenders during the reporting period. Malta's criminal code prohibits trafficking for commercial sexual exploitation and labor exploitation and prescribes punishments of two to nine years' imprisonment. These prescribed penalties are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. The government did not convict and punish any alleged trafficking offenders during the reporting period. Several ongoing court cases cited in the 2008 and 2009 Reports remained unresolved: the case of a police officer convicted in 2005 who remained out of jail pending an appeal; the Maltese nationals arrested for the trafficking of eight Russian and Ukrainian women; the four people prosecuted for allegedly trafficking a Romanian woman in 2004; and the 2008 case in which three men were arrested for trafficking a Swedish woman. The Police Commissioner in January 2010 directed his subordinate staff – who are responsible for criminal prosecution as well as investigation – to expedite and conclude current and future trafficking cases within 90 days from date of arraignment. There was one new human trafficking prosecution initiated during the reporting period. The government did not sponsor any new trafficking-specific training for police, prosecutors or judges during the reporting period, though it did provide such training for border officials.

Protection

The Government of Malta made no discernible progress in protecting trafficking victims during the reporting period. The absence of anti-trafficking NGOs in Malta likely contributed to challenges in victim protection as NGOs traditionally provide valuable partnership in identifying and assisting potential victims. Lack of victim identification increased the risk that victims were punished for immigration violations or other unlawful acts as a direct result of being trafficked. The government continued to lack formal procedures to guide first responders in identifying forced labor cases among vulnerable groups, such as foreign workers, and referring them to trafficking-specific services. The government did not show evidence of adequately implementing its formal system for referring all women in prostitution apprehended by police to government social workers. The government incorporated indicators for human trafficking as part of the asylum process for irregular migrants but did not have formal procedures on how to refer potential victims in migrant detention centers to trafficking-specific services. According to a 2009 UN Report, the government initially imposed detention on all irregular migrants upon arrival in Malta. While the government applied a fast-track procedure for vulnerable migrants, including pregnant women, families, and unaccompanied minors to be released from detention to open centers (where migrants are provided with housing and government-

sponsored social services available to all Maltese citizens), it may still take up to three months. The government did not provide trafficking victims with shelter or services during the reporting period, nor were potential foreign labor trafficking victims offered residence permits, social, medical and legal assistance, and other potential safety and protection resources available under Maltese law prior to their return to their country of origin. The government has not developed or implemented standardized procedures for safe, voluntary repatriation for victims exploited in Malta. The government encourages trafficking victims to assist in the prosecution of their traffickers and attempted to implement creative ways of doing so; one victim in the past was allowed to provide testimony against her trafficker through video conferencing.



Prevention

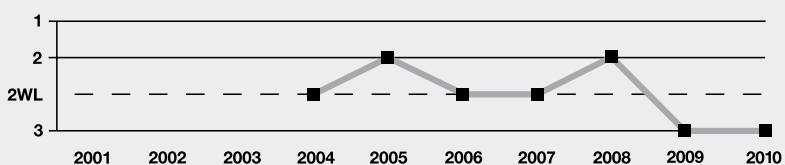
The Maltese government made some progress in advancing anti-trafficking prevention activities over the last year. The government's agency for social welfare, Appogg continued to produce detailed brochures to raise awareness about human trafficking, including information on identifying potential victims and outlets for victim assistance, and distributed them at health clinics, community centers, churches, and in entertainment areas to target potential clients of the sex trade. In late 2009, the government and an international cosmetics company forged a partnership whereby proceeds from products sold by the business would assist the government in developing an awareness campaign on child trafficking. Malta's government Employment and Training Corporation conducted informational sessions within migrant detention centers to inform migrants about their rights and the process by which to attain work permits and proper employment, if they are granted asylum and released. The government did not formally monitor its anti-trafficking efforts and continued to lack an anti-trafficking national action plan. The government did not report any specific measures to reduce the possible participation of Maltese nationals in child sex tourism abroad.

MAURITANIA (Tier 3)

Mauritania is a source and destination country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and commercial sexual exploitation. Some women, men, and children

from traditional slave castes are subjected to slavery-related practices, rooted in ancestral master-slave relationships, which continue to exist in a limited fashion in both rural and urban settings. These individuals, held for generations by slave-holding families, may be forced to work without pay as cattle herders and household help. Mauritanian and West African boys – referred to as *talibe* – are recruited to study at Koranic schools, but are sometimes subsequently subjected to forced begging within the country by religious teachers known as *marabouts*. Girls have been trafficked internally and from neighboring West African countries such as Mali, Senegal, and The Gambia for involuntary domestic servitude. Mauritanian girls have been married off to wealthy men from the Middle East and taken there in some cases for forced prostitution. Mauritanian women are forced into prostitution within the country, as well as in Gulf States.

MAURITANIA TIER RANKING BY YEAR



The Government of Mauritania does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government did not show evidence of significant progress in prosecuting and punishing trafficking offenders, protecting trafficking victims, and preventing new incidents of trafficking. Despite its acknowledgment to trafficking as a problem, the government is reluctant to acknowledge that *de facto* slavery currently exists in Mauritania, and prefers to talk about “the consequences of slavery.” The government has stated it is willing to take action, but does not have the necessary resources to fund needed services, such as shelters for trafficking victims, legal assistance, and training in life-skills and income generating activities. Certain government and civil society leaders have expressed a willingness to work with foreign partners to improve the country’s human rights record; however, in 2009, prosecutions of forced labor or forced prostitution offenses were nonexistent and no government programs were put in place to assist victims of such crimes. Therefore, Mauritania remains on Tier 3.

Recommendations for Mauritania: Take steps to investigate and prosecute trafficking offenses; in partnership with NGOs, where possible, improve the government’s capacity to assess law enforcement efforts against human trafficking; consider measures allowing civil society organizations to file complaints on behalf of slaves; provide slaves with land and other resources to live freely; construct a shelter for human trafficking and slavery victims; and provide support for and access to legal assistance for trafficking victims.

Prosecution

The government did not demonstrate increased overall law enforcement efforts during the reporting period. Mauritanian law prohibits all forms of trafficking through its 2003 Law Against Trafficking in Persons, which prescribes penalties of from five to 10 years’ imprisonment; these penalties are sufficiently stringent and exceed those prescribed for rape. Slavery is prohibited by Law 2007-048, which was enacted in September 2007. This law defines slavery and prescribes a sufficiently stringent penalty of from five to 10 years’ imprisonment. The law’s effectiveness, however, is hampered by its requirement that slaves file a legal complaint before a prosecution can be pursued, as well as its barring of NGOs from filing complaints on behalf of slaves. Many slaves are illiterate and unable to complete the paperwork involved in filing a complaint. According to the Ministry of Justice, there were neither investigations or prosecutions of trafficking offenses nor convictions or sentences of trafficking offenders in 2009. A local human rights organization reported that judges refused to investigate two child slavery cases brought to them during the year, either on slavery or child abuse grounds. The parties reached an informal agreement outside the court, and the children remained with their slave-masters. The government provided no support for programs to assist victims systematically to file complaints on slavery.

Protection

The Government of Mauritania demonstrated minimal efforts to protect victims of human trafficking, including of traditional slavery. In 2009, the government’s National Center for the Protection of Children in Difficulty provided shelter for 270 children, including 60 talibes identified in Nouakchott, the capital. This center returned children to their families or imams, and asked for guarantees that the children would not be sent back to the streets to beg. Government-provided access to legal and medical services was very limited, and the government did not offer shelter or long-term housing benefits to victims aside from the aforementioned center for talibes. The government did not have a referral process in place to transfer victims who were detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provided short- or long-term care. The government’s law enforcement, immigration, and social services personnel did not have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they came in contact. Illegal migrants were detained and placed in the Migrant Detention Center at Nouadhibou until their expulsion from the country, without the government making any effort to identify trafficking victims among them. Women suspected of prostitution were often jailed. The government made no attempts to screen these women for victimization. The government did not encourage victims to assist in the investigation and prosecution of human trafficking cases, and there were no precedents of victims filing civil suits or seeking legal action against trafficking

offenders. In slavery cases, civil society representatives claimed that judges attempted to broker informal agreements between the masters and disgruntled slaves. Courts often dropped cases and avoided conducting investigations.

Prevention

The Government of Mauritania made inadequate efforts to raise awareness of trafficking during the last year. In 2009, the government, in conjunction with civil society, conducted a public awareness campaign in local newspapers about the plight of domestic workers, and also about the 2007 anti-slavery law, as part of the government's Program to Eradicate the Consequences of Slavery. The government did not monitor immigration and emigration patterns for evidence of trafficking. There was no mechanism for coordination and communication between various agencies on trafficking-related matters. In 2009, the government worked in association with an international organization to draft a National Action Plan to Fight Trafficking in Persons, to be released in 2010. The government made no efforts to reduce the demand for forced labor.

