

COUNTRY NARRATIVES

AFGHANISTAN (Tier 2 Watch List)

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

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

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

The United Nations reported that children were associated with the Afghan National Police (ANP) during the year. The government is taking measures to improve the age-verification systems of the ANP. Children from ages 12 to 16 years are used as suicide bombers by the Taliban. Some children have been tricked or forced to become suicide bombers. Others are heavily indoctrinated or are not

aware that they are carrying explosives that are then set off remotely without their knowledge. Some child soldiers used by insurgent groups were sexually exploited. Boys are sometimes promised enrollment in Islamic schools in Pakistan and Iran, but instead are trafficked to camps for paramilitary training by extremist groups.

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

Recommendations for Afghanistan: Increase law enforcement activities against trafficking using the 2008 anti-trafficking law, including prosecutions, convictions, and imprisonment for acts of trafficking for commercial sexual exploitation and forced labor, including debt bondage; ensure that victims of trafficking are not punished for unlawful acts committed as a direct result of being trafficked, such as prostitution or adultery; ensure that government actors no longer conflate the crimes of kidnapping, human trafficking, and human smuggling; collaborate with NGOs to ensure that all children, including boys, victimized by sex and labor trafficking receive protective services; and undertake initiatives to prevent trafficking, such as continuing a public awareness campaign to warn at-risk populations of the dangers of trafficking.

Prosecution

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

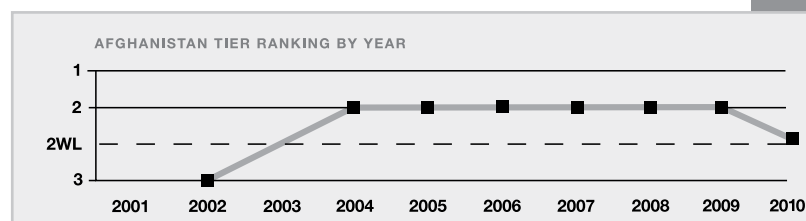
with smuggling and abductions, it is not clear whether all of these prosecutions and arrests were for trafficking. The government did not report whether the arrests, investigations, and prosecutions were under the counter-trafficking law. The Afghanistan government did not provide information on human trafficking convictions. The government reported difficulty engaging Pakistani authorities for joint investigation of transnational trafficking cases. There was no evidence that the government made any efforts to investigate, arrest, or prosecute government officials facilitating trafficking offenses despite reports of national and border police and workers in government-run orphanages who facilitated trafficking or raped sex trafficking victims. The International Organization for Migration (IOM) and a foreign government provided separate trainings to police, prosecutors, judges, and other government officials, which included components on identifying victims of trafficking and distinguishing trafficking and smuggling cases.

Protection

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

prostitution. The anti-trafficking law permits foreign victims to remain in Afghanistan for at least six months; there were no reports of foreign victims making use of this provision of immigration relief.

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



Prevention

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

ALBANIA (Tier 2)

Albania is a source country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor, including the forced begging of children. Albanian victims are subjected to conditions of forced labor and sex trafficking within Albania and Greece, Italy, Macedonia, Kosovo, and Western Europe. Approximately half of the victims referred for care within the country in 2009 were Albanian; these were primarily women and girls subjected to conditions of forced prostitution in hotels and private residences in Tirana, Durres, and Vlora. Children were primarily exploited for begging and other forms of forced labor. There is evidence that Albanian men have been subjected to conditions of forced labor in the agricultural sector of Greece and other neighboring countries.

The Government of Albania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to improve its capacity to identify, protect, and reintegrate trafficking victims. It also successfully prosecuted some sex trafficking offenders, leading to significant penalties imposed on them during the reporting period. In March 2009, the government approved an amendment to the Social Assistance law which will provide victims of trafficking with the same social benefits accorded to other at-risk groups in Albania and provide government funding for shelters. The government continues to track and analyze trafficking trends through a nationwide database. Government officials have increased public attention to trafficking in Albania. There were serious concerns, however, about protection for victims who testified against their traffickers. The government did not vigorously prosecute labor trafficking offenders and did not adequately address trafficking-related complicity. Lack of political will and cooperation in some key government agencies hampered the government's overall ability to vigorously prosecute all forms of trafficking.

within the Prosecutor General's office; consider establishing a general fund for victim protection and reintegration using assets seized by the Serious Crimes Court from convicted trafficking offenders; finalize the draft law that provides reintegration assistance to victims after they leave a shelter and assistance to shelters; improve identification, protection and specialized services for child trafficking victims; aggressively prosecute labor trafficking offenders and law enforcement officials who are complicit in human trafficking; and continue to improve data collection and analysis efforts in tracking investigations, prosecutions, and convictions.

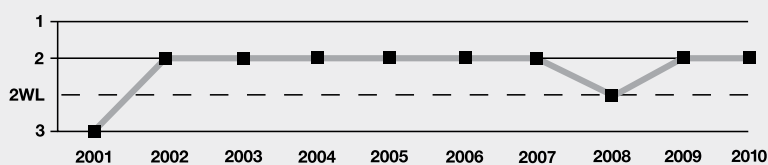
Prosecution

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

Protection

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

ALBANIA TIER RANKING BY YEAR



Recommendations for Albania: Ensure proactive identification of persons exploited within Albania's sex trade and labor sectors, and intensify partnerships with NGOs to increase detection and referral of all trafficking victims; improve the safety of victims who cooperate as court witnesses by more vigorously implementing the witness protection law for such victims and follow through on plans to create a victim-witness advocate

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

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

Prevention

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

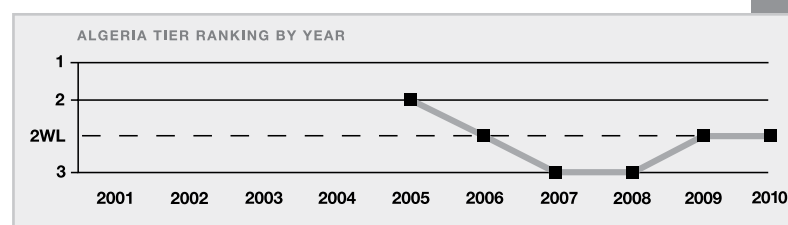
ALGERIA (Tier 2 Watch List)

Algeria is a transit and, to a lesser extent, destination country for men and women subjected to trafficking in persons, specifically forced labor and forced prostitution.

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

The Government of Algeria does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government helped formulate a training program for police, judges, and prosecutors on its counter-trafficking law. Despite these efforts, the government did not show overall progress in punishing trafficking crimes and protecting trafficking victims and continued to lack adequate prevention and protection measures; therefore, Algeria is placed on Tier 2 Watch List for the second consecutive year.

Recommendations for Algeria: Proactively implement the new anti-trafficking law by training law enforcement and judicial officials, investigating potential offenses and prosecuting offenders, and establishing necessary legal structures; strengthen the institutional capacity to identify victims of trafficking among illegal migrants; improve services available to trafficking victims, such as shelter, medical, psychological, and legal aid; ensure victims are not punished for unlawful acts committed as a direct result of being trafficked; and undertake a campaign to increase public awareness of trafficking.



Prosecution

The Algerian government made minimal efforts to address human trafficking through investigations, prosecutions, or convictions during the reporting period. Algeria prohibits all forms of trafficking under Section 5 of its criminal code. In March 2009, the government enacted a comprehensive anti-trafficking statute; prescribed penalties range from three to ten years' imprisonment, which can be increased to 20 years if certain aggravating circumstances are found. These penalties are sufficiently stringent and commensurate with those prescribed under Algerian law for other serious

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

Protection

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

Prevention

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

ANGOLA (Tier 2)

Angola is a source and destination country for men, women, and children subjected to trafficking for men, women, and children subjected to trafficking in persons, specifically conditions of forced prostitution and forced labor. Internally, trafficking victims are forced to labor in agriculture, construction, domestic servitude, and reportedly in artisanal diamond mines. Angolan women and children more often become victims of internal rather than transnational sex trafficking. Women and children are trafficked to South Africa, the Democratic Republic of the Congo (DRC), Namibia, and European nations, primarily Portugal. Traffickers take boys to Namibia for forced labor in cattle herding. Children are also forced

to act as couriers in illegal cross-border trade between Namibia and Angola as part of a scheme to skirt import fees. Illegal migrants from the DRC voluntarily enter Angola's diamond-mining districts, where some are later reportedly subjected to forced labor or prostitution in the mining camps.

