

How to Read a Country Narrative

This page shows a sample country narrative. The Prosecution, Protection, and Prevention sections of each country narrative describe how a government has or has not addressed the relevant TVPA minimum standards (see page 404), during the reporting period. This truncated narrative gives a few examples.

The country's tier ranking is based on the government's efforts against trafficking as measured by the TVPA minimum standards.

COUNTRY X (Tier 2 Watch List)

Profile of human trafficking in recent years.

Country X is a transit and destination country for men and women subjected to forced labor and, to a much lesser extent, forced prostitution. Men and women from South and Southeast Asia, East Africa, and the Middle East voluntarily travel to Country X as laborers and domestic servants, but some subsequently face conditions indicative of involuntary servitude. These conditions include threats of serious harm, including financial harm; job switching; withholding of pay; charging workers for benefits for which the employer is responsible; restrictions on freedom of movement, including the confiscation of passports and travel documents and the withholding of exit permits; arbitrary detention; threats of legal action and deportation; false charges; and physical, mental, and sexual abuse. In some cases, arriving migrant workers have found that the terms of employment in Country X are wholly different from those they agreed to in their home countries. Individuals employed as domestic servants are particularly vulnerable to trafficking since they are not covered under the provisions of the labor law. A small number of foreign workers transit Country X and are forced to work on farms in Saudi Arabia. Country X is also a destination for women who migrate and become involved in sex work, but the extent to which these women are subjected to trafficking is unknown.

Synopsis of government efforts.

The Government of Country X does not meet the minimum standards for the limitation of trafficking. The government shows evidence of overall significant efforts to do so. The government has enacted its sponsorship law, including through the government's requirement that one migrant laborer without permission from his sponsor. Although the government has not yet enacted necessary anti-trafficking legislation, during the reporting period it reaffirmed its commitment to this goal over the next year. Despite these efforts, the government did not show evidence of overall progress in prosecuting and punishing trafficking offenders and identifying victims of trafficking; therefore, Country X is placed on Tier 2 Watch List.

Guidance on how the government can improve its performance and obtain a better tier ranking.

Recommendations for Country X: Enact the draft comprehensive anti-trafficking legislation; significantly increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; institute and consistently apply formal procedures to identify victims of trafficking among vulnerable groups, such as those arrested for immigration violations or prostitution; enforce the sponsorship's law criminalization of passport-withholding and mandate that employees receive residence cards within one week; abolish or significantly amend provisions of Country X's sponsorship law that require migrant labor of migrant workers or strongly implement measures to make up for the law's shortcomings; implement the national plan of action, and disseminate counter-trafficking law.

Summary of the government's legal structure and law enforcement efforts against human trafficking.

Prosecution
The Government of Country X made minimal efforts to investigate and prosecute trafficking offenses during the reporting period. Country X does not prohibit all acts of trafficking, but it criminalizes slavery under Section 321 and forced labor under Section 322 of its criminal law. The prescribed penalty for forced labor – up to six months' imprisonment – is not sufficiently stringent. Article 297 prohibits forced or coerced prostitution, and the prostitution of a child below age 15 even if there was no compulsion or redress; the prescribed penalty is up to 15 years' imprisonment, which is commensurate with penalties prescribed for other serious crimes, such as rape. Draft revisions to the penal code have not yet been enacted. An unconfirmed report indicates that four traffickers were charged with fraudulently issuing visas to workers who they then exploited. Two were reportedly deported, and two were reportedly convicted. The government did not confirm nor deny the existence of this case. The government did not report any investigations, prosecutions, convictions, or sentences for trafficking complicity of public officials.

Protection

Country X made minimal progress in protecting victims of trafficking during the reporting period. Although health care facilities reportedly refer suspected abuse cases to the government anti-trafficking shelter for investigation, the government continues to lack a systematic procedure for law enforcement to identify victims of trafficking among vulnerable populations, such as foreign workers awaiting deportation and women arrested for prostitution; as a result, victims may be punished and automatically deported without being identified as victims or offered protection. The government reported that the MOI has a process by which it refers victims to the trafficking shelter; however, this process is underutilized in practice. The trafficking shelter assisted 24 individuals during the reporting period and provided them with a wide range of services, including full medical treatment and legal and job assistance. Country X commonly fines and detains potential trafficking victims for unlawful acts committed as a direct result of being trafficked, such as immigration violations and running away from their sponsors, without determining whether the individuals are victims of trafficking. The government did not routinely encourage victims to assist in trafficking investigations or consistently offer victims alternatives to removal to countries where they may face retribution or hardship.

Country X sometimes offers temporary relief from deportation so that victims can testify as witnesses against their employers. However, victims were generally not permitted to leave the country if there is a pending case. The government did not routinely encourage victims to assist in trafficking investigations or consistently offer victims alternatives to removal to countries where they may face retribution or hardship.

Prevention

Country X made modest progress in preventing trafficking in persons during the reporting period. Agencies continued to produce and distribute informational anti-trafficking brochures in several targeted languages, distributed posters in different languages, given radio and TV interviews and commercials in regional media outlets, and a media campaign entitled "No to Trafficking." In March, Country X hosted a two-day regional workshop meant to establish dialog between scholars, government officials, and stakeholders; to discuss regional and international efforts to combat TIP; and how to help victims.