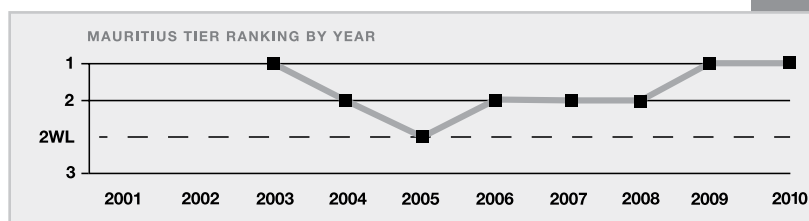
MAURITIUS (Tier 1)

Mauritius is a source for children subjected to trafficking in persons, specifically conditions of forced prostitution within the country. Secondary school-age girls and, to a lesser extent, younger girls from all areas of the country, including from Rodrigues Island, are induced into prostitution, often by their peers, family members, or businessmen offering other forms of employment. Taxi drivers are known to provide transportation and introductions for both the girls and the clients. Girls and boys whose mothers engage in prostitution are reportedly forced into prostitution at a young age. Some drug-addicted women are forced into prostitution by their boyfriends, who serve as their pimps. In Great Britain, two Malagasy nationals were convicted in 2009 of holding a small number of Mauritian nationals, as well as citizens of other countries, in conditions of forced labor; this appears to be an isolated case of transnational human trafficking involving Mauritian citizens.

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

Recommendations for Mauritius: Utilize anti-trafficking legislation to investigate and prosecute trafficking offenses and convict and punish trafficking offenders,

including those involving adult women exploited in pimp-controlled forced prostitution; designate an official coordinating body or mechanism to facilitate improved anti-trafficking communication and coordination among the relevant ministries, law enforcement entities, working groups, and NGOs; increase protective services available to child victims of commercial sexual exploitation, particularly in regard to safe shelter and educational opportunities; provide increased logistical support to all branches of the Minors Brigade, particularly in regard to technological infrastructure, such as email and Internet connectivity, that would enhance the Brigade's ability to communicate effectively with government and NGO counterparts; and ensure that all cases of children in prostitution identified by the Ministry of Women's Rights, Child Development, and Family Welfare's (MOWR) Child Development Unit (CDU) are referred to the police for investigation.



Prosecution

The Mauritian government demonstrated increased anti-trafficking law enforcement efforts, vigorously investigating and prosecuting cases of human trafficking throughout the year. The "Combating of Trafficking in Persons Act of 2009" prohibits all forms of trafficking for adults and children and prescribes penalties of up to 15 years' imprisonment for convicted offenders. In addition, the Child Protection Act of 2005 prohibits all forms of child trafficking and prescribes punishment of up to 15 years' imprisonment for convicted offenders; the Judicial Provisions Act of 2008 increased the maximum prescribed punishment for child trafficking offenses to 30 years' imprisonment. All of the aforementioned penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes. From arrest to sentencing of offenders, cases of child trafficking typically took 18 to 24 months to resolve. In October 2009, the government used the Children Protection Act to convict and sentence a woman to ten years' imprisonment for subjecting two underage Mauritian girls to prostitution in 2007. Also during the year, the Mauritius Police Force's Minors Brigade, which carries out all investigations involving trafficked children, completed the investigation into a 2007 case of a grandmother who allegedly forced her granddaughter into prostitution and referred it to the Director of Public Prosecution (DPP) for action. In 2009, the DPP referred for trial the January 2008 case of a man and woman charged with inducing their 12-year-old niece into prostitution; the case is scheduled to be heard in April 2010. The Minors Brigade utilized a database for

tracking criminal trafficking cases, as well as awareness campaigns carried out in the community. In 2009 and early 2010, the Officer in Charge of the brigade conducted five training sessions on best practices for combating human trafficking for all 32 of the Minors Brigade's officers. The Police training school conducted anti-trafficking sessions during a two-week program for 182 senior police officers. Seventy government officials also received training on the commercial sexual exploitation of children from a local NGO.

Protection

The government sustained its protection of child trafficking victims during the reporting period, providing funding to NGOs running victim shelters on a reimbursable basis – \$6 per day for the protection of each child, including victims of trafficking. CDU officials regularly referred abused and exploited children to these organizations for shelter and other assistance. The Minor's Brigade systematically refers all cases of identified children in prostitution to the CDU for victim assistance; in 2009, the brigade referred two such children for protective services. The CDU did not, however, refer all cases of child prostitution identified by its officers to the Minors Brigade for possible investigation. The government-funded, NGO-run drop-in center for sexually abused children, which provided counseling to six girls engaged in prostitution in 2009, advertised its services through bumper stickers, a toll-free number, and community outreach; its social worker continued to promote the services in schools and local communities. Nonetheless, due to the drop-in center's lack of shelter facilities and the often crowded conditions at NGO shelters, comprehensive protective services were not always readily available to all victims identified within the country. Though the MOWR acquired land and obtained funding to construct a residential center for victims of child commercial sexual exploitation in late 2008, construction of the facility has not yet begun. The ministry operated a 24-hour hotline for reporting cases of sexual abuse that received two reported cases of child prostitution in 2009.

Mauritius has a formal protocol on the provision of assistance to all victims of sexual abuse; children victimized by commercial sexual exploitation are accompanied to the hospital by a child welfare officer and police work in conjunction with this officer to obtain a statement. Medical treatment and psychological support were readily available at public clinics and NGO centers in Mauritius. The Child Protection (Amendment) Act of 2008 established a child mentoring scheme to provide support and rehabilitation to children in distress, including children engaged in prostitution; the government did not utilize this program to assist children engaged in or at risk of prostitution during the reporting period. The government encourages victims' assistance in the investigation and prosecution of trafficking crimes, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for

unlawful acts committed as a direct result of being trafficked.

Prevention

The government made notable efforts to prevent the sex trafficking of children and reduce the demand for commercial sex acts during the year. The Police Family Protection Unit and the Minor's Brigade, in conjunction with the CDU, continued its widespread awareness campaign on child abuse and child rights at schools and community centers that included a session on the dangers and consequences of engaging in prostitution; this campaign reached over 16,372 persons in 2009, including 1,574 parents from tourist regions where children have greater risk of trafficking. Law enforcement and child welfare officials conducted surveillance at bus stops, night clubs, gaming houses, and other places frequented by children to identify and interact with students who were at a high risk of sex trafficking. The Ministry of Tourism, Leisure, and External Communications sustained its distribution of pamphlets to hotels and tour operators regarding the responsibility of the tourism sector to combat child sex trafficking. Communication and coordination among the relevant ministries, however, continued to be lacking. There were reports in 2009 that Mauritian nationals may be participating in child sex tourism in Nosy Be, Madagascar; the government took no specific action to address this problem during the year. Inspections conducted by the Ministry of Labor's 30 labor officers and nine trainee officers in 2009 yielded no cases of forced labor or exploitative child labor.

MEXICO (Tier 2)

Mexico is a large source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Government and NGO statistics suggest that the magnitude of forced labor surpasses that of forced prostitution in Mexico. Groups considered most vulnerable to human trafficking in Mexico include women, children, indigenous persons, and undocumented migrants. Mexican women, girls, and boys are subjected to sexual servitude within the United States and Mexico, lured by false job offers from poor rural regions to urban, border, and tourist areas. Mexican trafficking victims were also subjected to conditions of forced labor in domestic servitude, street begging, and construction in both the United States and Mexico. In one case, 107 trafficking victims, both Mexican and foreign citizens, were freed from a factory disguised as a drug rehabilitation center in Mexico City; many of them had been kidnapped, and all were subjected to forced labor.

The vast majority of foreign victims in forced labor and sexual servitude in Mexico are from Central America, particularly Guatemala, Honduras, and El Salvador; many transit Mexico *en route* to the United States and, to a lesser extent, Canada and Western Europe. However, trafficking victims from South America, the Caribbean,

Eastern Europe, Asia, and Africa are also found in Mexico, and some transit the country *en route* to the United States. Unaccompanied Central American minors, traveling through Mexico to meet family members in the United States, fall victim to human traffickers, particularly near the Guatemalan border. Mexican men and boys from Southern Mexico are found in conditions of forced labor in Northern Mexico, and Central Americans, especially Guatemalans, are subjected to forced labor in southern Mexico, particularly in agriculture. Child sex tourism continues to grow in Mexico, especially in tourist areas such as Acapulco and Cancun, and northern border cities like Tijuana and Ciudad Juarez. Most child sex tourists are from the United States, Canada, and Western Europe, although some are Mexican citizens. In addition to Mexican drug cartels, organized crime networks from around the world are reportedly involved in human trafficking in Mexico.