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

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

Prosecution

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

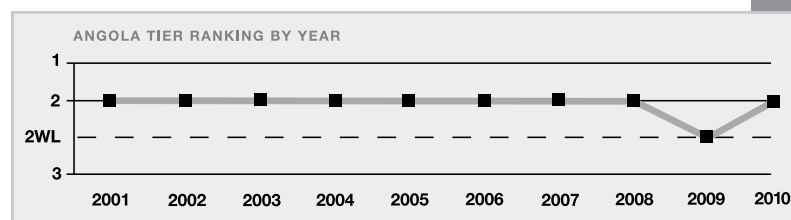
law enforcement officials, 40 prosecutors, 26 NGOs, and 51 stakeholders in trafficking awareness and effective measures to counter trafficking. At the local level, police and military officials have been implicated in facilitating the illegal entry of foreigners into the diamond-mining provinces of Lunda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

Protection

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

Prevention

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



ANTIGUA AND BARBUDA (Tier 2)

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

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

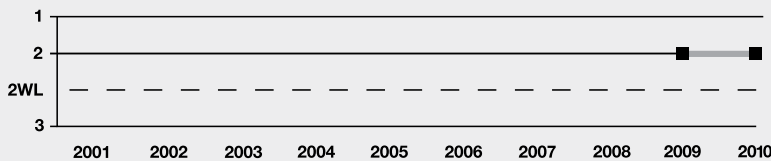
The Government of Antigua and Barbuda does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite limited resources and a relatively small number of victims, the government identified possible cases of human trafficking, provided training to law enforcement officials, provided victims with shelter and services, and continued to run public awareness and education programs. No trafficking offenders have been arrested or prosecuted, however, and law enforcement officers continue to treat some probable victims as criminals.

sufficiently stringent and commensurate with penalties prescribed for other serious crimes. There were no reported efforts to prosecute trafficking offenders under existing laws covering forced adult or child labor. Labor officials reportedly inspected workplaces periodically, and reported no instances of the forced labor of children or adults. Law enforcement and immigration agencies did not yet have sufficient training, funding, and equipment to effectively follow up on requests from the anti-trafficking coalition to investigate suspected cases of sexual and domestic servitude. Immigration officers continued to summarily deport foreign women found engaging in illegal prostitution without first determining whether the women were possible victims of sex trafficking. Under Antiguan law, it is a crime for employers to confiscate their employees’ passports or other identity and travel documents. Police helped probable trafficking victims to recover their passports and other personal documents that had been confiscated by their employers. No employers, however, were arrested or prosecuted for illegally depriving their employees of their passports or travel documents. Individual immigration officials were reportedly complicit in the sex trafficking of two women during the year. The Gender Affairs Directorate did not yet receive a satisfactory response to its 2008 request that the immigration department conduct a review of why immigration officials had issued work-permits to foreign women who were almost certain to engage in an illegal activity such as prostitution, and who had indeed been subjected to debt bondage and commercial sexual exploitation after they entered the country.

Protection

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

ANTIGUA & BARBUDA TIER RANKING BY YEAR



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

Prosecution

The Government of Antigua and Barbuda made minimal progress in its anti-human trafficking law enforcement efforts over the last year. Authorities assisted probable victims of trafficking, but no trafficking offenders were arrested or prosecuted during the year. Antiguan law does not specifically prohibit trafficking in persons, although forced and compulsory labor are specifically prohibited in the Constitution. Existing statutes such as Section 18 of the Sexual Offenses Act of 1995 prohibit some sex trafficking offenses as well as trafficking-related offenses, though these were not used to prosecute sex trafficking offenders during the year. Prescribed penalties for forced prostitution of up to 10 years’ imprisonment are

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

Prevention

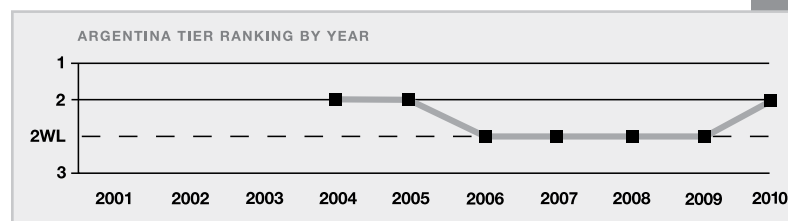
The Government of Antigua and Barbuda sustained modest efforts to prevent human trafficking and increase public awareness of this crime. The government continued to run awareness campaigns, many in English and Spanish, in the form of anti-trafficking brochures and radio spots. Country-wide anti-trafficking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

ARGENTINA (Tier 2)

Argentina is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. Many victims from rural areas or northern provinces are forced into prostitution in urban centers or wealthy provinces in central and southern Argentina. The tri-border area with Paraguay and Brazil is a significant source area for Argentine sex trafficking victims, as well as a transit region for labor trafficking victims from Paraguay. A significant number of foreign women and children, primarily from Paraguay, Brazil, Peru, and

the Dominican Republic, are forced into prostitution in Argentina. Bolivians, Paraguayans, and Peruvians, as well as Colombians and Dominicans, are subjected to forced labor in sweatshops, on farms, and increasingly in grocery stores and as street vendors. Child sex tourism is a problem, particularly in the tri-border area and in Buenos Aires. Argentina is a transit point for foreign women and girls trafficked into commercial sexual exploitation in Chile, Brazil, Mexico, and Western Europe, and some Argentine women and girls are found in forced prostitution in Western Europe. Argentina's long borders are difficult to monitor, making the country a transit area for traffickers and their victims.

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



Recommendations for Argentina: Vigorously implement the new anti-trafficking law; ensure that trafficking prosecutions are not dismissed on the basis of victims' consent; intensify law enforcement efforts to dismantle trafficking networks; increase judicial and prosecutorial efforts to investigate, prosecute, convict, and punish trafficking offenders, including corrupt public officials who may be complicit in trafficking crimes; increase investigations of forced labor and involuntary domestic servitude crimes; dedicate more resources for victim assistance, particularly shelters; enhance victim protections; and increase anti-trafficking training for law enforcement, judges, and other public officials.

Prosecution

The Government of Argentina increased anti-trafficking law enforcement efforts last year. Argentina prohibits all forms of trafficking pursuant to Law 26,364, enacted in April 2008, which prescribes penalties of three to 15 years' imprisonment. Such penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. According to Argentine law, all

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

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

Protection

The government assisted trafficking victims during the reporting period, though international organizations and NGOs provided most specialized victim services. In response to a rising number of Dominican trafficking victims, in 2009, Argentine authorities established an airport interview process to identify trafficking victims among Dominican citizens attempting to enter the country. The National Migration Agency increased its inspections of migrants' living and working conditions in Buenos Aires more than tenfold. The federal government did not operate shelters dedicated solely to trafficking victims, but provided modest funding to some domestic violence shelters at the local level. The majority of trafficking victims were referred to government-operated public shelters, such as domestic violence shelters, or shelters run by local NGOs or religious orders: in some cases, authorities placed victims in hotels or safe houses. There is only one shelter dedicated solely to trafficking victims in Argentina, and it is run by an NGO. Many shelters were oversubscribed, and the quality and level of

victim care varied widely by province. The government did not provide specialized care for adult male victims. After transferring the Office for Rescue and Caring of Victims of Trafficking from the Ministry of the Interior to the Ministry of Justice in 2009, psychologists, social workers, and policy experts were included in law enforcement efforts involving the identification of victims. During the reporting period, the government conducted 254 raids on suspected commercial sex sites and sweatshops and rescued 421 trafficking victims: over three-quarters of these victims were adults. The Office for Rescue and Caring of Victims of Trafficking provided initial post-rescue care, including access to legal, medical, and psychological services. The governments of Salta and Chaco provinces maintained their own victim care offices. Foreign victims had the same access to care services as Argentine victims. Argentine authorities encouraged victims to assist with the investigation and prosecution of their traffickers; however, some officials reported deficiencies in witness protection provided to victims. There were no specific reports of victims being jailed or penalized for unlawful acts committed as a direct result of being trafficked. Trafficking victims may petition the Argentine government for temporary residency on humanitarian grounds, and citizens of Mercosur member or associate states can obtain temporary residency in Argentina under Argentine immigration law, though it was not clear how many victims, if any, received such temporary residency. The government did not report identifying or assisting any repatriated Argentine victims of trafficking abroad.

Prevention

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

ARMENIA (Tier 2)

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

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

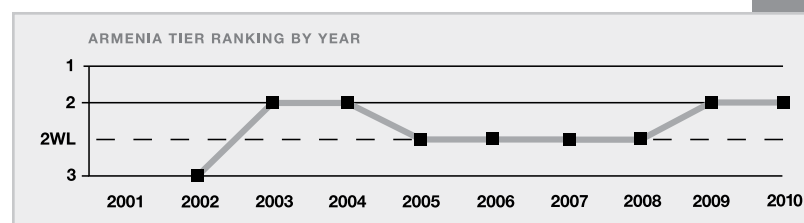
The Government of Armenia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In January 2010, the government enacted legislation that increased the minimum penalty for convicted trafficking offenders to five years'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

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

Prosecution

The Armenian government increased its overall law enforcement efforts against human trafficking during the reporting period, however, it did not demonstrate efforts to prosecute cases linked to previous allegations of government officials' complicity. Armenia prohibits trafficking in persons for both forced labor and commercial sexual exploitation through Articles 132 and 132-1 of its penal code which, as amended in January 2010, prescribe penalties of at least five years' imprisonment and up to 15 years' imprisonment –

penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government investigated 15 cases of trafficking – including nine sex trafficking and six labor trafficking investigations – compared with 13 investigations in 2008. Armenian courts prosecuted 19 individuals in 12 trafficking cases during the reporting period, compared with eight individuals prosecuted in 2008. Authorities convicted 11 trafficking offenders in 2009 – including eight individuals for sex trafficking and three for labor trafficking – up from four convictions in 2008. All 11 convicted offenders in 2009 were given prison sentences; no traffickers received suspended sentences. Four offenders were given sentences ranging from three to five years' and seven offenders were given sentences ranging from seven to 13 years' imprisonment. As a result of the government's anti-trafficking partnerships with outside parties, approximately 447 government officials received training from anti-trafficking NGOs, international organizations, foreign governments, and the Armenian government on a range of anti-trafficking issues including the application of Armenia's anti-trafficking law and the national victim referral mechanism, investigation techniques, and forced labor.