While the government made no apparent effort to amend provisions of Country X's sponsorship law – enacted in March 2009 – to help prevent the forced labor of migrant workers, the government did start to enforce other parts of the law to the benefit of migrant workers. One provision in the sponsorship law continues to require foreign workers to request exit permits from their sponsors in order to leave Country X. Although this may increase migrant workers' vulnerability to forced labor, the law created a new category of laborer who was not granted an exit permit. In circumstances that can seek one by the government, the government reported that two workers – one of whom was a victim of trafficking – since the past reporting period has a national plan of action to address trafficking, but did not publicly disseminate the plan or take steps to implement it during the reporting period. The government did not make any efforts to reduce the demand for commercial sex acts in Country X, but the government convicted two of its nationals for soliciting children for sex in other countries and sentenced them to 10 years' imprisonment.

Summary of the government's efforts to ensure that trafficking victims are identified and provided adequate protection.

TVPA Minimum Standard 4(2) – whether the government adequately protects victims of trafficking by identifying them and ensuring they have access to necessary services.

Summary of the government's efforts to prevent human trafficking.

TVPA Minimum Standard 4(3) – whether the government is making adequate efforts to prevent human trafficking.

TVPA Minimum Standard 4(7) – whether the government has made adequate efforts to address the involvement in or facilitation of human trafficking by government employees.

TVPA Minimum Standard 4(1) – whether the government vigorously investigates and prosecutes trafficking offenses and convicts and punishes trafficking offenders and provides data on these actions.

TVPA Minimum Standard 4(1) – whether the government has made efforts to reduce the demand for commercial sex acts, and, if applicable, participation in international sex tourism by its nationals

COUNTRY NARRATIVES



A former migrant worker from Tajikistan lost a portion of both legs due to frost bite as he fled Russia, where he was working without pay and under horrible living conditions.

AFGHANISTAN (Tier 2 Watch List)

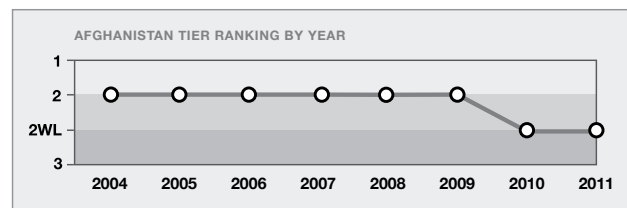
Afghanistan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. According to the Ministry of the Interior, trafficking within Afghanistan is more prevalent than transnational trafficking. The extent of the problem is not known due to weak governmental capacity, the result of 30 years of war. The majority of victims are children, and the Ministry of Interior reported that boys were more at risk for forced labor, commercial sexual exploitation, and forced drug smuggling, than girls. Some Afghan boys and girls are trafficked within the country, in forced prostitution, forced labor in carpet-making factories, and in forced domestic service. They also are taken to Saudi Arabia for forced begging and street vending. 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. Some Afghan women and girls are subjected to forced prostitution, forced marriages – including through forced marriages in which husbands force their wives into prostitution, and where they are given by their families to settle debts or disputes – and involuntary domestic servitude in Pakistan and Iran, and possibly India. Some families knowingly sell their children for forced prostitution, including for *bacha baazi* – where wealthy men use groups 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. Families often sell their children to traffickers. Some Afghan families, including children, are trapped in debt bondage in the brick-making industry.

Many 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, including those from Sri Lanka, Nepal, and India, to Afghanistan, and lure Afghan villagers to Afghan cities or India or Pakistan, then sometimes subject them to forced labor or forced prostitution subsequent to their arrival. 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 later subjected to forced labor. The Ministry of Interior reports that male migrants from Nepal are forced to work in Afghanistan more than any other group of foreign workers. Some Afghan women and children are forced into prostitution in Iran and Slovenia. An increasing number of Afghan children and men are forced laborers in Greece; Afghan boys also are forced into prostitution in that country.

Women and girls from Iran, Tajikistan, and possibly Uganda and China are reportedly forced into prostitution in Afghanistan. Brothels and prostitution rings are sometimes run by foreigners, sometimes with links to larger criminal networks. Tajik women also are believed to be trafficked through Afghanistan to other countries for prostitution. Trafficked Iranian women transit Afghanistan

en route to Pakistan. According to the government and the UN, the Taliban use children between 12 to 16 years old as suicide bombers. 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, the government did not show evidence of increasing efforts to address human trafficking over the previous year; therefore, Afghanistan is placed on Tier 2 Watch List for a second consecutive year. Specifically, the Afghan government did not prosecute or convict trafficking offenders under its 2008 law, and it reportedly punished victims of sex trafficking with imprisonment for adultery or prostitution. The government seems to seriously underestimate the significance of human trafficking within the country.



Recommendations for Afghanistan: Increase law enforcement activities against trafficking using the 2008 anti-trafficking law, including prosecuting suspected traffickers and convicting and imprisoning traffickers for acts of sex trafficking 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 over the age of 11 victimized by sex and labor trafficking receive protective services; strengthen the capacity of the anti-trafficking/smuggling unit, including by increasing the number of officials dedicated to anti-trafficking efforts, differentiating between smuggling and trafficking, and working across ministries; and undertake initiatives to prevent trafficking, such as running 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 a convicted offender who abducts a victim and subjects her or him 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 woman into prostitution is at least seven years. The government did not report any investigations, prosecutions, or convictions of human trafficking offenses and offenders in the reporting period. Government officials reported that some victims of abuse were identified in the reporting period, but could not clarify which of those cases were trafficking, nor could they clarify the disposition of those cases. Local NGOs continued to assert that Afghan government personnel persisted in confusing trafficking with smuggling, abductions, abuse, and other issues, and the government did not take steps to end this confusion. 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. One government official noted that traffickers bribe Afghan officials to ensure their release from imprisonment via a conviction; in other situations, prosecutions are stalled with no action taken. Both the UN and local NGOs have cited isolated reports of the sexual abuse of boys – including *bacha baazi* – by members of the Afghan National Security Forces (ANSF). The Government of Afghanistan and UN officials co-signed a UN-sponsored action plan to address, among other issues, the use of *bacha baazi* by the ANSF. Living conditions in government-run orphanages are extremely poor and some corrupt officials may have sexually abused children and forced them into prostitution. International organizations and NGOs provided some training to police and prosecutors on identifying and investigating trafficking cases. Training noted in the 2010 Report did not appear to increase law enforcement efforts.