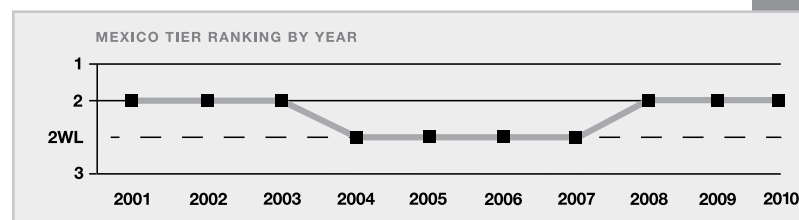
The Government of Mexico does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Mexican authorities increased anti-trafficking law enforcement efforts and achieved the first convictions under the 2007 anti-trafficking law, in addition to opening a government-funded shelter dedicated to sex trafficking victims. The Secretariat of Government assumed more active leadership of the interagency trafficking commission and the Mexican Congress created its own trafficking commission. Given the magnitude of the trafficking problem, however, the number of human trafficking investigations and convictions remained low. While Mexican officials recognize human trafficking as a serious problem, NGOs and government representatives report that some local officials tolerate and are sometimes complicit in trafficking, impeding implementation of anti-trafficking statutes.

Recommendations for Mexico: Approve and implement a National Action Plan for Trafficking in Persons, including increased funding and guidance to federal agencies and state governments for such implementation; increase federal and state efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including complicit public officials; uphold the principle, contained in Article 3 of the 2000 UN TIP Protocol, that a victim's consent is not relevant when elements of force or coercion are verified; dedicate more resources for victim assistance and ensure that victims receive adequate protection; increase collaboration with NGOs to provide victim care; continue to implement formal procedures to identify trafficking victims among vulnerable populations; and increase anti-trafficking training for judges and law enforcement, including immigration and labor officials.

Prosecution

The Government of Mexico's overall law enforcement response to human trafficking increased during the reporting period, though efforts were uneven across the country. In 2007, the government enacted federal

legislation to prohibit all forms of human trafficking, prescribing penalties of six to 12 years' imprisonment. Under aggravated circumstances, such as when the victim is a child or lacks mental capacity, penalties increase to nine to 18 years imprisonment; when the convicted offender is a public official, penalties increase by one-half. The above penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. The law does not include a clause rendering victim consent irrelevant if any of the means defined in the crime, such as threat, abduction, abduction or fraud, were used; therefore, the burden of proof regarding consent can be shifted to victims over 18 years of age. However, it is unclear to what extent this could weaken prosecution of trafficking offenders, as the issue has yet to be raised in a federal prosecution. In Mexico's federalist system, state governments investigate and prosecute some trafficking cases that occur wholly within the country. Federal jurisdiction is invoked, however, in cases involving organized crime, trafficking crimes involving government officials, cases involving three or more individuals, international or inter-state trafficking, and trafficking occurring on federal territory. Twenty-two Mexican states and Mexico City have enacted at least partial anti-trafficking laws prohibiting some or all forms of trafficking, and the statutes in seven states make victim consent irrelevant if any of the means of trafficking are established. As many judges are not familiar with human trafficking laws, some cases of human trafficking may have been prosecuted under other laws, such as rape or child prostitution statutes, under which convictions are easier to achieve.



During the reporting period, the federal government investigated 48 trafficking cases. The Attorney General's Special Prosecutor's Office for Violence Against Women and Trafficking in (FEVIMTRA) handles federal trafficking cases involving three or fewer suspects, while the Office of the Special Prosecutor for Organized Crime (SIEDO) investigates cases with more than three suspects. With only 10 lawyers dedicated to both cases of violence against women and human trafficking, FEVIMTRA faced challenges in moving from investigations to convictions. As a result of a SIEDO investigation, in December 2009, a federal judge achieved the first convictions under the federal anti-trafficking law in a case involving six trafficking offenders. Five of the six were convicted for trafficking Mexican women and girls to the United States for commercial sexual exploitation; four remain in custody awaiting sentencing and one is serving prison time in the United States. One trafficking

suspect, believed to be the ringleader, remains at large. Also during the reporting period, Mexico City's Special Prosecutor for Trafficking sentenced a trafficking offender to 10 years in prison, producing the first sentence under Mexico's federal anti-trafficking law and Mexico City's local anti-trafficking law. In Mexico City, the Office for the Attorney General's Deputy Prosecutor for Victim's Assistance conducted four raids of brothels suspected of involvement in human trafficking so far this year. The Mexican federal government continued to provide significant assistance to the U.S. government on cross-border trafficking investigations last year and extradited one Mexican citizen to face trafficking charges in the United States.

NGOs, members of the government, and other observers continued to report that corruption among public officials, especially local law enforcement and judicial and immigration officials, was a significant concern. Some officials reportedly accepted or extorted bribes or sexual services, falsified identity documents, discouraged trafficking victims from reporting their crimes, or tolerated child prostitution and other human trafficking activity in commercial sex sites. Two immigration officials arrested in 2007 for their alleged leadership of an organized criminal group involved in human trafficking were convicted during the reporting period and remain incarcerated pending sentencing. A high-level immigration official was investigated for suspected involvement in human trafficking.

NGOs noted that many public officials in Mexico, including state and local officials, did not adequately distinguish between alien smuggling and human trafficking offenses and that many judges and police officers are not familiar with anti-trafficking laws. In order to address this problem, both government and outside sources provided some law enforcement officials, prosecutors, and social workers with anti-trafficking training.

Protection

The Mexican government modestly increased its assistance to trafficking victims last year, though the government's overall efforts remained inadequate. It continued to rely on NGOs, international organizations, and foreign governments to operate and fund the bulk of specialized assistance and services for trafficking victims, particularly adults. Mexican immigration agents implemented a system for identifying potential trafficking victims, particularly among children entering or exiting the country, and referring these victims to care providers, such as NGOs, and 1,333 migration officers received training on identifying and interviewing trafficking victims. The government periodically conducted raids on brothels but did not employ formal procedures for identifying trafficking victims among other vulnerable populations, such as migrant workers. With the help of the NGOs, the government rescued over 70 trafficking victims. During the reporting period, FEVIMTRA opened

a shelter dedicated to female victims of sex trafficking with a capacity for 70 individuals; the government spent approximately \$3.4 million on this facility during the year. The State of Mexico established and funded a shelter for victims of sex trafficking with a capacity for 10 women, although it did not assist any victims during the reporting period. Both shelters are able to provide medical, psychological, and legal services. Mexico's social welfare agency continued to operate general shelters for children who are victims of violence, which could be accessed by child trafficking victims, though it is unknown if any child trafficking victims were assisted in these shelters. State and municipal governments also provided at least partial support to 34 shelters for women which form part of a greater national network of shelters and emergency attention centers for victims of domestic violence, sexual violence, or human trafficking. Local shelters also opened their doors to trafficking victims. Some shelters were operated and funded by NGOs, international organizations and religious groups. However, according to NGOs, victim services were lacking in some parts of the country and remained inadequate in light of the significant number of trafficking victims. The government continued to issue renewable one-year humanitarian visas to foreign victims who assisted with the investigation and prosecution of their traffickers, and last year nine trafficking victims received temporary humanitarian parole when they agreed to press charges against their traffickers. Foreign victims who declined to assist law enforcement personnel, however, were repatriated to their home countries and were not eligible for victim aid or services in Mexico. Although authorities encouraged victims to assist in trafficking investigations and prosecutions, many victims in Mexico were afraid to identify themselves or push for legal remedies due to their fears of retribution from trafficking offenders. Furthermore, victims had little incentive to participate due to a culture of impunity, reflected by official complicity, the limited number of trafficking prosecutions and convictions, and the fact that no trafficking victim has been awarded compensation for damages. The law establishes legal protections for trafficking victims, though in practice, according to NGOs, witnesses were not offered sufficient protection. The government provided limited victim services to some repatriated Mexican citizens upon request, and FEVIMTRA directed identified victims to local resources for assistance.

Prevention

Federal and state governments sustained limited trafficking prevention efforts last year. The Mexican government conducted a public awareness campaign through posters and television and radio spots about the danger of human trafficking, and FEVIMTRA spent \$1.4 million on its own anti-trafficking prevention campaign. Authorities continued to work towards creating a National Trafficking Action Plan. Mexico publicly endorsed the United Nations Office on Drugs and Crime's Blue Heart Campaign against Human Trafficking, becoming the

first country in Latin America to do so. In an effort to address the demand for forced labor, the Secretary of Labor developed a series of workshops and trainings in 2010 to prevent child labor and trafficking for forced labor. It included media materials that explain how labor recruiting agents can deceive individuals in order to recruit them for forced labor. The government continued to forge partnerships with NGOs and international organizations on prevention efforts. The government reported no prosecutions or convictions of child sex tourists.