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

Protection

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

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

Prevention

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

AUSTRALIA (Tier 1)

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

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

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

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

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

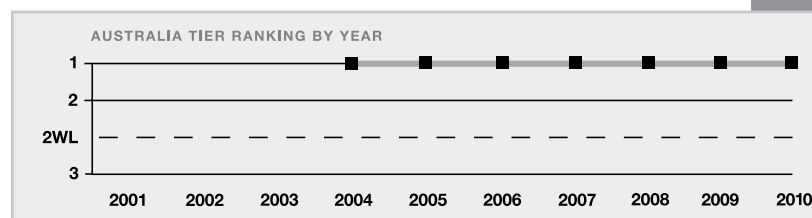
Prosecution

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

package covering legislation, investigative methodologies, trafficking trends, intelligence targeting, and victim liaison.

Protection

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



Prevention

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

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

AUSTRIA (Tier 1)

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

The Government of Austria fully complies with the minimum standards for the elimination of trafficking.

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

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

Prosecution

The Austrian government demonstrated moderate efforts to prosecute and convict traffickers during the reporting period. However, over half of convicted traffickers spent 12 months or less in jail; one-third of convicted traffickers received no jail time. Article 104(a) of the Austrian Criminal Code prohibits trafficking for both sexual exploitation and forced labor. Prosecutors typically use Articles 104(a) and 217 of the Criminal Code, which prohibit cross border trafficking for the purpose of prostitution, as well as Article 114 of the Aliens Police Act, which contains provisions on alien smuggling, to prosecute traffickers. Penalties prescribed in Article 104(a) and Article 114 range up to 10 years' imprisonment, while penalties prescribed in Article 217 range from six months' to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government reportedly prosecuted and convicted 67 trafficking offenders in 2008; however, it only reported sentences for offenders in which trafficking was the leading charge. In 2008, the government convicted 18 trafficking offenders, a decrease from 30 such convictions in 2007. Sentences for three of these offenders were between one and three years. The government completely suspended the sentences of four offenders and partially suspended nine, resulting in sentences between one and 12 months in jail. Two other convicted traffickers paid fines. Local

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

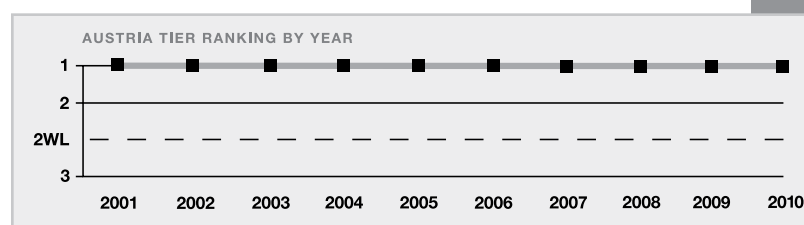
Protection

The Government of Austria sustained its efforts to protect identified victims of trafficking during the reporting period. The government did not yet, however, employ formal and systematic procedures for the identification and referral of victims within labor or legal and illegal prostitution sectors. Police in Vienna proactively referred trafficking victims for care and collaborated with NGOs to improve their ability to spot indicators of sex trafficking, but referral was *ad hoc* and reliant on certain victim-sensitive officers. NGOs reported police effectively partnered with them on cases to ensure trafficking victims adequate recovery time to become more effective witnesses. It continued to fund the country's only specialized anti-trafficking NGO, which provided open shelter and assistance to female victims in Vienna. This shelter was at its full capacity of 18 beds throughout 2009. The Austrian government provided \$828,000 to this NGO in 2009, compared with \$542,700 in 2008. It provided counseling and other services to 182 trafficking victims in 2009; police referred approximately 90 of these victims, compared with 60 referrals from the previous year.

Fifty-nine victims received shelter from the government-funded NGO; all victims received assistance in the form of social and legal counseling in their native language, German-language classes, computer courses, and health prevention. The government provided foreign victims of trafficking with legal alternatives to their removal, and in April 2009 passed the Residence and Settlement Act, which listed victims of trafficking as a special category with a right for temporary resident status. The government encouraged victims to assist with investigations and prosecutions of traffickers and an NGO reported a high rate of victims who willingly cooperated on their cases. Furthermore, police provided information on potential female victims of forced prostitution to NGOs when these victims appeared reluctant to disclose elements of their exploitation to law enforcement. According to one NGO, the only systematic regulation by the government within Austria's sizable, legal commercial sex sector consisted of weekly health checks for sexually transmitted diseases and periodic police checks of registration cards. In 2009, the government began training labor inspectors to increase identification of forced labor trafficking.

The City of Vienna's specialist center for unaccompanied minors accommodated 121 children in 2009, some of whom were reported to be victims of trafficking. This center reportedly facilitated the repatriation of children subjected to forced prostitution and forced begging during the reporting period. However, according to local observers, this center has limited capacity to

accommodate trafficked children, does not function as an anti-trafficking NGO, and there was little official follow up or assurances made to ensure a safe return or protection from re-trafficking. Furthermore, the center only accommodated children who have been apprehended by the police, and is an open facility, allowing traffickers continued access to their victims. According to local experts, authorities, especially outside of Vienna, do not identify many child trafficking victims and there are no specialized services or targeted outreach efforts to identify potential children who are trafficked throughout Austria. The government reportedly ensured identified victims were not punished for unlawful acts committed as a direct result of being trafficked; however, during the year at least some child sex trafficking victims were penalized for unlawfully engaging in prostitution.



Prevention

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

AZERBAIJAN (Tier 2 Watch List)

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

of forced labor; as a result, the international community allocated its own funding to provide emergency assistance, including food and potable water, to several hundred victims.

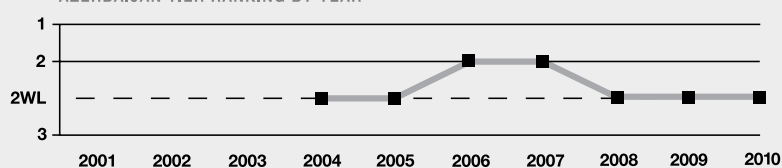
Recommendations for Azerbaijan: Improve efforts to identify victims of forced labor; ensure identified victims of forced labor are provided access to government-funded victim assistance by vigorously implementing the national victim referral mechanism; demonstrate and report efforts to vigorously investigate,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

Prosecution

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

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

AZERBAIJAN TIER RANKING BY YEAR



The Government of Azerbaijan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall efforts, the government demonstrated exceptionally inadequate efforts to identify and assist a significant number of victims of forced labor and did not show evidence of progress in investigating, prosecuting, convicting, and punishing complicit officials; therefore, Azerbaijan is placed on Tier 2 Watch List for the third consecutive year. Although the government adopted a national referral mechanism for victims of trafficking in August 2009 and approved a list of trafficking indicators in September 2009 to aid in victim identification, the government did not use these tools to identify and assist the approximately 496 victims associated with a case discovered in October 2009 in which men from Eastern Europe were held in forced labor in the construction industry. The government failed to identify any victims in this case, despite evidence that led others in the international community to determine this was a labor trafficking case, warranting the allocation of emergency funding for victim assistance. Although the government reported allocating \$625,000 for victim assistance in 2009, none of this money was used to assist these victims

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

Protection

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

Law enforcement referred 48 victims to the government-funded shelter in 2009, compared with 52 victims referred in 2008. The government reported that it encouraged victims to participate in investigations and prosecutions of trafficking offenders. Law enforcement reported that 91 victims identified by authorities assisted law enforcement during the reporting period. During the previous reporting period, victims claimed that some corrupt police officers discouraged them from filing criminal complaints through threats of physical violence. The law allows identified foreign victims of trafficking who cooperate with law enforcement to remain in Azerbaijan until the completion of their court case; however, none of the 496 victims of forced labor identified by the international community in October 2009 were encouraged to assist law enforcement or permitted to remain in the country pending a criminal investigation and prosecution of the case. Furthermore,

the government failed to ensure the traffickers in this case returned the passports to the victims and also failed to prevent the traffickers from forcibly, systematically removing the victim witnesses from the country, thereby hiding evidence of the crime. There were no reports that victims were penalized for unlawful acts committed as a direct result of being trafficked; however, there were some reported concerns that some of the women arrested during prostitution raids conducted by law enforcement may not have been screened as potential victims of trafficking and may have been punished for unlawful acts committed as a result of being trafficked, namely prostitution violations.

Prevention

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

THE BAHAMAS (Tier 2)

The Bahamas is a destination country for men and some women from Haiti and other Caribbean countries who are subjected to trafficking in persons, specifically forced labor, and, to a lesser extent, women from Jamaica and other countries who are in forced prostitution. Haitian trafficking victims are most likely to migrate to The Bahamas voluntarily, but subsequently be subjected to forced labor in agriculture, domestic service, or forced prostitution. Some employers coerce migrant workers – legal and illegal – to work longer hours, at lower pay, and in conditions not permitted under local labor law by changing the terms of employment contracts, withholding travel documents, refusing transportation back home, threatening to withdraw the employer-specific and employer-held permits, or threatening to have the employee deported through other means. Traffickers reportedly lure Jamaican and other foreign women to the Bahamas with offers of employment in the tourism and entertainment fields and subject the women to forced prostitution after their arrival. The Ministry of Education is investigating allegations that some high school girls in Eleuthera may be involved in a prostitution ring. This report is the only indication that Bahamian citizens may be victims of human trafficking.

The Government of the Bahamas does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government began some investigations into suspected cases of trafficking but did not proactively identify victims among vulnerable populations, such as women and girls engaged in prostitution, and it continued to deport undocumented migrants without first determining whether they may be victims of trafficking.