Protection

The Government of Afghanistan did not make progress in protecting victims of trafficking. Afghanistan did not have a formal procedure to identify victims of trafficking. IOM reported that international organizations and NGOs referred 21 victims to shelters, and that the government referred 15 victims to shelters, during the reporting period. 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, UN Women (formerly 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. Some organizations running care facilities for trafficking victims continued to report generally adequate coordination with government officials.

In December, IOM officially handed over two shelters, in Kabul and Herat, to the Ministry of Labor, Social Affairs, Martyrs, and Disabled. These shelters provide assistance to trafficking victims, as well as victims of other crimes. The IOM continues to run the shelters and offer direct assistance, as well as vocational and educational training, but the shelters are now registered by the ministry. There are no facilities in Afghanistan to provide shelter or specific protective services to male trafficking victims above the age of 11. During the reporting period, some trafficked boys were placed in government-run orphanages or a facility for juvenile criminals while their cases were being investigated, while adult men are kept in detention centers or hotels during investigation, according to NGO sources. 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 for immigration relief.

Government officials were sometimes reported to have punished 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, problems the Afghan government has acknowledged. In other 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. Female victims' attempts to seek redress were impeded in part because an Afghan victim would be in grave danger for simply identifying her or his assailant. Authorities arrested several would-be child suicide attackers after they were reportedly psychologically coerced, trained, and equipped in Pakistan by armed opposition groups.

Prevention

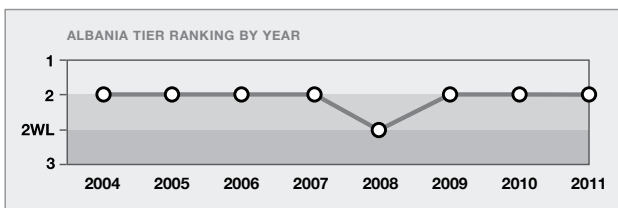
During the reporting period, the Government of Afghanistan made no discernible progress in preventing human trafficking. The government formed an anti-trafficking and anti-smuggling unit in the Ministry of Interior in 2008, but only seven officers cover the entire country, and other investigative sections often borrow members of the unit to conduct different types of investigations. NGO sources asserted there was a lack of coordination among government ministries on trafficking issues. The government did not undertake initiatives to prevent trafficking, such as public awareness campaigns to warn at-risk populations of the danger of trafficking. While the government issued some birth certificates and marriage certificates, many citizens in rural areas do not request or obtain these documents. In fact, fewer than 10 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. 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 sex trafficking 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 2010 were Albanian women and girls subjected to sex trafficking in hotels and private residences in Tirana, Durres, and Vlora. Children were primarily exploited for forced begging and other forms of forced labor; some girls were subjected to prostitution or forced labor after arranged marriage. There is evidence that Albanian men have been subjected to forced labor in the agricultural sector of Greece and other neighboring countries. NGOs continue to report re-trafficking of Albanian victims as a problem.

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. During the year, the government took several concrete steps to improve its overall anti-trafficking strategy. Specifically, the government earmarked funds for NGOs and provided economic reintegration assistance directly to victims. The government also appointed a victim-witness coordinator and two specialized anti-trafficking prosecutors to improve the litigation of trafficking cases and treatment of victims who agree to serve as state witnesses. These efforts portend well for future results. During the reporting period, however, one government ministry attempted to unilaterally revoke the shelter licenses of three specialized anti-trafficking NGOs, but rescinded this order after repeated interventions by the international community. NGOs continued to report gaps in the implementation of the government's National Referral Mechanism (NRM). Further, widespread corruption, particularly within the judiciary, continued to hamper overall anti-trafficking law enforcement and victim protection efforts.



Recommendations for Albania: Continue to improve implementation of the NRM and ensure the full participation of all signatories; aggressively prosecute law enforcement officials who are complicit in human trafficking; vigorously investigate and prosecute sex and labor trafficking offenders; empower the new victim-witness coordinator and specialized prosecutors to help create a more case-based, multidisciplinary response to trafficking; improve the functioning of regional anti-trafficking committees to improve the identification of

and response to domestic trafficking cases; follow through on promised funding to NGOs providing critical care and reintegration assistance to victims; ensure proactive identification at border points and among persons exploited within Albania's sex trade and labor sectors while intensifying partnerships with NGOs to increase detection and referral of all trafficking victims; and improve identification and specialized services for child trafficking victims.