MICRONESIA, FEDERATED STATES OF (Tier 2 Watch List)

The Federated States of Micronesia (FSM) is a source country for women subjected to trafficking in persons, specifically forced prostitution in the United States and the U.S. territory of Guam, and has reportedly been a destination for women from China forced into commercial sexual exploitation. The FSM may be a destination country for a few men and women from other Pacific nations who are subjected to conditions of forced labor. Micronesian sex trafficking victims from the state of Chuuk have been identified in Guam and the United States. In one case still before the courts in Guam, 10 young women from the state of Chuuk were lured to Guam by a Micronesian recruiter with promises of well-paying jobs in the service and hospitality sectors. Upon arrival in Guam, the women were forced to engage in prostitution. A physically and mentally disabled young woman from Chuuk was rescued from forced prostitution in Hawaii during the last year.

Very little data on human trafficking in FSM is available as the government made no effort to proactively identify victims despite its history as a source country for victims. The government had not conducted any inquiries, investigations, studies, or surveys on human trafficking.

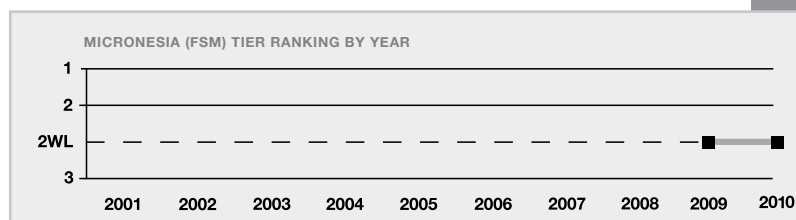
The Government of the Federated States of Micronesia does not fully comply with the minimum standards for the elimination of trafficking, however it is making significant efforts to do so. In the last year, the government made no discernible efforts to proactively identify victims, prevent future trafficking incidents by educating the public about the dangers of trafficking, or investigate and prosecute suspected trafficking offenses; the Federated States of Micronesia is therefore placed on Tier 2 Watch List for the second consecutive year. The government did, however, provide some police and immigration officials with trafficking awareness training.

Recommendations for the Federated States of Micronesia: Educate officials and the general public on the nature of trafficking crimes and the ways in which these crimes affect FSM; develop and implement a comprehensive anti-trafficking law applicable in all four states; create or support prevention campaigns to raise awareness of the dangers of trafficking; monitor

the practices of overseas employment recruiters, and investigate recruiters who may be engaged in fraudulent recruiting that leads to trafficking; and develop an internal structure which ensures victims' access to protective services.

Prosecution

The Government of the Federated States of Micronesia made no discernible progress in its anti-trafficking law enforcement efforts. The government did not take steps to investigate, prosecute or punish any suspected trafficking offenders during the reporting period. The FSM national police would have jurisdiction over transnational trafficking crimes, although no specific or comprehensive federal laws prohibit forms of human trafficking such as slavery, forced labor, or forced prostitution. Each of the four states could prosecute trafficking offenses under related laws. Penalties for trafficking offenses under these laws range from five to 10 years' imprisonment and are sufficiently stringent. Officials received no reports of trafficking cases during this reporting period. The Police Academy featured training on recognizing trafficking victims, as well as the difference between human trafficking and alien smuggling. The Academy also discussed trafficking interdiction techniques. No formal plan to act on the training is currently in place. A foreign government provided anti-trafficking training to the Transnational Crime Unit (TCU) as part of its overall support of the TCU's activities. The TCU, part of the Pacific Transnational Crime network, remained the main conduit for general law enforcement information coming from international sources. Law enforcement agencies operated under significant resource, personnel, and capacity constraints. There was no evidence of official complicity in trafficking crimes, or of government involvement in or tolerance of trafficking on a local or institutional level.



Protection

During the reporting period, the government made no apparent efforts to proactively identify potential trafficking victims, and did not take steps to develop or implement formal or informal procedures to refer identified or suspected trafficking victims for appropriate services. During the year, FSM officials did not receive reports from other sources of any trafficking victims within the country's borders, and did not, to their knowledge, provide services to any victims of trafficking. Identified or suspected trafficking victims would have

access to the very limited social services and legal assistance provided by government agencies to any victim of crime. No NGOs knowingly provided services to any victims of trafficking crimes independently or in cooperation with the government. FSM has no laws specifically protecting trafficking victims or witnesses. While no specific civil remedy for trafficking victims is spelled out in the state or national codes, each state's code does provide general redress for personal injuries caused by another. Victims may bring personal injury civil suits against traffickers, although no suits have ever been filed. The law did not provide specific legal alternatives to the removal of foreign victims to countries where they faced hardship or retribution. Judges, however, have the discretion to issue an order allowing any foreign victims of crime to remain in the country.

Prevention

The government made minimal efforts to prevent trafficking or increase the public's awareness of trafficking risks in FSM and the region during the reporting period. Evidence and anecdotal reports suggest that the current number of internal or transnational trafficking victims is relatively low; the government's limited resources were thus often directed to meet more emergent priorities. Immigration authorities claim to look for evidence of trafficking at ports of entry. Upper-level managers at the Division of Immigration and Labor attended seminars that discussed trafficking. The government did initiate anti-trafficking training for new police recruits in the last two police academy classes. In May 2009, the former FSM Ambassador to the United States was convicted of selling sample FSM passports maintained at the Embassy in Washington D.C. for personal financial gain, and sentenced to 30 months' imprisonment and a fine. Although authorities have not yet shown that the case clearly involved the transnational movement of trafficking victims, the former Ambassador was facilitating the illegal cross-border movement of irregular migrants from populations throughout the region that are consistently identified as trafficking victims. FSM supports no anti-trafficking task forces or working groups. The government conducted no campaigns aimed at reducing the demand for commercial sex acts. Micronesia is not a party to the 2000 UN TIP Protocol.

MOLDOVA (Tier 2 Watch List)

Moldova is a source and, to a lesser extent, a transit and destination country for women and girls subjected to trafficking in persons, specifically forced prostitution and for men, women, and children in conditions of forced labor. Moldovan women are subjected to forced prostitution in Turkey, Russia, Cyprus, Bulgaria, the UAE, Kosovo, Israel, Lebanon, Italy, Greece, Ukraine, and Romania. Men, women, and children are subjected to conditions of forced labor in Russia and Ukraine in the construction, agriculture, and service sectors. Some children from Moldova are subjected to conditions of

forced begging in some neighboring countries. Some women from Ukraine and also Moldovan girls and women are trafficked within the country from rural areas to Chisinau and subjected to forced prostitution. Men from Turkey travel to Moldova for the purpose of sex tourism. The small breakaway region of Transnistria in eastern Moldova is outside the central government's control and remained a source for victims of both forced labor and forced prostitution.

The Government of Moldova does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government again did not demonstrate sufficient efforts to prosecute, convict, or punish any government officials complicit in trafficking, which remained a significant obstacle to effective anti-trafficking reforms; therefore, Moldova is placed on Tier 2 Watch List for the second consecutive year. The new government demonstrated a high-level commitment to trafficking by establishing a cabinet-level national committee on trafficking led by the foreign minister and, for the first time, fully funded and staffed the Permanent Secretariat of the National Committee for Preventing Trafficking in Persons. Moldovan authorities demonstrated sustained, strong efforts to identify and refer victims for assistance and the government continued funding the government- and IOM-run trafficking assistance center.

Recommendations for Moldova: Demonstrate vigorous efforts to investigate, prosecute, and convict government officials complicit in trafficking, and seek criminal punishment of any guilty officials; improve child trafficking victim protection by encouraging law enforcement to consult with NGO experts during the victim interview process; improve cooperation between local anti-trafficking commissions and local law enforcement; conduct awareness and prevention campaigns targeted at children living in orphanages – a population highly vulnerable to trafficking; continue efforts to improve data collection on trafficking cases through all stages of the penal process, including investigations, prosecutions, convictions, and sentences prescribed for convicted trafficking offenders; continue to provide funding for victim assistance and protection; continue efforts to identify and protect trafficking victims, including child and adult victims trafficked within Moldova; and consider prevention activities specifically targeted at reducing the demand for human trafficking in Moldova.

Prosecution

The Government of Moldova demonstrated uneven progress in its efforts to combat human trafficking. Although the government increased the number of trafficking offenders convicted during the reporting period, it did not demonstrate significant efforts to prosecute, convict, or criminally punish government officials complicit in human trafficking. The Moldovan government prohibits all forms of trafficking through Articles 165 and 206 of its criminal code. Penalties

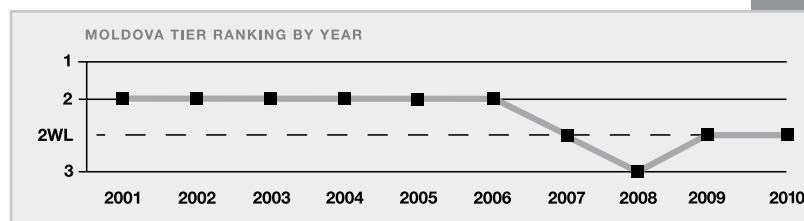
prescribed range from five to 20 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for rape. In order to harmonize local law with EU standards as part of a larger EU integration process, the government amended its criminal code to reduce the length of all trafficking-related criminal penalties in May 2009; the amendments reduced the minimum and maximum penalties for trafficking from seven years' to life imprisonment to five to 20 years' imprisonment. Although the government continued its efforts to improve the collection of trafficking statistics, concerns remained regarding the accuracy of data reported. The government reported initiating 206 trafficking investigations, down from 246 reported in 2008. Authorities prosecuted 70 individuals for sex trafficking offenses in 2009, compared with 127 trafficking prosecutions in 2008. Courts convicted 65 trafficking offenders during the reporting period, an increase from 58 convictions reported in 2008. Forty-three convicted offenders were prescribed sentences ranging from five to 10 years' imprisonment. The remaining 22 convicted offenders received probation or paid a fine and did not serve time in prison.