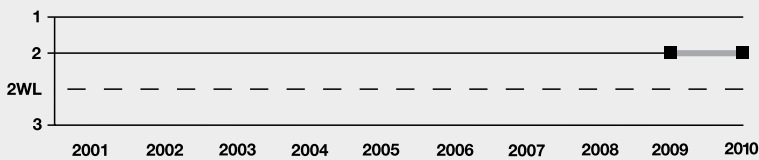
Recommendations for The Bahamas: Develop and implement standard procedures for the identification of victims in The Bahamas; take steps to identify possible trafficking victims among migrants attempting to enter The Bahamas and foreigners in deportation proceedings; investigate, prosecute, and punish suspected human trafficking offenders; expand training for law enforcement and the public on the difference between human trafficking and alien smuggling; create and implement a national trafficking public awareness and prevention program; and allocate resources for the victim assistance measures mandated by the new anti-trafficking law.

whether they may be trafficking victims. Although the practice continued to some extent, automatic deportations have decreased as official awareness of trafficking as a form of transnational crime has increased. Anecdotal reports indicate that during 2009 some military personnel may have been involved in assisting with the illegal entry of trafficking victims into the country. There is no evidence of government involvement in or tolerance of trafficking.

Protection

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

THE BAHAMAS TIER RANKING BY YEAR



Prosecution

The Government of The Bahamas demonstrated minimal anti-human trafficking law enforcement efforts during the reporting period. It continued to face relevant resource and capacity constraints, and confronted multiple competing law enforcement priorities. All forms of trafficking are prohibited through the Trafficking in Persons Prevention and Suppression Act of 2008. Penalties prescribed by the Act for trafficking in persons offenses range from three years to life imprisonment, and are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government did not arrest or prosecute any trafficking offenders, despite reports of the presence of trafficking victims in The Bahamas since at least 2005. During the reporting period, the government began investigating one suspected trafficking case in cooperation with another government. The Ministry of Education formed a task force to investigate allegations of a student prostitution ring at a high school in Eleuthera. NGOs, in partnership with the Bahamian government, provided immigration, labor, social services, and law enforcement personnel with anti-trafficking training. Historically, government personnel have conflated human trafficking and human smuggling, leading to the routine deportation of foreigners in vulnerable populations without determining

suffered by the victim, and relief from the removal of foreign victims to countries where they may face hardship or retribution regardless of their participation in the investigation or prosecution of their traffickers. Under this law, traffickers are required to financially compensate their victims.

Prevention

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

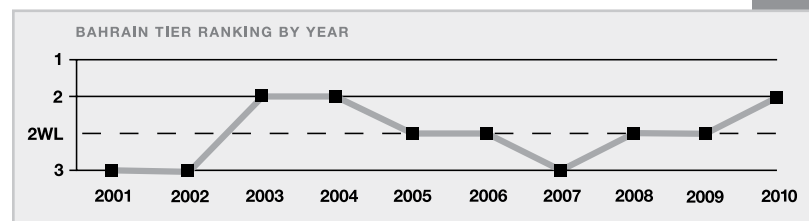
BAHRAIN (Tier 2)

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

of Commerce and Industry puts the figure at 25 percent. Women from Thailand, the Philippines, Morocco, Jordan, Syria, Lebanon, Russia, China, Vietnam and Eastern European States are subjected to forced prostitution in Bahrain.

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

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



Prosecution

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

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

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

Protection

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

The 120-bed government-funded, NGO-run Dar Al Aman shelter provided shelter to a small number of trafficking victims. The majority of victims continued to seek shelter at their embassies or at the Migrant Workers Protection Society’s shelter. The Dar Al Aman shelter does not advertise that it accepts trafficking victims, and

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

Prevention

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

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

BANGLADESH (Tier 2 Watch List)

Bangladesh is a source and transit country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. A significant share of Bangladesh's trafficking victims are men recruited for work overseas with fraudulent employment offers who are subsequently exploited under conditions of forced labor or debt bondage. Children – both boys and girls – are trafficked within Bangladesh for commercial sexual exploitation, bonded labor, and forced labor. Some children are sold into bondage by their parents, while others are induced into labor or commercial sexual exploitation through fraud and physical coercion. Women and children from Bangladesh are also trafficked to India for commercial sexual exploitation.

Bangladeshi men and women migrate willingly to Saudi Arabia, Bahrain, Kuwait, the United Arab Emirates (UAE), Qatar, Iraq, Lebanon, Malaysia, Liberia, and other countries for work, often under legal and contractual terms. Most Bangladeshis who seek overseas employment through legal channels rely on the 724 recruiting agencies belonging to the Bangladesh Association of International Recruiting Agencies (BAIRA). These agencies are legally permitted to charge workers up to \$1,235 and place workers in low-skilled jobs typically paying between \$100 and \$150 per month. According to NGOs, however, many workers are charged upwards of \$6,000 for these services. A recent Amnesty International report on Malaysia indicated Bangladeshis spend more than three times the amount of recruitment fees paid by other migrant workers recruited for work in Malaysia. NGOs report many Bangladeshi migrant laborers are victims of recruitment fraud, including exorbitant recruitment fees often accompanied by fraudulent representation of terms of employment. The ILO has concluded high recruitment fees increase vulnerability to forced labor among transnational migrant workers. Women typically work as domestic servants; some find themselves in situations of forced labor or debt bondage where they face

restrictions on their movements, non-payment of wages, threats, and physical or sexual abuse. Some Bangladeshi women working abroad are subsequently trafficked into commercial sexual exploitation. Bangladeshi children and adults are also trafficked internally for commercial sexual exploitation, domestic servitude, and bonded labor. Recent reports indicate many brothel owners and pimps addict Bangladeshi girls to steroids, with devastating side effects, to make them more attractive to clients; the drug is reported to be used by 90 percent of females between 15 and 35 in Bangladeshi brothels.

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

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

Prosecution

The Government of Bangladesh did not provide evidence of increasing efforts to combat sex trafficking or forced labor during the reporting period. Bangladesh prohibits the trafficking of women and children for the purpose of commercial sexual exploitation or involuntary servitude under the Repression of Women and Children Act of 2000 (amended in 2003), and prohibits the selling and buying of a child under the age of 18 for prostitution in Articles 372 and 373 of its penal code. Prescribed

penalties under these sex trafficking statutes range from 10 years' imprisonment to the death sentence. The most common sentence imposed on convicted sex traffickers is life imprisonment. These penalties are very stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 374 of Bangladesh's penal code prohibits forced labor, but the prescribed penalties of imprisonment for up to one year or a fine are not sufficiently stringent.

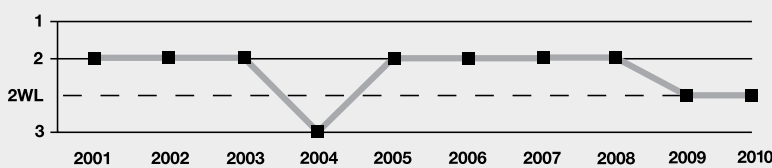
During the reporting period, the government obtained the convictions of 32 sex trafficking offenders and sentenced 24 of them to life imprisonment; eight were sentenced to lesser prison terms. This is a slight decrease from the 37 convictions obtained in 2008. The government did not report the conviction of any labor trafficking offenders. The government prosecuted 68 cases involving suspected sex trafficking offenders and conducted 26 investigations, compared with 90 prosecutions and 134 investigations during the previous year. Forty-nine prosecutions resulted in acquittals; however, under Bangladeshi law the term "acquittal" can also refer to cases in which the parties settled out of court or witnesses did not appear in court. Despite administrative actions taken against labor recruitment agencies involved in fraudulent recruitment and possible human trafficking, the government did not report any criminal prosecutions or convictions for labor trafficking offenses. The Bangladeshi judicial system's handling of sex trafficking cases continued to be plagued by a large backlog and delays caused by procedural loopholes. Most sex trafficking cases are prosecuted by 42 special courts for the prosecution of crimes of violence against women and children spread throughout 32 districts of the country; those courts are generally more efficient than regular trial courts.

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

Protection

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

BANGLADESH TIER RANKING BY YEAR



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

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

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

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

Prevention

The Bangladeshi government failed to take adequate efforts to prevent the forced labor of Bangladeshis abroad and at home, and made modest efforts to prevent sex trafficking over the reporting period. During the reporting period, the BMET reportedly shut down one recruiting agency, cancelled the licenses and confiscated the security deposit money of six agencies for their involvement in fraudulent recruitment practices that potentially facilitated human trafficking. This is a decrease from the nine agencies shut down and 25 agencies whose licenses were cancelled in the previous reporting period. BMET collected approximately \$830,000 in fines from recruitment agencies for fraudulent recruitment practices and other infractions. The government continued to allow BAIRA to set fees, license individual agencies, certify workers for overseas labor, and handle most complaints

of expatriate laborers, while not exercising adequate oversight over this consortium of labor recruiters to ensure their practices do not facilitate debt bondage of Bangladeshi workers abroad. Various ministries disseminated numerous anti-sex trafficking messages in a number of different forums, including public service announcements, discussions, songs, rallies, and posters. The Monitoring Cell reported anti-sex trafficking messaging was included in monthly public outreach sessions conducted by government heads in each of Bangladesh’s 65 units. The Home Secretary continued to chair the monthly inter-ministerial National Anti-Trafficking Committee Meetings, which oversees district-level committees in 64 districts. The Home Secretary also regularly holds coordination committee meetings with NGOs, although some NGOs note that the meetings often have broad agendas and do not focus adequately on trafficking. The Ministry of Home Affairs published the *Bangladesh Country Report on Combating Trafficking in Women and Children*. While the government made the registration compulsory in 2006, the national rate of birth registration is only between seven and 10 percent, and most children born in the rural areas are still not properly documented. During the year, the government did not demonstrate measures to reduce the demand for forced labor or for commercial sex acts. Bangladesh is not a party to the 2000 UN TIP Protocol.