Prosecution

The Government of Albania increased its anti-trafficking law enforcement efforts in 2010. Albania criminally prohibits sex and labor trafficking through Articles 110(a), 128(b), and 114(b) of its Criminal Code, which prescribe penalties of five to 15 years' imprisonment. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. In 2010, the State Police reported investigating 51 suspected trafficking offenders in 37 cases, all of whom were referred to court for prosecution. The Serious Crimes Prosecution division reported investigating 29 suspects and the Serious Crimes Court prosecuted 27 suspected trafficking offenders, resulting in 11 convictions in 2010, compared with the prosecution of 31 and conviction of 11 offenders in 2009. Penalties ranged from fines to seven to 15 years' imprisonment. The government improved its response to labor trafficking by initiating a criminal investigation into one labor trafficking case in 2010. The government dedicated 40 anti-trafficking officers exclusively to human trafficking investigations in 2010; high staff turnover, particularly among female officers, continued to be a problem. The government, in partnership with NGOs, continued its pre-service and in-service anti-trafficking training, including interview techniques, for police recruits and personnel during 2010. The government also continued its anti-trafficking training for judges, prosecutors, and judicial police officers, training 113 judicial officials in 2010.

Pervasive corruption in all levels and sectors of Albanian society continued to seriously affect the government's ability to address its human trafficking problem. The government did not report any investigations, prosecutions, or convictions of trafficking-related complicity in 2010.

Protection

The Government of Albania improved its efforts to identify and protect victims of trafficking victims in 2010. NGOs and the government's shelter assisted 97 trafficking victims via the National Referral Mechanism in 2010, compared with 94 victims in 2009. Fourteen of the victims were children. Law enforcement identified 51 out of the 97 victims referred to care providers; the government reported that the same number of victims cooperated with law enforcement on their cases. The Albanian government's efforts to proactively identify trafficking victims were noteworthy in 2010; officials identified a significant number of victims relative to the Balkan region, including one labor trafficking victim. While the government officially acknowledged its internal trafficking problem, local level responders' lack of understanding and response likely resulted in a lack of proactive identification and

referral of these victims. The NRM, generally recognized by Albanian stakeholders and international observers as an effective framework, continued to suffer from inadequate implementation by its signatories. During the reporting period, one government ministry bypassed the NRM completely and attempted to unilaterally revoke the licenses of three of the NGO signatories providing shelter and assistance to trafficking victims; the Ministry rescinded this order after repeated interventions by the international community. These threatened closures damaged the trust and partnership between the government and civil society on trafficking victim protection issues. During the reporting period, the government finalized a law that provides reintegration assistance to victims, and provided stipends of \$30 per month to each victim after they left a shelter. The government, however, has yet to formally disburse promised funding to NGOs providing critical care and assistance to victims in shelters. The government continued to fund and operate a reception center that housed both victims of trafficking and irregular foreign migrants identified within Albanian territory; victims' freedom of movement is often restricted in this center. Furthermore, it lacks the capacity to provide comprehensive reintegration assistance to victims. The government did not penalize victims for unlawful acts committed in connection with their being trafficked and, per provision of its 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. Victims however often refused to testify out of fear of retribution from traffickers. There is often a need for protection after a trial commences. In some cases, the police offered no protections to trafficking victims when testifying against their traffickers, forcing victims to rely exclusively on NGOs for protection. The General Prosecutor's office did not request witness protection for any victims of trafficking in 2010. To help improve protection, the Prosecutor General named a victim witness advocate to help serve the needs of the victims and two specialized prosecutors for trafficking cases.

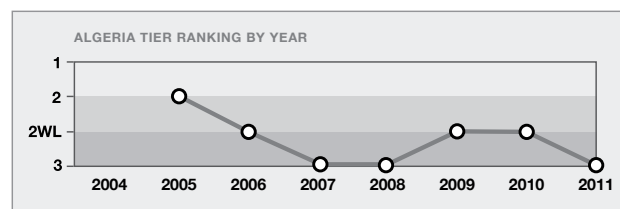
Prevention

In February 2011, the government approved a new 2011-2013 national anti-trafficking strategy with input from civil society, and continued to organize information and education campaigns to prevent trafficking. The government continued to monitor its anti-trafficking efforts via its National Coordinator's office, which published an annual report on trafficking in October 2010, reflecting modest transparency in its anti-trafficking policies and activities. Regional anti-trafficking coordination groups were not fully functional, did not always include civil society, and lacked needed leadership and assistance. Lack of political will and misunderstandings about trafficking in some government agencies continued to be a significant barrier to the establishment of an institutionalized response to trafficking in Albania. The government continued to fund the national toll-free, 24-hour hotline for victims and potential victims of trafficking.

ALGERIA (Tier 3)

Algeria is a transit and, to a lesser extent, a destination and source country for men, women, and children subjected to forced labor and sex trafficking. 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 of these women are forced into prostitution. Criminal networks which sometimes extend to sub-Saharan Africa and to Europe are involved in both smuggling and human trafficking. The "chairmen," or leaders, of the "African villages" – small non-Algerian ethnic enclaves located in and around the southern city of Tamanrasset – are among those responsible for forcing women into prostitution. To a lesser extent, some sub-Saharan African men, mostly from Mali, are forced domestic workers; homeowners sometimes confiscate identification documents to coerce and to maintain their labor. Some Algerian women are also forced into prostitution. Civil society groups believe that, as Europe tightens its border controls, Algeria is becoming more of a destination for both undocumented migration and trafficking. Over the past year, the "cost" – both in terms of fees and threats of exploitation – of a migrant's trip to and through Algeria have increased due to a greater crackdown against undocumented migration. One 2011 report also noted that 23 Algerian children and six men were identified as trafficking victims in Norway.