Despite continued reports of corruption related to human trafficking, the government has yet to convict an official for complicity in human trafficking during the reporting period. In December 2009, the government again launched a criminal investigation into a high-profile case dating back to 2006 involving multiple government officials allegedly involved in protecting a well-known international sex trafficker; to date there have been no government officials prosecuted, convicted, or criminally punished in this case. The government did not provide updated information on the status of the prosecution of a trial court judge suspected of trafficking complicity, as reported in the 2009 TIP Report. Further, the government did not report efforts to investigate, prosecute, convict, or criminally punish any low-level government officials complicit in trafficking, including low-level police officers or border guards.

Protection

Moldova improved its victim protection efforts during the reporting period. The government provided approximately \$50,700 in funding for a primary shelter it operated in partnership with the IOM for repatriated adult and child victims, compared with \$52,000 allocated by the government for the shelter in 2008. The center provided temporary shelter, legal and medical assistance, psychological counseling, and vocational training to 130 victims during the reporting period. In total, 159 victims were identified and assisted by IOM and government authorities, including 133 victims identified and referred for assistance by government authorities. The government encouraged victims to assist law enforcement with trafficking investigations and prosecutions; in 2009, 189 victims assisted law enforcement during criminal proceedings. The government applied the 2008 witness protection law for the first time to assist two

victims of trafficking who chose to assist government prosecutions during the reporting period. Moldovan law exempts trafficking victims from criminal prosecution for unlawful acts committed as a direct result of being trafficked. There were no reports of victims being punished and NGOs did not document instances of trafficking victims' rights being violated in court in 2009. One foreign victim was identified by the government and assisted by a center operated by the government and IOM. Moldova provided legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship. The government has yet to address ongoing concerns about the lack of specialized protections for child victims of trafficking; children are often interviewed multiple times over the course of several hours by police without special training and some are confronted and threatened by their traffickers.



Prevention

The government demonstrated increasingly significant prevention efforts during the reporting period. The majority of public outreach and trafficking awareness efforts were conducted by NGOs in close coordination with the government at the national and regional levels. In 2009, the government-operated National Referral System increased its efforts to raise public awareness in order to warn potential victims of the dangers of trafficking through its system of 34 regional multidisciplinary commissions. Operating on a local level, these commissions consist of representatives from NGOs, social workers, medical personnel, police, prosecutors, and local public administration officials. The commissions met on a regular basis, usually once a month, to deal with trafficking issues including organizing public awareness events, discussing reintegration efforts for victims, and updating information about any possible cases. Although these commissions had been meeting sporadically in 2008, 2009 was the first full year of their operation. IOM and NGOs working in this field credit prevention efforts conducted by these commissions for the reduction of identified victims during the reporting period. In April 2009, the government implemented a new law simplifying birth registration procedures, which enabled birth certificates to be issued before the mother and child are discharged from the hospital; such an effort may make Moldovan citizens less vulnerable to trafficking because they will have legitimate identification documents. In 2009, members from the National Center for Combating Trafficking in Persons participated in 10 interviews

broadcast on radio and TV and again conducted seminars on trafficking prevention in schools and universities and provided outreach to church leaders. The government did not conduct awareness activities aimed at reducing the demand for commercial sex.

MONGOLIA (Tier 2)

Mongolia is a source country, and to a much lesser extent, a destination for men, women, and children who are subjected to trafficking in persons, specifically forced prostitution and forced labor. Mongolian men, women, and children are found in these conditions in China, Macau, Malaysia, South Korea, and Hong Kong. Mongolian men and women have been found in conditions of forced labor in Turkey, Kazakhstan, and the Czech Republic. Visa-free travel of Mongolians to Turkey has resulted in a significant increase in the number of both labor and sex trafficking cases of Mongolian labor migrants in Turkey. There remain concerns about involuntary child labor in the Mongolian construction, mining, and industrial sectors, where children are vulnerable to injury and face severe health hazards. The problem of Mongolian women subjected to conditions of involuntary servitude after engaging in brokered marriages – mainly to South Korean men – continues. Trafficking within Mongolia often involves women and girls forced to work in saunas or massage parlors where they are subjected to forced prostitution. Anecdotal reports continue to indicate that South Korean and Japanese tourists engage in child sex tourism in Mongolia.

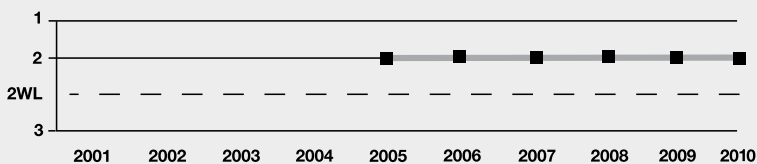
The Government of Mongolia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government sustained partnerships with NGOs on anti-trafficking prevention measures. Nevertheless, the government did not demonstrate adequate efforts to proactively identify and protect victims of trafficking, leading to few victims coming forward to assist in the prosecution of their traffickers. The government's lack of adequate guidance on the use of the country's amended anti-trafficking article of law continues to cause courts to charge trafficking offenders under a lesser offense, resulting in shorter sentences. Corruption remains a key barrier to anti-trafficking progress.

Recommendations for Mongolia: Increase cooperation with civil society to train prosecutors and judicial officials to encourage the effective use of Article 113 to prosecute trafficking offenders; amend relevant laws or criminal justice procedures to allow authorities to proactively investigate and prosecute trafficking cases; pass a law to ensure the provision of victim and witness protection; establish a central anti-trafficking police unit; increase efforts to investigate and prosecute government officials complicit in trafficking; create and implement formal victim identification procedures and train police and border officials to identify trafficking victims and refer them to appropriate victim services; increase cooperation with NGOs providing victim assistance; cease the employment of North Korean contract laborers, whose treatment by North Korean authorities may constitute trafficking; implement and support a visible anti-trafficking awareness campaign directed at clients of the sex trade; make efforts to track law enforcement statistics on trafficking cases and trafficking victims identified and assisted by authorities; and continue collaboration with international organizations and civil society to build capacity to combat trafficking in persons.

Prosecution

The Mongolian government continued its efforts to enforce anti-trafficking laws during the reporting period. Mongolia prohibits all forms of human trafficking through Article 113 of Mongolia's Criminal Code, which was amended in 2007 and which prescribes penalties that are sufficiently stringent – up to 15 years' imprisonment – and commensurate with those penalties prescribed for other serious offenses, such as rape. In spite of significant legal and technical assistance from foreign donors, Mongolia's Supreme Court has interpreted the amended Article 113 in a way that has created ambiguities as to when prosecutors and judges should apply the law. This interpretation by the country's highest court, which notes that individuals who know they are being transported for sex work cannot be classified as trafficking victims under Article 113, is in violation of the 2000 UN TIP Protocol, which Mongolia has ratified. The Supreme Court's interpretation continues to confuse judicial officials, causing trafficking offenders to be prosecuted under the lesser offense of forced prostitution (Article 124). The government prosecuted 11 individuals in four trafficking

MONGOLIA TIER RANKING BY YEAR



During the year, the first ever documented case of Mongolia as a destination country involved two Filipina women who became victims of involuntary domestic servitude in the homes of wealthy Mongolian families after responding to online advertisements for work. Many victims originally sought employment through fraudulent newspaper or television advertisements, and traffickers continue to use technology like "TV Chat" to lure victims. Many victims are recruited by acquaintances, friends, and family, and victims often have their travel documents confiscated. Around 250 North Koreans are employed in Mongolia as contract laborers – an increase from 150 last year, despite concerns that North Korean workers overseas do not appear to be free to leave their employment, have their freedom of movement and communication restricted, and receive an unknown fraction of the money paid to the North Korean government for their work.

cases under Article 113, and secured convictions of nine trafficking offenders, all of whom were sex trafficking offenders, compared with 11 convictions in the previous reporting period. The government has never prosecuted an offender of labor trafficking, and the Supreme Court's narrow interpretation of Article 113 serves as an impediment to the prosecution of labor trafficking cases in Mongolia. Those convicted under Article 113 received sentences of six to 15 years' imprisonment. An additional five sex trafficking offenders were convicted under Article 124, two of whom were sentenced to one year's imprisonment; the remaining three have not yet been sentenced. In September 2009, due to the misclassification of a trafficking case that was prosecuted under Article 124 instead of Article 113, the government granted amnesty to a trafficker who was convicted of raping and forcing a girl into prostitution. As a result, the offender did not serve any time in prison. In October 2009, Mongolian courts ordered trafficking offenders to compensate five victims trafficked to Macau \$3,000 each, in addition to significant imposed jail sentences; this decision is under appeal. According to Mongolian law, criminal cases are only initiated upon a victim's complaint, and victims are required to assist in the prosecution of their traffickers. This requirement, along with the lack of victim and witness protection mechanisms in Mongolia, causes many victims to refuse to report to police instances of trafficking out of fear of retribution from their traffickers, and restricts their ability to obtain restitution from courts. Corruption among law enforcement personnel remains a significant problem in Mongolia and a barrier to anti-trafficking progress, though the government has never investigated or taken disciplinary actions against law enforcement officers involved in trafficking-related corruption. In November 2009, police authorities of the border town Zamyn-Uud signed a memorandum of understanding with counterparts in the adjacent Chinese border town of Erlian covering cooperation against human trafficking.