BARBADOS (Tier 2 Watch List)

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

Traffickers use methods such as threats of physical harm or deportation, debt bondage, false contracts, psychological abuse, and confinement to force victims to work in construction, the garment industry, agriculture, or private households.

The Government of Barbados does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, particularly an aggressive public campaign begun by government ministries and the continued drafting of a comprehensive anti-trafficking law, the government's overall efforts did not improve over the reporting period. Law enforcement and immigration officials continued to summarily deport undocumented foreigners without determining whether they are trafficking victims, the government opened no investigations into possible cases of sex or labor trafficking, and it did not prosecute any trafficking cases during the year. Therefore, Barbados is placed on Tier 2 Watch List.

from five to 15 years' imprisonment and are sufficiently stringent. There were no reports of government officials' complicity in human trafficking.

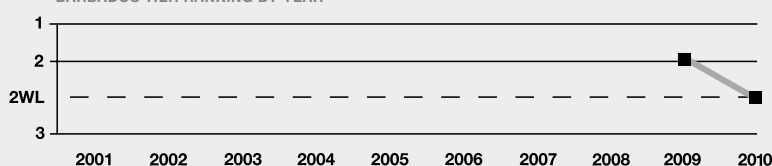
Protection

The Government of Barbados maintained its moderate efforts to ensure victims' access to necessary protective services over the last year. As the crime of trafficking does not officially exist in Barbadian law, there are no legal protections provided for trafficking victims. Existing facilities which provide assistance to victims of other crimes, such as rape and child abuse, that are partially funded by the government and run by NGOs, may have provided services to child victims of sex trafficking without having identified them as human trafficking victims. Neither government nor NGO personnel could provide information about whether any trafficking victims were identified at these facilities. The Gender Affairs Bureau arranged for assistance to be provided to victims of any crime regardless of whether they participated in investigations or prosecutions. Officials from this Bureau collaborated with a local NGO to sensitize government agencies on the difference between smuggling and trafficking, the importance of referring victims to services provided in collaboration with NGOs, and the importance of implementing a trafficking-specific protocol and legislation to better target their efforts. Victims of trafficking (like victims of other crimes) were not usually encouraged to participate in investigations or prosecutions of trafficking offenders. Trafficking victims could be prosecuted for unlawful acts committed as a direct result of their being trafficked. Most law enforcement and immigration officials still do not have the appropriate training, funding, and other necessary mechanisms to identify victims or suspected cases of trafficking. The government provided no legal alternatives for the removal of foreign trafficking victims to countries where they may face hardship or retribution. Police claimed to have no option under current laws but to treat foreign trafficking victims without valid immigration documents as violators of the law subject to summary deportation. There have been no reported cases of Barbadians trafficked to foreign countries, although the Bureau of Gender Affairs has specialized services in place should such a case arise.

Prevention

The government made weak efforts to prevent human trafficking and raise the public's awareness of the risks and dangers of human trafficking in Barbados. In 2004, the government began work on a protocol for anti-trafficking action, which the Gender Affairs Bureau passed to other government agencies for comment in early 2009. The protocol was expected to be introduced in parliament in April 2010. The Minister of Youth, Family, and Sports spoke openly against child prostitution on several occasions, a subject which had not often been raised in public before. During the year, the government continued to host educational workshops for an unspecified number

BARBADOS TIER RANKING BY YEAR



Recommendations for Barbados: Finish drafting, then pass and enact a comprehensive anti-trafficking law; proactively investigate suspected human trafficking cases; prosecute and punish trafficking offenders, especially those who subject workers to forced labor; implement procedures for law enforcement officers to proactively identify trafficking victims among vulnerable populations; develop a national plan to identify, combat, and prevent trafficking; and create and implement a national trafficking awareness and prevention program.

Prosecution

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

of officials and social service providers. There was no formal mechanism for coordinating government and NGO action on trafficking issues, but the Bureau of Gender Affairs worked with regional and local NGOs, religious organizations, and community advocates to better organize their anti-trafficking efforts and outreach. Although public commentary on the problem of sex tourism, including child sex tourism, has been increasing, the government has made no noticeable efforts to reduce the demand for commercial sex acts. Barbados is not a party to the 2000 UN TIP Protocol.

BELARUS (Tier 2)

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

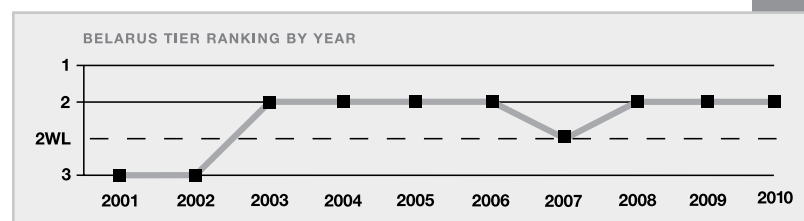
The Government of Belarus does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government's response to trafficking is difficult to gauge due to the closed nature of the government, sparse independent reporting, and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

Recommendations for Belarus: Continue to take concrete steps to improve relations with and cultivate a climate of encouragement for NGO partners providing critical victim protection services; continue to promote a victim-centered approach to prosecuting trafficking cases and increase resources devoted to victim assistance and protection within Belarus; ensure all victims, including children, are provided with access to appropriate assistance and protection; examine why many identified trafficking victims are not referred to service providers for assistance; disaggregate sex and labor trafficking

crimes within law enforcement statistics; and distinguish prevention activities focused on curbing forced labor and forced prostitution from those focused on illegal migration, and increase the former.

Prosecution

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



Protection

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

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

Prevention

The government demonstrated modest progress in trafficking prevention activities during the reporting period. Citizens, the media, and NGOs in Belarus are often subjected to government intimidation and strict control, which limited open discussion about the trafficking situation in the country. Officials continued to conduct press conferences and briefings on the anti-trafficking situation in Belarus, focusing primarily on forced prostitution, during the reporting period. The government aired IOM-sponsored anti-trafficking public service announcements on state television and on television screens in subway stops which resulted in an increased number of calls to IOM's hotline. The Ministry of Interior continued to run a hotline to offer information regarding the licensing status and legitimacy of marriage and modeling agencies and agencies involved in work and study abroad. NGOs reported cooperation between the government hotline and their own hotlines,

as well as partnerships with authorities in distributing NGO-funded public awareness materials. There were reports that some policies described by the Belarusian government as anti-trafficking measures were responsible for restricting Belarusian citizens' ability to travel abroad for legitimate purposes. The government's national action plan on trafficking, which expires in 2010, focused on illegal migration which may lead to confusion between trafficking and smuggling.

BELGIUM (Tier 1)

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

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

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

Prosecution

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

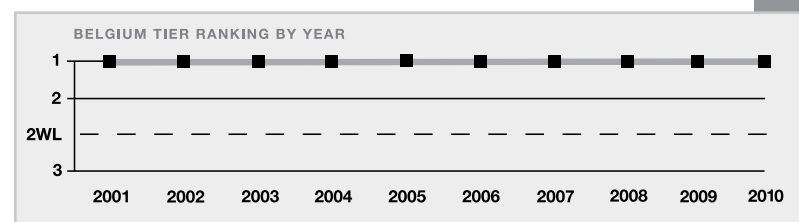
to Repress Trafficking in Persons. As amended, the law's maximum prescribed penalties for all forms of trafficking – 30 years' imprisonment – is sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government reported prosecuting 387 trafficking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

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

Protection

The government continued its efforts to protect victims of trafficking; however it reported a decrease in the number of trafficking victims identified and referred for protection in 2009. The government continued to fund three NGOs to shelter and provide comprehensive assistance to trafficking victims. These three NGOs assisted 465

potential trafficking victims during the reporting period; 158 of these were new referrals, a significant decline from the 495 total identified and referred in 2008. The government reported 103 victims of sexual and economic exploitation filed applications for temporary residency in Belgium in 2009, but did not provide the number of residency permits that were officially granted. The government reportedly used proactive procedures to identify victims of trafficking based on a 2008 interagency directive on coordination and assistance to trafficking victims; a December 2009 EU Schengen evaluation cited the guidelines for victim identification as a best practice. Belgian law allows the provision of extendable temporary residence status and permanent residence status to victims who participated in trafficking investigations and prosecutions. Residence can be granted before an investigation is completed at judicial discretion; residency can also be granted even without a successful prosecution. Children who were victims of trafficking reportedly were granted three months in which to decide whether to testify against their traffickers. According to a 2009 End Child Prostitution in Asian Tourism (ECPAT) report, Belgian officials will only officially recognize a person as a victim of trafficking if that person has broken off all contact with their traffickers, agrees to counseling at a specialized reception center, and officially files a complaint against the traffickers. The report noted that these conditions for victim assistance are too high for child victims to meet. According to the government, if a child did not qualify for victim status, they may still have qualified for protection under the government's rules for unaccompanied minors. Victims who served as prosecutors' witnesses in court were entitled to seek legal employment during the relevant legal proceedings. A report released by the government in December 2009 noted that undocumented victims of economic exploitation often hesitate to collaborate with law enforcement, fearing deportation. The report also noted that victims of economic exploitation occasionally end up in centers for rejected asylum seekers before being directed to shelters. Identified victims were not inappropriately incarcerated, fined, or penalized for unlawful acts committed as a direct result of being trafficked. IOM reported it repatriated five victims of trafficking, three adults and two unaccompanied minors, in 2009.