The Government of Algeria does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government made no discernible effort to enforce its 2009 anti-trafficking law. It also failed to identify and protect trafficking victims and continued to lack adequate measures to protect victims and prevent trafficking.



Recommendations for Algeria: Proactively implement the anti-trafficking law by training law enforcement and judicial officials, investigating potential offenses and prosecuting alleged offenders, and establishing necessary legal structures; establish capacity to identify victims of trafficking among illegal migrants; ensure that trafficking victims are offered necessary assistance, such as shelter, medical, psychological, and legal aid; ensure identified victims are not punished for unlawful acts committed as a direct result of being trafficked; establish partnerships with relevant international organizations and NGOs in source countries to ensure safe and voluntary repatriation for trafficking victims; and undertake a campaign to increase public awareness of trafficking, including on the differences between human smuggling and trafficking.

Prosecution

The Algerian government made no 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, enacted in March 2009. Prescribed penalties under this statute range from three to 10 years' imprisonment, which can be increased to 20 years' imprisonment 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. Some of the African village "chairmen" have close ties to the Algerian police, and an NGO noted that some police released arrested migrant women in prostitution and sex trafficking victims back to their pimps. Newspaper reports in October indicated that a new national police brigade was established in southern Algeria specifically dedicated to fighting trafficking in persons, but there was no confirmation this had occurred, and government officials were not aware of its existence. Training cited in the 2010 TIP Report and provided by the Ministry of Justice to judges and prosecutors does not appear to have led to any increased anti-trafficking actions. The government did not accept an offer of anti-trafficking training from a foreign government.

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 undocumented migrants. NGOs reported that some trafficking victims were jailed for unlawful acts committed as a result of their being trafficked – such as engaging in prostitution or lacking adequate immigration documentation. Deported migrants, some of whom may have been trafficking victims, received a liter of milk and some bread and were transported to desert borders with Mali and Niger where – on occasion – they were received by officials from other countries. NGOs reported that in some cases, migrants died in the Saharan desert. The government did not provide foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship. The government did not provide counseling or legal services to victims, nor did it refer victims to other potential service providers. There were no government-operated shelters, and civil society groups were prohibited from operating any such shelters because they would be penalized for harboring undocumented migrants. Government-operated health clinics continued to be available for trafficking victims, and some victims used these services. However, a number of victims were either not aware of these clinics or declined to use them due to fear of deportation. There is no formal program to encourage trafficking victims to assist with investigation and prosecution of offenders.

Prevention

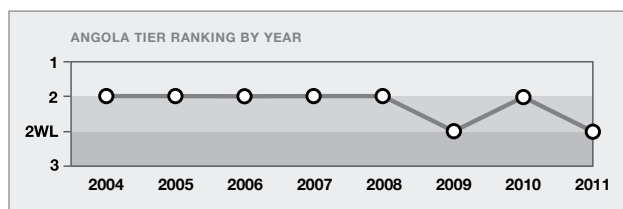
The Algerian government made no prevention efforts during the reporting period. The government did not conduct a public awareness campaign on trafficking in persons. It did not have a formal anti-trafficking policy or a national plan of action to complement its anti-trafficking law. It did not demonstrate transparency in its anti-trafficking efforts through public reporting, nor did it attempt to forge effective anti-trafficking partnerships with civil society organizations. The government did not take measures to establish the identity of the populations most at risk of being trafficked. Press articles noted that clients were arrested, which can reduce the demand for commercial sex acts. Some of the people in prostitution arrested in these raids may have been sex trafficking victims. Government officials report that there is an inter-ministerial group working on trafficking, though no data were available to confirm this group's makeup, authority, or date of establishment, or whether it met during the reporting period.

ANGOLA (Tier 2 Watch List)

Angola is a source and destination country for men, women, and children subjected to sex trafficking and forced labor. Internally, trafficking victims reportedly are forced to labor in agriculture, construction, domestic service, and artisanal diamond mines. Angolan women and children more often become victims of sex trafficking within Angola rather than in other countries; there are reports of underage girls, as young as 13, in prostitution in the provinces of Luanda, Benguela, and Huila. Some Angolan boys are taken to Namibia for forced labor in cattle herding, as well as forced to act as couriers in the illegal cross-border trade between Namibia and Angola as part of a scheme to skirt import fees. Adults in Angola may use children under the age of 12 for forced criminal activity, since a loophole in the Angolan justice system prevents youths from being tried in court. Angolan women and children are subjected to domestic servitude in South Africa, the Democratic Republic of the Congo (DRC), Namibia, and some European nations, primarily Portugal. Vietnamese, Chinese, and Brazilian women in prostitution in Angola may also be victims of sex trafficking. Reports indicate that Chinese, South East Asian, Namibian, and possibly Congolese migrants are subjected to forced labor in Angola's construction industry. Illegal migrants from the DRC voluntarily enter Angola for work in its diamond-mining districts, where some later experience conditions of forced labor or forced prostitution in the mining camps. Trafficking networks recruit and transport Congolese girls, as young as 12, from Kasai Occidental in the DRC to Angola for various forms of exploitation.