Protection

During the reporting period, the government referred 18 victims to an NGO shelter. The NGO reported assisting these victims, and identifying and assisting an additional 61 victims not identified by the government, most of whom were referred from friends and family members of victims. The government did not demonstrate use of systematic procedures to proactively identify victims of trafficking among vulnerable groups, such as women detained for involvement in prostitution, or migrant laborers returning from abroad, and did not maintain statistics on the number of trafficking victims identified by authorities. The government did not provide specialized training to officials on victim identification. Victims were sometimes punished for unlawful acts committed as a direct result of their being trafficked, such as being prosecuted on prostitution charges. Officials did not refer trafficking victims to appropriate services. The government did not run any shelters for victims of trafficking, nor did it provide direct assistance to

Mongolian trafficking victims repatriated from other countries or foreign victims of trafficking identified in Mongolia. The government provided \$10,000 to the National Center Against Violence, which primarily sheltered domestic violence victims but also sometimes shelters trafficking victims. The government provided one NGO with \$3,000 to counsel and assist children vulnerable to trafficking. Although the government encouraged victims to assist in the investigation and prosecution of trafficking offenders, Mongolian law continued to lack protection provisions for victims who served as prosecution witnesses, which put victims in great danger. The Mongolian government provided legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship.

Prevention

The Government of Mongolia continued modest trafficking prevention activities through partnerships with NGOs, international organizations, and foreign donors. Officials continued the distribution of NGO-sponsored passport and train ticket inserts on the dangers of trafficking and resources available for victims to some Mongolians traveling abroad. With NGO funding, the government cooperated on the production of public service announcements to raise public awareness about trafficking, and broadcasted them on television channels. During the reporting period, Mongolia forged partnerships with Kazakhstan and the OSCE to host an international workshop on trafficking. The government did not take any measures during the reporting period to reduce the demand for commercial sex acts. Mongolian troops were briefed on the criminal nature of solicitation of prostitution, but did not receive training specific to human trafficking.

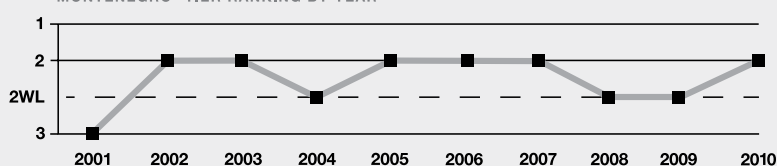
MONTENEGRO (Tier 2)

Montenegro is a transit, source, and destination country for men, women, and girls who are subjected to trafficking in persons, specifically conditions of forced prostitution and forced labor. Trafficking victims are mostly females from Ukraine, Moldova, Serbia, Albania, and Kosovo, who migrate or are smuggled through the country *en route* to other destinations and subjected to conditions of forced prostitution in Montenegro. Roma children are coerced into organized street begging in the country. According to NGOs and international experts, mainly foreign men and boys are subjected to forced labor in Montenegro's growing construction industry. Montenegrin women and girls are subjected to forced prostitution within the country and in other Balkan countries; anecdotal reports indicate at least one Montenegrin girl was subjected to conditions of forced prostitution in Serbia during the reporting period. Anecdotal reports in 2009 also indicated some women and girls from Kosovo and other countries in this region are subjected to conditions of forced prostitution in Montenegro. Criminal networks operating in Montenegro's expanding tourism industry are reportedly engaged in trafficking for the purpose

forced prostitution. According to the Human Rights Commissioner for the Council of Europe, several sources question the Montenegrin government's official stance that Montenegro does not have a considerable trafficking problem.

The Government of Montenegro does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Montenegro made some important progress during the reporting period and, for the first time, publically acknowledged a trafficking problem in Montenegro. During 2009, the government improved the referral of some potential victims to providers of victim assistance, took initial steps to address trafficking-related complicity, and implemented anti-trafficking prevention programs aimed at vulnerable populations in Montenegro. However, NGOs and international organizations continued to report insufficient capacity among relevant government agencies to identify potential trafficking victims. Moreover, trafficking-related complicity impeded the government's ability to genuinely tackle its trafficking problem. Despite conducting numerous labor inspections of construction sites throughout the year, the government did not identify any suspected victims of forced labor in the construction sector during the year.

MONTENEGRO* TIER RANKING BY YEAR



* Serbia and Montenegro were a Union Republic until June 5, 2006.

Recommendations for Montenegro: Vigorously investigate and aggressively prosecute sex trafficking and labor trafficking crimes in Montenegro, and convict and sentence trafficking offenders, including public officials complicit in trafficking; increase efforts to identify potential victims among vulnerable groups, such as women arrested for prostitution violations, undocumented migrants, refugees and displaced persons – particularly Roma – and child beggars, and refer them to the government shelter or NGO service providers; improve protections for potential victim witnesses to empower more victims to become witnesses who testify against their traffickers; improve specific protections for child victims of trafficking; and improve anti-trafficking training for labor inspectors to increase identification of potential forced labor victims.

Prosecution

The Government of Montenegro demonstrated some improvement in its law enforcement response to human trafficking in 2009. Montenegro prohibits sex and labor trafficking through Article 444 of its criminal code, which prescribes penalties of up to 10 years' imprisonment – penalties that are sufficiently stringent and commensurate

with those prescribed for rape. In 2009, the government investigated and prosecuted 14 trafficking suspects and convicted 11 trafficking offenders; courts acquitted three persons. Sentences imposed on the 11 convicted offenders ranged from one to five years in prison. According to the government, five convicted traffickers were actually serving their sentences at the time of this report. Under Montenegrin law, some convicted offenders, including traffickers, were entitled to four weekend furloughs a year, if they met certain conditions and have completed two-thirds of their jail time. During the reporting period, the government arrested and initiated prosecutions of 10 adults for organizing and forcing their own relatives, young Roma children, to beg. The government, through its anti-trafficking National Coordinator, established a mechanism to greatly improve the government's ability to provide information on its anti-trafficking law enforcement efforts in 2009. According to a Council of Europe's 2009 Report, corruption involving low-level law enforcement and customs officials hampered the government's anti-trafficking efforts, particularly with officers working overtime providing security in bars and nightclubs. Notably, in February 2010, law enforcement officers arrested three policemen working as guards in night clubs in Podgorica and Ulcin for their suspected involvement in the forced prostitution of girls. The government, however, subsequently charged these officers for abuse of authority. The government continued to mandate that all police trainees receive anti-trafficking training at an academy in Danilovgrad and continued to ensure one officer in each police station in Montenegro to handle trafficking cases. Throughout the year, the National Coordinator's office organized and funded anti-trafficking training of law enforcement personnel, members of the judiciary, and other stakeholders; through partnerships with the government, anti-trafficking NGOs provided government officials with specific training on the identification of trafficking victims and sensitive questioning techniques.

Protection

The Government of Montenegro made important progress in protecting trafficking victims in 2009. NGOs continued to report, however, that the government's implementation of victim identification procedures remained inadequate. The government funded a trafficking victim shelter during the reporting period, providing approximately \$109,200 to cover the costs of the NGO's provision of psychological care, legal aid, and vocational training to trafficking victims. The government improved its implementation of a formal victim referral mechanism, evident in its referral of an increased number of potential sex trafficking victims for care in 2009 – 13, compared with only two referred in 2008. Police also referred a higher number of Roma children subjected to conditions of forced begging in 2009. The government provided temporary care and shelter for most of these rescued children in the Center for Children and Youth. However, many of the suspected traffickers were believed to be the victim's relatives; 76 of these victims were returned to their places

of residence in Serbia and Bosnia and Herzegovina. Local police misunderstanding of trafficking continued to be an impediment to proper victim identification; one international expert reported that police sometimes accused trafficking victims of being mentally disturbed.