Prevention

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

BELIZE (Tier 2 Watch List)

Belize is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. The most common form of trafficking in Belize is the forced prostitution of children, particularly situations where poor families push their school-aged daughters to provide sexual favors to wealthy older men in exchange for school fees, money, and gifts. This "sugar daddy" phenomenon occurs in Belize and other Caribbean countries, but often is not recognized as a form of human trafficking by local communities or law enforcement personnel. Men, women, and children, particularly from Guatemala, Honduras, El Salvador, and Mexico, migrate voluntarily to Belize in search of work; some may fall victim to forced prostitution in bars or to forced labor. In recent years, migrants from India and Nepal have been subjected to conditions of forced labor in Belize. Child sex tourism has been identified as an emerging trend in Belize.

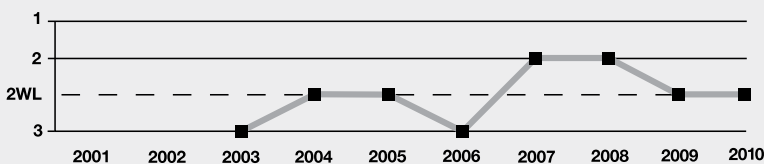
The Government of Belize does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, notably the continued provision of assistance to foreign trafficking victims first identified in 2005 and 2008, the government did not convict or sentence any trafficking offenders last year, and did not make adequate efforts to systematically identify trafficking victims among vulnerable populations. In spite of existing anti-trafficking legislation and victim facilities, the government did not demonstrate appreciable progress in combating trafficking; therefore Belize is placed on Tier 2 Watch List for the second consecutive year.

Recommendations for Belize: Increase efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders, including any allegedly complicit public officials; increase law enforcement efforts against both labor and sex trafficking; develop a formal mechanism to identify trafficking victims among vulnerable populations, including migrant laborers and foreign women forced to work in bars; continue to improve victim services and assistance; and increase penalties for human trafficking so they are commensurate with penalties for other serious crimes, such as rape.

Prosecution

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

BELIZE TIER RANKING BY YEAR



Protection

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

Prevention

The Government of Belize maintained efforts to raise public awareness of human trafficking during the reporting period. The government continued to air public service announcements in multiple languages and distributed posters and anti-trafficking materials. The government maintained partnerships with international organizations and NGOs, particularly regarding commercial sexual exploitation of children, and hosted a workshop in 2009 to raise awareness of this issue. Authorities registered 13 new cases of children at risk of becoming victims of commercial sexual exploitation and provided them with education assistance, counseling, and other services. Although there were no reported investigations, prosecutions, or convictions of child sex tourists during the reporting period, government officials continued to work with Belize's tourism industry to

promote a code of conduct to prevent child sex tourism. In an effort to reduce the demand for commercial sex, courts convicted three individuals for commercial sexual exploitation of children using carnal knowledge and indecent assault statutes. No specific efforts to reduce demand for forced labor were reported.

BENIN (Tier 2)

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

The Government of Benin does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. Over the last year, the government took steps to accelerate prosecution of trafficking offenders and increase the number of protective and preventive activities. In efforts to prevent human trafficking, it promulgated three decrees regulating the movement of children into and out of Benin and continued its countrywide effort to register births and issue birth certificates to all citizens. The government did not, however, collect and make available to its citizens and partners accurate law enforcement data on human trafficking issues. Further, it did not give its officials specialized training on how to recognize, investigate, and prosecute instances of trafficking.

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

Prosecution

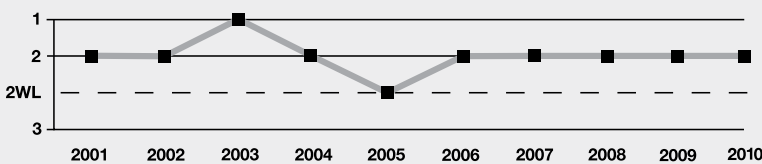
The government sustained its efforts to bring trafficking offenders to justice during the reporting period. Benin does not prohibit all forms of trafficking, though its 2006 Act Relating to the Transportation of Minors and the Suppression of Child Trafficking criminalizes all forms of child trafficking and prescribes penalties of up to 20 years' imprisonment. These penalties are sufficiently stringent and exceed those prescribed for rape. The child trafficking law does not cover adults, though existing laws against kidnapping and labor exploitation give some protection to people more than 18 years old. The Ministry of Justice, Legislation and Human Rights reported that Benin's eight courts handled a total of 200 cases of child trafficking and related offenses, including child abduction and corruption of children. At the close of the reporting period, 155 cases remained pending, five cases were dismissed, and 40 cases resulted in convictions; the government neither specified which of these cases involved child trafficking nor provided information on sentences given to convicted trafficking offenders. The Police Brigade for the Protection of Minors (BPM) handled 58 cases involving child trafficking or illegal movement of children out of the country without parental authorization, bringing 17 perpetrators to the Cotonou court for further investigation and prosecution. Gendarmes in the village of Porga arrested suspected traffickers trying to cross the Benin-Burkina Faso border *en route* to Cote d'Ivoire with five children in April 2009, and delivered them to the court at Natitingou. The government did not provide information on the outcome of the Porga case, or data on cases handled by other branches of the police. There was no evidence of Beninese government officials' complicity in trafficking offenses. Although the senior police members were provided training on child trafficking issues as part of their training at the police academy, other officials were not trained to recognize, investigate, and prosecute trafficking offenses.

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

Prevention

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

BENIN TIER RANKING BY YEAR



Protection

Four government ministries and several international donors and NGOs effectively used their partnerships to widen Benin's ability to assist, repatriate, and reintegrate victims of trafficking in 2009. The BPM reported rescuing 266 trafficking victims as they were being transported to and from Nigeria, Gabon, Cote d'Ivoire, Mali, and Togo; these rescues were the product of partnerships with authorities of those countries. This figure represents an increase of 22 more rescues than in the previous year.

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

BOLIVIA (Tier 2)

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

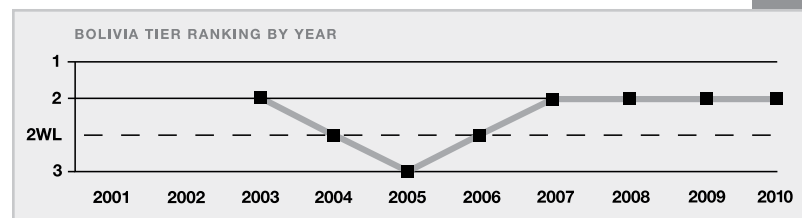
The Government of Bolivia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government maintained significant law enforcement efforts against sex trafficking crimes, although it did not increase convictions of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

Recommendations for Bolivia: Intensify anti-trafficking law enforcement efforts, particularly investigations of allegations of forced labor of adults and children; increase efforts to prosecute trafficking offenses, and convict and punish trafficking offenders, especially in cases involving forced prostitution of adult women or forced labor; enhance victim services across the country,

particularly for victims of forced labor; dedicate resources to serve repatriated victims of trafficking; develop formal procedures for identifying trafficking victims among vulnerable populations; and increase public awareness about the dangers of human trafficking, particularly among Bolivians seeking work abroad.

Prosecution

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



Protection

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

Prevention

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

BOSNIA AND HERZEGOVINA (Tier 1)

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

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

Recommendations for Bosnia and Herzegovina:

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

Prosecution

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

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

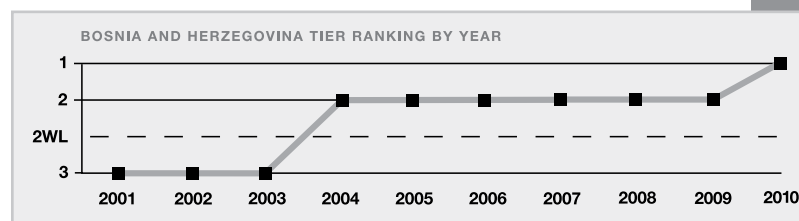
Under Bosnian law, many convicted offenders are eligible for weekend furloughs from prison; thus some convicted traffickers in 2009 may have been released on weekends, posing a potential risk to their victims. There were continued anecdotal reports of police and other officials' facilitation of trafficking,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

Protection

The Government of Bosnia made progress in identifying and protecting victims of trafficking in 2009. The government continued to provide sufficient funding to six local NGOs that provided shelter and medical and psychological assistance to foreign and domestic victims during the reporting period. In 2009, the government

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

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



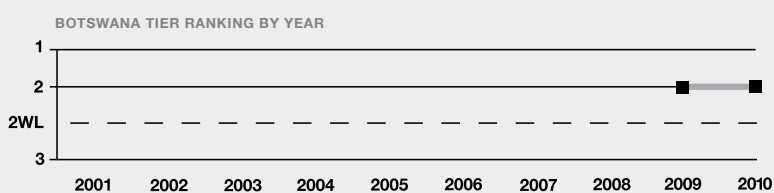
Prevention

The Bosnian government sustained its anti-trafficking prevention efforts over the year. The Office of the State Coordinator continued to coordinate and supervise an NGO-funded comprehensive campaign targeted at young people seeking employment abroad that included TV spots, billboards, and pamphlets. The government continued to fund an NGO's operation of

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

BOTSWANA (Tier 2)

Botswana is a source and destination country for women and children subjected to trafficking in persons, specifically forced labor and commercial sexual exploitation. Parents in poor rural communities sometimes send their children to work for wealthier families as domestics in cities or as herders at remote cattle posts, where some of these children are vulnerable to forced labor. Botswana girls are exploited in prostitution within the country, including in bars and by truck drivers along major highways; it does not appear, however, that organized pimping of children occurs. In the past, women reported being forced into commercial sexual exploitation at some safari lodges, but there were no similar reports during this reporting period. Residents in Botswana most susceptible to trafficking are illegal immigrants from Zimbabwe, unemployed men and women, those living in rural poverty, agricultural workers, and children orphaned by HIV/AIDS. Some women from Zimbabwe who voluntarily, but illegally, migrate to Botswana to seek employment are subsequently subjected by their employers to involuntary domestic servitude. Botswana families which employ Zimbabwean women as domestic workers at times do so without proper work permits, do not pay adequate wages, and restrict or control the movement of their employees by holding their passports or threatening to have them deported back to Zimbabwe.