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 did not demonstrate an increase in its modest anti-trafficking efforts of the previous year. The government neither amended the penal code to penalize trafficking in persons nor finalized draft anti-trafficking legislation. It made no efforts to improve its minimal protection services provided to victims or to raise awareness of trafficking during the reporting period. The government did not

develop procedures to identify victims of trafficking among vulnerable populations such as undocumented migrants, and did not train its law enforcement, social services, or immigration personnel on this skill. Therefore, Angola is placed on Tier 2 Watch List.



Recommendations for Angola: Amend the penal code to prohibit and punish all forms of trafficking in persons and provide sufficient protections for victims; train law enforcement officials to use existing portions of the penal code to prosecute and convict trafficking offenders; collect anti-trafficking law enforcement data on investigations, identified victims, and prosecutions; develop and implement procedures for the identification of trafficking victims amongst vulnerable populations; train law enforcement, social services, and immigration officials in identification and referral procedures; provide support for the establishment and maintenance of new shelters for trafficking victims; and launch a nationwide anti-trafficking public awareness campaign.

Prosecution

The Government of Angola made no efforts to increase its anti-trafficking law enforcement efforts over the last year, taking no action to amend the country's penal code or complete draft anti-trafficking legislation. Angola does not have a law that specifically prohibits all forms of trafficking in persons, though the constitution promulgated in February 2010 prohibits trafficking. The penal code, in force since 1886, has not yet been amended to reflect this constitutional provision and the government made no effort to amend it during the reporting period. The National Assembly took no action to finalize draft anti-trafficking legislation; the draft revised penal code and draft anti-trafficking legislation remain pending with the assembly. Article 71 of the current penal code prohibits prostitution and facilitating prostitution, and Article 406 specifically prohibits child prostitution, imposing insufficiently stringent penalties of between three months' and one year imprisonment and a corresponding fine; these penalties are not commensurate with other serious crimes, such as rape. Article 4 of the Angolan Labor law prohibits forced, coercive, or bonded labor prescribing insufficiently stringent penalties of a fine of between five and 10 times the average workers' salary.

Despite allegations of forced labor involving Namibian and foreign victims and IOM's identification of cases of child trafficking, the government did not investigate or prosecute trafficking offenses under these statutes during the year. The government made no effort to address allegations of official complicity in trafficking from the previous reporting period. These include allegations that

police and military officials facilitated the illegal entry of Congolese who subsequently became victims of forced labor or prostitution in mining camps and allegations that military personnel in Cabinda province purchased more than 30 trafficked women and girls from a sex trafficking ring during the year. At government facilities, IOM trained 762 people including provincial government officials, law enforcement officials and NGO service providers in the basic concepts of human trafficking, including the causes, consequences, and existing legal instruments. The trainings covered how to identify a victim, how to provide assistance, and what services are available.

Protection

During the past year the government sustained modest efforts to ensure that victims of trafficking received access to protective services, though a systematic process for the identification of trafficking victims and legal remedies for victims remained lacking. Victims, most often identified by community members, received immediate care from the National Children's Council (INAC) or the Ministry of Assistance and Social Reintegration (MINARS); however, INAC and MINARS did not provide medical or psychological services, referring victims to hospitals or clinics for such care or to international organizations, NGOs, or shelters for additional assistance and accommodation. The government did not provide nationwide data on victims identified, referred, and assisted by these entities. In partnership with UNICEF, INAC oversaw Child Protection Networks (CPNs) in all 18 provinces that have in the past rescued victims of trafficking and other crimes. These CPNs offered health care, legal and social assistance, and family reunification for victims under the age of 18; however, the government lacked adequate resources to provide shelter and psychological support to victims. MINARS, the Ministry of Family and Women's Promotion (MINFAM), and the Organization of Angolan Women (OMA) operated a limited number of multi-purpose shelters that trafficking victims could access; however it remains unclear if trafficking victims utilized these services during the reporting period. The government provided extremely limited funding for NGOs in all areas of social programming; no information was available on the amount of funding, if any, that it provided to NGOs for anti-trafficking work during the reporting period.

Law enforcement, immigration, and social services personnel lacked a formal system of proactively identifying victims of trafficking among vulnerable groups, including women in prostitution and illegal immigrants; during the reporting period, the government did not provide training to these officials on victim identification procedures. The government did not offer victims long-term assistance or relief from prosecution for crimes they may have committed as a direct result of being trafficked. Foreign trafficking victims may have been detained in advance of deportation, without being identified as trafficking victims. The government does not provide foreign victims with temporary residency or legal alternatives to their removal to countries where they may face hardship or retribution. In 2010, the government, assisted by IOM, repatriated 24 Namibian trafficking victims who were

promised high-paying construction jobs, but in the end they were not paid; following arrests on unrelated charges, the victims were turned over to the attorney general and the Angolan Immigration Service who, recognizing trafficking indicators, contacted IOM. The government provided their transportation costs back to Namibia, while IOM provided them with food and small stipends. At least one Angolan child trafficking victim was repatriated from Namibia during the reporting period; the Ministry of Exterior Relations and the Ministry of Family and Women's Promotion facilitated the child's return, though it is unclear whether the government provided additional care or reintegration assistance.