During 2009, Montenegrin authorities conducted 13,518 labor inspections of construction sites and found 8,320 violations of labor standards, though there were no suspected victims of forced labor identified as a result of these inspections. The government encouraged victims to participate in the investigations or prosecutions of trafficking offenders, though in practice, few victims cooperated with authorities beyond giving statements to the police due to fear of reprisals. NGOs reported that victims often changed their initial statements to police out of fear. The government reported that it ensured that trafficking victims were not penalized for unlawful acts committed as a direct result of their being trafficked. The government reported it offered potential trafficking victims temporary residency status in Montenegro; however none of the potential trafficking victims chose to apply for this status in 2009.

Prevention

The Montenegrin government intensified its efforts in the prevention of human trafficking during the year, and for the first time, it acknowledged a human trafficking problem in Montenegro. During the reporting period, the government continued to fund various public awareness campaigns in partnership with international organizations to educate potential victims about trafficking. This included organizing roundtable discussions, anti-trafficking workshops, and poster and hotline advertisements; holding classes in schools; distributing anti-trafficking brochures and passport inserts; posting anti-trafficking billboards; and producing and broadcasting a trafficking documentary. Further, the government updated its website to increase anti-trafficking information provided to the public.

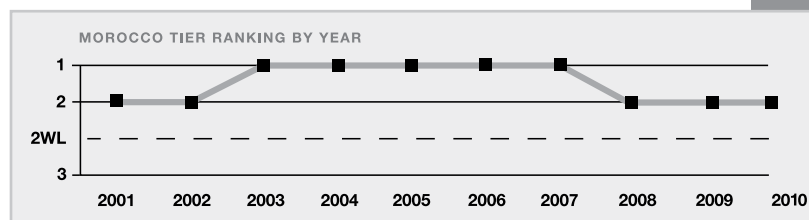
In October 2009, the government, in partnership with an NGO forum, conducted training on recognizing trafficked children in an orphanage in Bijela and among Roma children in the Konik refugee camp in Podgorica. In February 2010, the national anti-trafficking Office of TIP Coordinator, in coordination with OSCE organized a regional conference of national coordinators in the Balkans.

MOROCCO (Tier 2)

Morocco is a source, destination, and transit country for men, women, and children who are subjected to trafficking in persons, specifically forced labor and forced prostitution. Children are trafficked within the country from rural areas to urban centers to work as maids or laborers, or for commercial sexual exploitation. Moroccan men, women, and children are exploited for forced labor and prostitution in European and Middle Eastern countries. Young Moroccan girls from rural

areas are recruited to work as child maids in cities, but often experience non-payment of wages, threats, and physical or sexual abuse, and sometimes face restrictions on movement. These practices indicate that these girls are subjected to involuntary servitude. Moroccan boys experience forced labor as apprentices in the artisan and construction industries and in mechanic shops. Moroccan women are forced into prostitution in Gulf States – including the United Arab Emirates and Bahrain – Jordan, Libya, Syria, and European countries; some of them experience restrictions on movement, threats, and emotional and physical abuse. Some Moroccan men reportedly are promised jobs in the Gulf but experience confiscation of their passports and are coerced into debt bondage after arrival. A few Moroccan men and boys are lured to Europe by fraudulent job offers, and are subsequently forced to sell drugs. In addition, men and women from sub-Saharan Africa, South Asia, and the Philippines enter Morocco voluntarily but illegally with the assistance of smugglers; once in Morocco, some of the women are coerced into prostitution or, less frequently, forced into domestic service. Nigerian gangs, who engage in a variety of criminal activities like people smuggling and drug trafficking, compete to control the trafficking of sub-Saharan Africans in Morocco.

The Government of Morocco does not comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government convicted one person who subjected a 13 year-old child domestic worker to forced labor, though it continued to lack overall progress in the following areas: convicting and punishing trafficking offenders with punishments commensurate with the heinous nature of the offense; proactively identifying trafficking victims among vulnerable groups; and ensuring that foreign trafficking victims are not subject to arrest and deportation. The government also continues to conflate migrant smuggling and human trafficking.



Recommendations for Morocco: Enact comprehensive anti-trafficking legislation that increases prescribed penalties for forced labor; significantly increase prosecutions of trafficking offenders; institute a victim identification mechanism; ensure that identified victims are not punished for acts committed as a direct result of being trafficked; encourage victims to participate in investigations against their traffickers, including by offering relief from deportation; improve data collection and reporting, including the disaggregation of data between human trafficking and people smuggling; ensure

that potential trafficking victims do not suffer physical abuse at the hands of Moroccan police; conduct public awareness campaigns, encompassing child sex tourism; and heed the recommendations of the IOM's recent report on human trafficking in Morocco.

Prosecution

The Government of Morocco made progress in investigating trafficking offenses and punishing trafficking offenders during the reporting period. Moroccan law appears to prohibit all forms of trafficking. Its Penal Code prohibits forced child labor through Article 467, forced labor through Article 10, and forced prostitution and prostitution of a minor through Articles 497-499. The Government of Morocco reports that it also employs the Immigration Law of 2003 and other statutes, such as those prohibiting kidnapping, fraud, and coercion, to prosecute trafficking offenses; however, it has not provided any information on cases tried under these laws. Penalties prescribed by these various statutes for sex trafficking offenses are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In contrast, penalties prescribed for labor trafficking offenses appear not to be sufficiently stringent; penalties for child labor under Article 467 range from one to three years' imprisonment, while general penalties for forced labor under Article 10 are limited to fines for first-time offenders or six days' to three months' imprisonment for repeat offenders. The government took criminal action against at least one high-profile case of physical or sexual abuse of child domestic workers. In October 2009, a court convicted the wife of a judge who subjected a child domestic worker to forced labor; she was convicted of intentional assault and battery on a child under the age of 15, as well as the use of a weapon with malicious intent, and sentenced to three and a half years' imprisonment. The Ministry of Justice reported that it prosecuted 138 individuals for exploitation of a child for begging and 203 individuals for facilitating the prostitution of a child for the most recent year in which data was available; it is unclear how many, if any, of these prosecutions involved human trafficking offenses. Their sentences ranged from one month to two years' imprisonment. The government reported that it broke up 130 trafficking or smuggling rings in 2009. However, the government made no distinction between migrant smuggling and trafficking, so it was unclear how many, if any, were truly human trafficking rings.

Protection

Morocco made limited progress in protecting victims of trafficking over the last year. Foreign trafficking victims are often treated as undocumented migrants, subject to arrest and deportation. Government officials continued to detain and deport large numbers of undocumented sub-Saharan migrants without taking adequate steps to identify trafficking victims among them. These detained migrants, some of whom may have been trafficking victims, were usually left at the Algerian border, often without food or water. There were reports that some were

robbed, assaulted, and sexually abused by criminal gangs that operate in the area. The government did not offer legal alternatives to the removal of foreign victims of trafficking to countries where they might face retribution or hardship. Morocco does not encourage victims to participate in investigations against their traffickers. Some victims reportedly testified but were subsequently deported. Sub-Saharan African women who are forced into prostitution in Morocco were not likely to report crimes for fear of being deported. NGOs provided most services to domestic victims of trafficking. Undocumented migrants – some of whom may have been trafficking victims – reportedly suffered physical abuse at the hands of Moroccan police. Government-operated Child Protection Units in Casablanca and Marrakesh offered assistance to street children and other victims of violence, abuse, and sexual exploitation, possibly including victims of trafficking. The government also operated a hotline that referred women and children who are victims of violence and sexual assault to women's groups for possible assistance. It is uncertain if any trafficking victims were identified or protected through the hotline in the reporting period. According to the Ministry of Foreign Affairs, Moroccan diplomatic missions provided assistance to Moroccans who were trafficked abroad.

Prevention

The Moroccan government made some efforts in preventing human trafficking over the last year. The government included anti-human trafficking modules in training programs for the Royal Gendarmerie, the Auxiliary Forces, and the police. In April 2009, the Ministry of Justice conducted an awareness raising course for magistrates about victim protection and working with trafficking victims who have been affected by violence or sexual exploitation. The government's labor inspectors, who were appointed as child labor focal points in each of the 45 inspector offices, received training from an international organization during the year. Authorities did not raise public awareness of the commercial sexual exploitation of children and women and did not take any reported measures to reduce the demand for commercial sex acts. The Moroccan government provided birth certificates for all nationals, including children in isolated rural areas, and issued national identity cards for all citizens on their 18th birthday. All Moroccan soldiers participating in UN peacekeeping missions receive training on the issue of commercial sexual exploitation. The Moroccan government cooperated with the IOM in preparing a publically available report that included a comprehensive overview of the government's strengths and weaknesses on trafficking issues and included recommendations for legislative and policy reforms. Morocco is not a party to the 2000 UN TIP Protocol.