The Government of Botswana does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government began drafting a comprehensive anti-trafficking law, investigated potential cases of human trafficking, and provided protective services to several individuals who may have been targets of traffickers. It failed, however, to prosecute and convict trafficking offenders or make attempts to proactively identify trafficking victims among

vulnerable populations, such as irregular migrants subject to deportation.

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

Prosecution

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

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

Protection

The government showed evidence of minimal efforts to protect victims of trafficking. During the year, the government did not identify or provide assistance to any confirmed victims of trafficking, but provided shelter and social services to three Zimbabwean children and six illegal Indian migrants who officials believed to be targets of transnational traffickers. The government provided logistical and financial assistance to repatriate all nine individuals to their countries of origin. NGO-operated shelters which received government funding to provide services to children, including children in prostitution, may have provided assistance to trafficked children without identifying them as such. Law enforcement and social services personnel have not established formal procedures to proactively identify victims of trafficking among vulnerable populations or to refer identified victims for protective services, and foreign trafficking victims have been deported from Botswana. During the reporting period, IOM identified 594 unaccompanied minors at the reception center in Plumtree for Zimbabweans deported from Botswana and expressed concern that some of them may have been victims of trafficking Botswana has an extensive public medical system, which includes psychological care facilities, and a university-run legal clinic which provides legal assistance to victims of any crime. It is unclear whether any trafficking victims received assistance at these facilities in 2009. Botswana's laws do not specifically protect victims of trafficking from penalization for unlawful acts committed as a direct result of being trafficked, but the government did not generally prosecute persons it believed to be victims of any crime.

Prevention

The government made moderate efforts to prevent trafficking in and through Botswana. During the reporting period, the government did not complete or implement a national anti-trafficking plan of action it began developing in 2008. The government continued its participation with NGOs in an anti-trafficking working group. During the reporting period, the working group raised the issue of trafficking in the local press and within the government; fostered communication on trafficking issues between the government, NGOs, and other stakeholders; and laid the groundwork for drafting and implementing anti-TIP legislation. It produced and disseminated anti-trafficking education posters at all of its border posts and included trafficking awareness segments in some of its law enforcement training sessions. In early 2009, a partnership of NGOs and representatives from the government's police, labor, and social services responsible for issues of child labor, including the trafficking of

children for forced labor, formed a child labor task force that met regularly throughout the reporting period. In mid-2009, the government funded the salaries of two ILO consultants to advise the government on how to strengthen both its laws on worst forms of child labor and enforcement of those laws. The task force began developing definitions for what constitutes "hazardous work" under child labor statutes and recommended changes within existing laws to standardize the definition of a "child" under different statutes. During the year, the Ministry of Labor conducted child labor inspections and removed at least one child from a situation of exploitative child labor. The government made efforts to reduce the demand for commercial sex acts, largely through a broad, well-publicized HIV/AIDS awareness campaign that discouraged commercial sex acts.

BRAZIL (Tier 2)

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

Pantanal. Children in involuntary domestic servitude, particularly involving teenage girls, also constitute a problem in the country. To a lesser extent, Brazil is a destination for the trafficking of men, women, and children from Bolivia, Paraguay, and China for forced labor in garment factories and textile sweatshops in metropolitan centers such as Sao Paulo. Child sex tourism remains a serious problem, particularly in resort and coastal areas in Brazil's northeast. Child sex tourists typically arrive from Europe and, to a lesser extent, the United States.

The Government of Brazil does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Last year the government sustained strong efforts to rescue several thousand victims of slave labor through mobile labor inspection operations and enhanced efforts to provide sex trafficking victims with services through an expanding series of anti-trafficking centers. However, convictions of sex trafficking offenders decreased from the previous year and government-provided shelter services and protections for trafficking victims remained inadequate.

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

Prosecution

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

trafficking, however, such as consensual smuggling or movement for the purpose of prostitution.

Labor trafficking is criminalized pursuant to Section 149 of the penal code, which prohibits *trabalho escravo*, or reducing a person to a condition analogous to slavery, including by forcing a person to work or by subjecting a person to exhausting work days or degrading working conditions. This statute, therefore, prohibits treatment that is considered human trafficking, such as forced labor, as well as other treatment, such as poor labor conditions, which is beyond the definition of human trafficking. The penalty of two to eight years' imprisonment is sufficiently stringent. However, Brazilian law may not adequately criminalize other means of non-physical coercion or fraud used to subject workers to forced labor, such as threatening foreign migrants with deportation unless they continued to work. A 2006 presidential decree included a stated goal to amend Brazilian anti-trafficking laws to achieve parity between penalties applied to sex trafficking and slave labor crimes; such amendments remain unrealized. A bill first proposed in 2001 which would allow the government to confiscate and redistribute property on which forced labor has been employed is still pending.

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

The government maintained efforts to investigate forced labor crimes. During the reporting period, the government prosecuted and convicted 15 persons under the *trabalho escravo* law. The 15 convicted offenders were given sentences ranging from 30 months to 10 years and six months plus fines, compared with 23 convictions for *trabalho escravo* during the previous year. Convicted trafficking offenders had subjected workers to slave labor on a rice and soy plantation, a palm-oil plantation, and cattle ranches. The Ministry of Labor's anti-slave labor mobile unit, created in 1995, increased the number of rescue operations conducted last year; the unit's labor inspectors continued to free victims, and require those responsible to pay approximately \$3.3 million in fines. In the past, mobile unit inspectors did not typically seize physical evidence or attempt to interview witnesses with the goal of developing a criminal investigation or

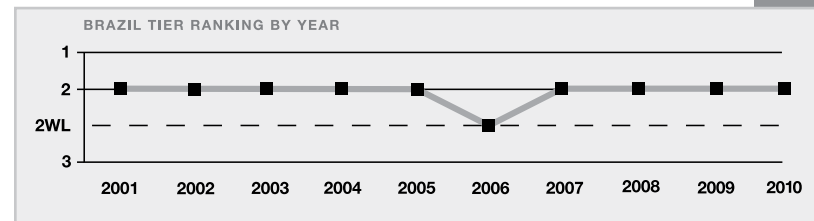
prosecution; labor inspectors and labor prosecutors can only apply civil penalties, and their anti-trafficking efforts were not always coordinated with public ministry prosecutors, who initiate criminal cases in federal court. In addition to weak coordination among the police, judiciary, and prosecutors, local political pressure and the remoteness of areas in which slave labor was practiced were cited as impediments in criminal prosecution of slave labor offenders.

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

Protection

The Brazilian government sustained efforts to provide trafficking victims with services during the year. Authorities continued to use mobile inspection teams to identify forced laborers, but did not report formal procedures for identifying trafficking victims among other vulnerable populations, such as women in prostitution. The Ministry of Social Development provided generalized shelter, counseling, and medical aid to women and girls who were victims of sex trafficking through its network of 400 centers for victims of domestic violence and sexual abuse. During the reporting period the government established a women's center for victims of violence, including human trafficking, via an agreement of partnership with the Paraguayan and Argentine governments in a general migrant's assistance center in the tri-border area. Brazilian police continued to refer child sex trafficking victims to government-run Service to Combat Violence, Abuse, and Sexual Exploitation of Children and Adolescents for care. While the government reported training workers at more than 600 centers and health care facilities around the country to assist trafficking victims, NGOs noted that many centers were not prepared to handle trafficking cases and were underfunded. NGOs provided additional victim services, sometimes with limited government funding, and long-term shelter options were generally unavailable. The Brazilian government, with assistance from UNODC, continued to fund regional anti-trafficking offices in conjunction with state governments in Sao Paulo, Rio de Janeiro, Goias, Pernambuco, Ceara, and Pará and opened two new offices in Acre and Bahia, although the latter

is not yet operational. These offices are responsible for providing victim assistance, in addition to preventing and combating human trafficking, although NGOs report that quality of service varies and that some centers focus on public awareness as opposed to victim care. Authorities also operated an assistance post to aid repatriated citizens who might be trafficking victims in the airport in Belem. In early 2010, the government took over responsibility for an assistance post in the Sao Paulo airport previously run by an NGO. During 2009, the post assisted 444 individuals, nine of which were identified as trafficking victims. Authorities plan to create additional airport posts in Fortaleza, Salvador, and Rio de Janeiro in 2010.



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

The government encouraged sex trafficking victims to participate in investigations and prosecutions of trafficking, though victims often were reluctant to testify due to fear of reprisals from traffickers and corrupt law enforcement officials. NGOs allege that police often dismissed cases involving sex trafficking victims, and some victims reported discrimination or prejudicial treatment due to the fact that they worked in prostitution prior to being trafficked and were therefore not considered victims. The government did not generally encourage victims of slave labor to participate in criminal investigations or prosecutions. Some victims of sex trafficking were offered short-term protection under a witness protection program active in 10 states, which was generally regarded as lacking resources. The government did not detain, fine, or otherwise penalize identified

victims of trafficking for unlawful acts committed as a direct result of being trafficked. However, the government does not provide foreign trafficking victims with legal alternatives to removal to countries where they may face hardship or retribution, and law enforcement personnel noted that undocumented foreign victims were often deported before they could assist with prosecutions against their traffickers. Brazilian consular officers received guidance on how to report trafficking cases and assist trafficking victims.