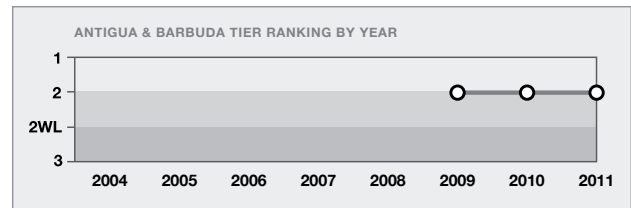
Prevention

The government made limited efforts to prevent trafficking in persons during the reporting period. The Cross-Sectoral Committee on Trafficking in Persons, comprised of representatives from various ministries, exists to coordinate government efforts against trafficking, though there was no evidence that they did so during the reporting period. Angolan authorities have improved security and effective patrolling at the Santa Clara border crossing between Angola and Namibia, which has led to a reported decrease in the exploitation of children in the cross-border transportation of goods. Border police and the navy increasingly worked to secure the borders; however, without proper screening, trafficking victims were not identified and were merely deported. The government made no efforts to reduce the demand for commercial sex acts. Angola is not a party to the 2000 UN TIP Protocol.

ANTIGUA AND BARBUDA (Tier 2)

Antigua and Barbuda is a destination and transit country for men, women and children subjected to sex trafficking and forced labor. Legal and illegal immigrants from Haiti, Jamaica, the Dominican Republic, and Guyana are reported to represent the population most vulnerable to trafficking. Reportedly forced prostitution occurs in bars and brothels. There also have been incidences of forced domestic service and persons forced to work on farm lands or to sell clothing.

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. The government made substantial progress during the reporting period by enacting legislation that prohibits all forms of trafficking and provides explicit and extensive victim protection measures. The government also identified and assisted victims, and conducted prevention activities. The government initiated some trafficking investigations, including one into potential police complicity, but did not report any prosecutions, convictions, or punishment of trafficking offenders over the past year.



Recommendations for Antigua and Barbuda: Provide adequate funding to implement the new Trafficking in Persons (Prevention) Act 2010; continue identifying and assisting victims in accordance with the Act; increase training for law enforcement, prosecutors, and judges on addressing forced prostitution and forced labor; and vigorously prosecute, convict, and punish trafficking offenders, including officials complicit in human trafficking.

Prosecution

The Government of Antigua and Barbuda made progress on anti-trafficking law enforcement by passing legislation prohibiting all forms of trafficking. The newly passed and enacted Trafficking in Persons (Prevention) Act 2010, prohibits forced prostitution and forced labor, including bonded labor, and prescribes punishments of 20 to 30 years' imprisonment with fines. These penalties are sufficiently stringent and commensurate with other serious crimes, such as rape. The law is comprehensive, including extensive victim protection measures. During the reporting period, the government conducted at least two sex trafficking investigations and one forced labor investigation. The government reported no prosecutions or convictions of trafficking offenders during the reporting period under the new act or other statutes. In a positive development, the government spoke publicly about the linkage between official complicity and human trafficking. The government temporarily suspended one police officer for involvement in a human trafficking case but did not report a follow-up prosecution in this case. The government did not report other investigations, prosecutions, convictions, or sentences of officials complicit in human trafficking. The police did not offer formal training for its officers in identifying human trafficking, but the Directorate of Gender Affairs held local workshops to train some officials during the reporting period.

Protection

The government made progress in the protection of trafficking victims during the reporting period, despite a lack of resources and capacity challenges. Government officials identified three victims of sex trafficking during the reporting period. The government demonstrated use of its procedures to guide officials in identifying victims of human trafficking among vulnerable groups and referring them to care providers. The government's Gender Affairs Directorate oversaw an "Emergency Safe Havens" network to provide shelter in confidential locations to victims through partnerships with local businesses, churches, clinics, and volunteers. The government provided the three identified victims with medical and mental-health services and other immediate needs over the reporting period, spending at least \$1,200. All three of the victims

assisted in the criminal investigations of their exploiters. Pursuant to the victim protection provisions of the newly enacted Trafficking in Persons (Prevention) Act of 2010, the government ensured that the three identified victims were not penalized for unlawful acts committed as a direct result of their being trafficked, and offered the victims legal alternatives to their removal to countries where they may face retribution or hardship. The Act has extensive additional victim protections, including victim confidentiality provisions and victim compensation. It also states that past sexual behavior of victims and consent of victims to exploitation are irrelevant to accessing benefits or pursuing the prosecution of trafficking offenders. The Directorate of Gender Affairs spoke publicly during the reporting period about the government's past successful integration of a foreign victim into Antiguan society; this is one of the only documented cases of long-term assistance provided to a trafficking victim in the Caribbean region.

Prevention

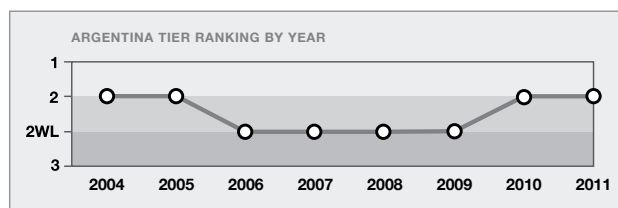
The Antiguan government demonstrated significant trafficking prevention efforts during the last year. It produced human trafficking public awareness brochures and radio spots in English and Spanish. The Directorate of Gender Affairs also hosted community talks and distributed posters throughout Antigua to raise awareness about human trafficking. The government continued to operate a hotline with operators trained to identify and assist human trafficking victims. The Directorate of Gender Affairs coordinated an inter-ministerial anti-trafficking coalition, which met monthly to discuss suspected cases, formulate strategies to address cases, and follow up with law enforcement conducting investigations. The new Trafficking in Persons (Prevention) Act 2010 calls for the establishment of a trafficking in persons prevention committee to be comprised of cabinet-level officials who will provide senior leadership on anti-trafficking matters; the committee, which will monitor the government's anti-trafficking efforts, has not yet been established. The government did not have a specific campaign to reduce the demand for commercial sex acts. The government has not identified a problem with child sex tourism in Antigua or involving its nationals.