MOZAMBIQUE (Tier 2 Watch List)

Mozambique is a source and, to a much lesser extent, a destination country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. The use of forced and bonded child laborers is common in rural areas of the country, often with the complicity of family members. Women and girls from these rural areas are also lured to cities with promises of employment or education, as well as to South Africa for involuntary domestic servitude and forced prostitution. NGOs report that Mozambican victims of sex traffickers were taken by traffickers to “training centers” in Swaziland and South Africa in preparation for an expected increase in demand for prostitution during the 2010 World Cup. Young Mozambican men and boys are subjected to conditions of forced labor in South African farms and mines; they often labor for months in South Africa without pay and under coercive conditions before being turned over to police for deportation as illegal migrants. Mozambican adults are subjected to forced labor and forced prostitution in Portugal. Women and girls from Zimbabwe and Malawi who voluntarily migrate to Mozambique continue to be manipulated by traffickers into forced prostitution and domestic servitude subsequent to their arrival. Traffickers are typically part of loose, informal networks of Mozambican or South African citizens; however, larger Chinese and reportedly Nigerian trafficking syndicates are also active in Mozambique. Human traffickers’ internal and cross-border routes are also used to smuggle illicit drugs; often the same facilitators transport both drugs and trafficked victims. In addition, South Asian alien smugglers who move South Asian undocumented migrants throughout Africa reportedly also transport trafficking victims through Mozambique. Internal and transnational trafficking in persons for the purposes of forcible organ removal to support an off-shoot of the traditional healing industry in South Africa and Mozambique is significant. Witch doctors in Mozambique and other countries forcibly remove various body parts from children and adults, either while the victims are still alive or immediately following violent death, for use in “traditional” medical concoctions intended to heal illness, foster economic advancement, or hurt enemies.

The Government of Mozambique does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, including work on the development of implementing regulations for its new anti-trafficking law, the government did not show evidence of increasing efforts to address human trafficking, particularly efforts to prosecute or convict trafficking offenders as it has done in the past, or to investigate continuing reports of government officials’ complicity in trafficking crimes. Therefore, Mozambique is placed on Tier 2 Watch List.

Recommendations for Mozambique: Take concrete steps to implement regulations for the 2008 anti-trafficking law; make greater efforts to prosecute, convict, and punish trafficking offenders; launch a nationwide public awareness campaign; build the capacity of the police anti-trafficking unit and victim support units to investigate cases and provide short-term protection to victims; and investigate reports of official complicity in human trafficking and vigorously prosecute, where appropriate, those implicated in trafficking offenses.

Prosecution

The government demonstrated minimal progress in its anti-trafficking law enforcement efforts during the reporting period. In September 2008, the government enacted a new comprehensive human trafficking law. The law prescribes penalties of 16 to 20 years’ imprisonment for those recruiting or facilitating the exploitation of a person for purposes of prostitution, forced labor, slavery, or involuntary debt servitude; these penalties are sufficiently stringent and exceed those for other serious crimes. During 2009, the government again budgeted \$360,000 to support enforcement of the law and for a second year did not allocate this funding to any government entity. Implementing regulations for the law have not been issued; without these regulations, the police were not generally in a position to arrest suspected trafficking offenders and conduct an investigation that could successfully support a court case. The government formed partnerships with NGOs to provide anti-trafficking seminars for new police officers throughout the country. Police reported arresting trafficking offenders and breaking up several trafficking schemes during the year, including the arrest of at least one suspected trafficking ringleader. In January 2010, police arrested a man in Beira for allegedly running a criminal ring involved in the sale of hard drugs and in sex trafficking. The media reported that the suspect had at least one police officer on her payroll. In March 2010, police arrested eight traffickers after being alerted by undercover journalists that the traffickers had offered to “sell” them several girls and women. Within weeks, all of the suspects were released on bail. Traffickers commonly bribed law enforcement officials to allow their movement of trafficking victims internally and across national borders into South Africa and Swaziland, sometimes without passports. There is no evidence of widespread government involvement in or tolerance of trafficking; however, there are known cases of government officials facilitating human trafficking. No officials have been investigated, detained, or prosecuted for complicity in trafficking crimes. For the first time, police began to keep statistics on trafficking victims; this data was not available at the time of publication.

Protection

The Mozambican government showed little progress in its efforts to protect victims, as it continued to suffer from limited resources and a lack of political commitment. Funding for victims’ assistance remained rudimentary,

and government officials regularly relied on NGOs to provide shelter, counseling, food, and rehabilitation. The government continued to lack formalized procedures for identifying potential victims of trafficking and referring them to organizations providing protective services. The Office of Assistance to Women and Vulnerable Children continued its partnership with a network of anti-trafficking NGOs to respond quickly to tips on potential trafficking cases and provide care and protection to victims. UNICEF helped police establish the first-ever police station specifically designed to assist women and children, including trafficking victims, in Maputo. A dedicated toll-free number, "116," became fully operational in November 2009, allowing persons to report crimes against children, including trafficking. Line "116" received 5,239 calls from November through December 2009, though it is not known how many of these were related to human trafficking. An NGO managed the country's only permanent shelter for child trafficking victims, which operated on land donated by the Moamba District government. The government encouraged victims to assist in the investigation and prosecution of traffickers and did not penalize victims for unlawful acts committed as a direct result of being trafficked. The government did not provide legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution.

to develop an anti-trafficking strategy for the 2010 World Cup, which may increase the incidence of trafficked Mozambicans transported to South Africa for commercial sexual exploitation, but implementation was poor. The government did not take any significant measures to reduce the demand for forced labor or commercial sex acts during the year.

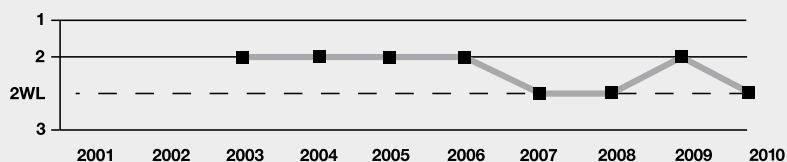
NAMIBIA (Tier 2)

Namibia is a country of origin, transit, and destination for foreign and Namibian women and children, and possibly for men subjected to trafficking in persons, specifically conditions of forced labor and forced prostitution. Traffickers exploit Namibian children, as well as children from Angola and Zambia, through forced labor in agriculture, cattle herding, involuntary domestic servitude, charcoal production, and commercial sexual exploitation. In some cases, Namibian parents unwittingly sell their children to traffickers. Reports indicate that vulnerable Namibian children are recruited for forced prostitution in Angola and South Africa, typically by truck drivers. There is also some evidence that traffickers move Namibian women to South Africa and South African women to Namibia to be exploited in forced prostitution. Namibian women and children, including orphans, from rural areas are the most vulnerable to trafficking. Victims are lured by traffickers to urban centers and commercial farms with promises of legitimate work for good wages they may never receive. Some adults subject children to whom they are distantly related to forced labor or commercial sexual exploitation. Small business owners and farmers may also participate in trafficking crimes against women or children. Victims are forced to work long hours to carry out hazardous tasks, and may be beaten or raped by traffickers or third parties.

The Government of Namibia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government created a national database on gender-based violence which will include statistics of trafficking and child labor victims, cooperated in a baseline study to assess the scope and scale of its trafficking in persons problem, investigated child labor cases, rescued child victims of labor trafficking, and began renovating buildings to use as shelters for trafficking victims. No suspected trafficking offenders, however, were prosecuted, and traffickers involved in cases of forced child labor received insufficient civil punishments.

Recommendations for Namibia: Use the new anti-trafficking legislation, the Prevention of Organized Crime Act, to prosecute sex and labor trafficking offenses and adequately punish trafficking offenders; conduct additional national anti-trafficking public awareness campaigns, particularly in the border areas; provide further training to law enforcement and social service personnel on the identification and provision of

MOZAMBIQUE TIER RANKING BY YEAR



Prevention

The government's prevention efforts remained weak during the reporting period. The government did not launch a nationwide campaign to foster awareness of trafficking among government officials and private citizens. As a result, most Mozambicans, including many law enforcement officials, reportedly lacked a clear understanding of what constitutes trafficking. Officials met regularly with the Anti-Trafficking Forum, which provided a mechanism through which the government and its NGO partners could discuss trafficking issues and coordinate their anti-trafficking activities. Most anti-trafficking educational workshops were run by NGOs with some government participation. Media coverage of trafficking cases or issues significantly diminished over the past year, although a sting operation which led to the arrest of eight Mozambican and Chinese sex traffickers in March 2010 was featured prominently in the news. Law enforcement officials and partner NGOs monitored major border crossings and immigration patterns for indications of potential trafficking victims, but these officials remained prone to complicity with traffickers. The Ministry of Justice worked with a network of NGOs