Prevention

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

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

The government took measures to reduce demand for commercial sexual exploitation of children by conducting a multi-media campaign during the 2010 Carnival holiday period, reaching an estimated audience of 600,000. Action brigades distributed a wide variety of awareness materials, radio announcements were broadcast daily, and airlines made information available on their flights. The government also sought to reduce demand for commercial sex acts along Brazil's highways. In partnership with a Brazilian energy company and an international organization, authorities trained highway police and engaged truck drivers in the fight against the commercial sexual exploitation of children. Finally, Brazilian authorities relied on operational partnerships with foreign governments to extradite and prosecute

foreign sex tourists, though there were no reports of prosecutions or convictions for child sex tourism within Brazil. The Brazilian military used the UN Peacekeeping Office's anti-trafficking and forced labor training modules to train its troops prior to their deployment abroad as part of international peacekeeping missions.

BRUNEI (Tier 2 Watch List)

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

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

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

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

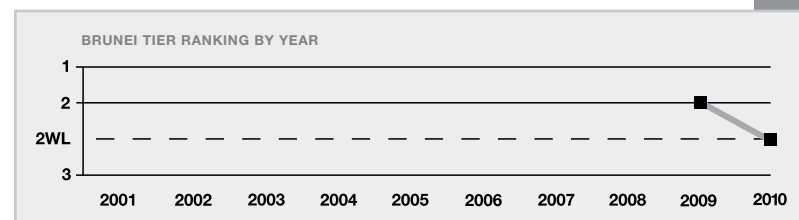
Prosecution

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

Protection

Brunei did not demonstrate significant efforts to identify and protect trafficking victims during the reporting period. Brunei does not have a proactive system to formally identify victims of trafficking among vulnerable groups, such as foreign workers and foreign women and children in prostitution. The government did not report identifying any trafficking victims in the past year. The government did not provide centrally coordinated training for its officials on identifying trafficking victims.

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



Prevention

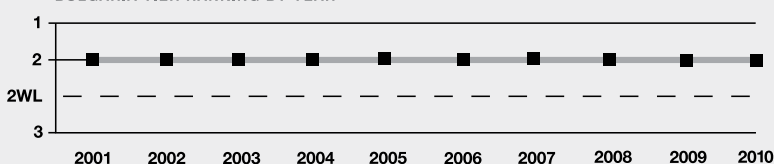
The Brunei government demonstrated limited prevention efforts during the reporting period. The government did not conduct any public awareness campaigns on trafficking. Officials participated in several regional training programs on trafficking. The government provides arrival briefings for foreign workers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

BULGARIA (Tier 2)

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

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

BULGARIA TIER RANKING BY YEAR



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

Prosecution

The Bulgarian government sustained its strong anti-trafficking law enforcement response to human trafficking over the reporting period. Bulgaria prohibits trafficking for both commercial sexual exploitation and forced

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

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

Protection

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

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

Prevention

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

children and sentenced him to 66 months' imprisonment; one Bulgarian national was also convicted and sentenced to nine months' imprisonment for procuring the children. During the reporting period, 14 clients of children in prostitution were prosecuted and convicted and sentenced to up to three years' imprisonment.

BURKINA FASO (Tier 2)

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

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

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

Prosecution

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

trafficking in the country is well known, but officials and private citizens alike have difficulty distinguishing between children who migrate voluntarily for work, and those who are victims of trafficking.

Prevention

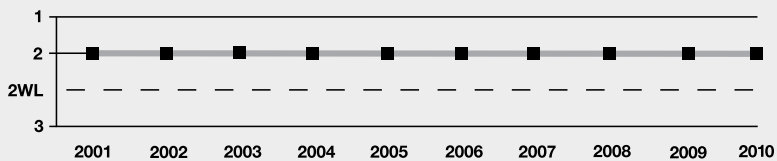
Strong partnerships with NGOs and international organizations allowed the Burkinabe government to sustain nationwide anti-trafficking information and education campaigns during the last year. Local and international partners supported workshops and seminars focused on child trafficking, and government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

BURMA (Tier 3)

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

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

BURKINA FASO TIER RANKING BY YEAR



Protection

The government was not in a position to provide many services directly to trafficking victims. In 2009, however, the Ministry of Social Action, together with security forces and regional anti-trafficking committees, identified and referred 788 child victims to some of the 23 transit centers jointly funded by the government and UNICEF. The government also provided approximately \$85,000 for support and school fees to 50 orphanages and nurseries where the risk of child trafficking was significant – an unusual commitment of support from a government with limited resources. To help foreign victims return to their homes countries quickly, the government processed their travel documents and collaborated with NGOs to ensure a safe return. Burkinabe law permits a victim to seek legal action against trafficking offenders, but official agencies did not report any such cases in 2009, or any instances of victims assisting in the prosecution of suspected offenders. The government does not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. Nationals of ECOWAS states, including trafficking victims, however, may legally reside and work in Burkina Faso. The government made efforts to sensitize law enforcement agents to child trafficking issues during the reporting period, but did not develop official programs to train officials in identifying victims. The prevalence of child

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

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

In some areas, in particular international sex trafficking of women and girls, the Government of Burma is making significant efforts. Nonetheless, serious problems remain in Burma, and in some areas, most notably in the area of forced labor, the Government of Burma is not making significant efforts to comply with the minimum standards for the elimination of trafficking, warranting a ranking of Tier 3. The regime's widespread use of and lack of accountability in forced labor and recruitment of child soldiers is particularly worrying and represent the top causal factor for Burma's significant trafficking problem.

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

Prosecution

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

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

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

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

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

which stretched into months if authorities could not find an adult family member to accept the victim. While in government facilities, victims had access to counseling, which was often substandard, and had very limited access to social workers. There were no shelter facilities available to male victims of trafficking. NGOs were sometimes allowed access to victims in government shelters, but the regime continued to bar NGOs from operating shelters for trafficking victims. The regime did not have in place formal victim identification procedures. While the government reported that it encouraged victims to assist in investigations and prosecutions, it did not appear to provide financial support or other assistance to victims to serve as incentives to participate in the prosecution of their traffickers. The regime cooperated with the ILO on the issue of the military's conscription of children, resulting in the return of 31 children to their families. However, numerous children undoubtedly continue to serve in the Burma Army and in ethnic militias. The government has done little to help international organizations assess the scope of the problem. The regime did not permit UNICEF access to children who were released through the government's mechanisms for follow-up purposes. Additionally, some child recruits have been prosecuted and sentenced for deserting the military and remain in prison.

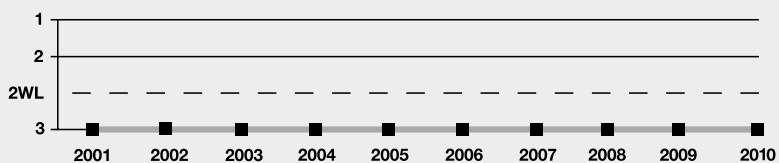
Prevention

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

BURUNDI (Tier 2)

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

BURMA TIER RANKING BY YEAR



Protection

The regime made efforts to protect repatriated victims of cross-border sex trafficking to China and Thailand, though it exhibited no discernible efforts to protect victims of internal trafficking and transnational labor trafficking. In forced labor cases, some victims, notably 17 individuals in Magwe Division, were harassed, detained, or otherwise penalized for making accusations against officials who pressed them into forced labor. The government reported identifying 302 victims, most of whom were victims of forced marriage rather than explicitly trafficking victims, and reported assisting an additional 425 victims identified and repatriated by foreign governments in 2009, including 293 from China and 132 from Thailand. The regime did not identify any male trafficking victims. Victims were sheltered and detained in non-specialized Department of Social Welfare facilities for a mandatory minimum of two weeks,

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

The Government of Burundi does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made clear progress in combating trafficking during the reporting period, particularly with regard to identifying trafficking victims, investigating potential trafficking offenses, and raising public awareness. In 2009, a Bujumbura court heard a case involving child domestic servitude, the first known prosecution of a case involving elements of a human trafficking offense. Significant work remains, however, in educating the government officials and local populations about the nature of human trafficking, bringing cases to trial, and providing protective services to victims.

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

Prosecution

The government’s anti-trafficking law enforcement efforts increased during the reporting period, particularly its efforts to detect and investigate suspected human trafficking offenses. This progress continued, however, to be hampered by lack of investigative equipment and training, poor evidence gathering by police, the

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

Protection

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

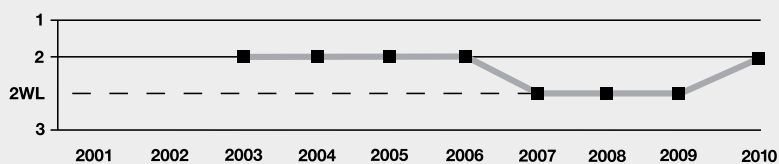
counseling to children in prostitution and mediated between these victims and their parents. In January 2010, police rescued three child sex trafficking victims from a brothel in Bujumbura, documented their testimonies, and returned them to their families. In 2009, government officials identified 18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

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

CAMBODIA (Tier 2)

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

BURUNDI TIER RANKING BY YEAR



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

Prevention

The government made clear progress in its efforts to prevent trafficking during the year. In February 2010,