ARGENTINA (Tier 2)

Argentina is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Many sex trafficking 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 sex and labor trafficking victims from Paraguay. A significant number of foreign women and children, primarily from Paraguay, Bolivia, and Peru, and to a more limited extent from Brazil and the Dominican Republic, are subjected to sex trafficking in Argentina. Bolivians, Paraguayans, and Peruvians, as well as Argentine citizens from poorer northern provinces, are subjected to forced labor in sweatshops, and on farms. Officials reported there could be some labor trafficking

victims exploited as street vendors or in forced begging in the capital. During the reporting period, the Argentine government identified a significant number of Argentine and Bolivian labor trafficking victims in rural areas. Child sex tourism occurs 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 identified a record number of trafficking victims, including many victims of forced labor. It increased prosecutions and convictions of trafficking offenders, and supported several shelters for trafficking victims, some of which opened during the reporting period. Nevertheless, the overall number of convictions remains low in comparison to the number of victims identified, specialized services remained uneven across the country, and significant allegations of trafficking-related complicity of government officials at the local and federal level prevented more comprehensive anti-trafficking efforts.



Recommendations for Argentina: Continue to vigorously implement the new anti-trafficking law through increased efforts to investigate, prosecute, convict, and punish trafficking offenders, including public officials who may be complicit in trafficking crimes; consider amending legislation to ensure that trafficking prosecutions are not dismissed on the basis of victims' initial consent to the intended exploitation and to strengthen victim protections; intensify law enforcement efforts to dismantle trafficking networks, by investigating assets connected to trafficking crimes; continue to increase investigations of forced labor and domestic servitude crimes in both urban and rural areas, and hold companies whose supply chains benefit from forced labor responsible; increase funding for victim assistance, particularly shelters and specialized services, at both the national and local level, in partnership with NGOs; continue anti-trafficking training for law enforcement, prosecutors, judges, and other public officials; develop and implement protocols for officials at the local level to identify and assist trafficking victims; strengthen anti-trafficking coordination between the federal and provincial governments and between different actors on the federal level, possibly through development of a national anti-trafficking plan; and conduct nationwide efforts to raise awareness about all forms of trafficking.

Prosecution

The Government of Argentina increased anti-trafficking law enforcement efforts last year and significantly increased efforts to investigate forced labor in rural areas, although the UN Special Rapporteur on Trafficking in Persons, citing NGOs and the media, reported significant levels of official complicity in human trafficking by law enforcement and provincial and local officials. Argentina prohibits all forms of trafficking pursuant to Law 26,364, enacted in April 2008, which prescribes penalties of three to 15 years' imprisonment, depending on aggravating factors. Such penalties are sufficiently stringent and are equal to or exceed those prescribed for other serious crimes, such as rape. The current anti-trafficking law allows prosecutors or judges to question the victim's initial consent to engage in an activity, even once force, fraud, or coercion have been established. Congressional committees debated modifications to this aspect of the current law, among other issues. In February 2011, Argentine authorities announced the Human Rights Secretariat will serve as complainant in all forced labor cases, a notable step that could decrease pressure on trafficking victims to initiate the prosecution by formally accusing their traffickers. In an interagency effort, authorities significantly increased investigations of forced labor crimes during the reporting period. Forced labor prosecutions, however, have been fewer in comparison with those for forced prostitution; the only forced labor case concluded in courts since the passage of the trafficking law in 2008 resulted in an acquittal. Law enforcement officials coordinated with the Office for Rescue and Caring of Victims during raids in trafficking investigations. In 2010, authorities carried out 107 preliminary investigations, and as of late 2010, there were 78 ongoing trafficking prosecutions nationwide. During the reporting period, the government obtained 15 convictions of sex trafficking offenders, with sentences ranging from two to 15 years' imprisonment. This represents a significant increase in convictions from the previous year, when authorities reported achieving three convictions of sex trafficking offenders, with sentences ranging from four years of house arrest to 10 years' imprisonment.

In addition to the central government's anti-trafficking prosecutor's office (UFASE), which also prosecuted kidnapping cases, at least 10 provinces maintained their own specialized law enforcement units to investigate human trafficking. Some NGOs reported that coordination between law enforcement officials and judicial officials was weak. As trafficking is a federal crime, some trafficking cases may be investigated or prosecuted at the local level as other crimes, such as the promotion or facilitation of prostitution, and not be transferred to the appropriate authorities. Argentine authorities pursued partnerships with foreign governments, including the government of Paraguay, to investigate several trafficking cases. The government continued to train judicial officials, law enforcement officers, and other officials on human trafficking and on victim assistance; however, there remained a need for further training for officials on how to investigate and prosecute trafficking crimes adequately, as well as how to identify and care for victims. According to NGOs and international organizations, some provincial and local, and – to a more limited extent – federal officials participate directly and indirectly in human trafficking

crimes. Some police officers reportedly turn a blind eye to trafficking activity or tip off brothel owners about impending raids. NGOs complained that in some cases, federal or provincial officials in charge of investigating trafficking cases or assisting victims had criminal charges filed against them, were corrupt, or were ineffective. The head of the anti-trafficking police unit was accused of running brothels in 2010 and remains under investigation, though he retains his position. In November 2010, UFASE launched an investigation implicating 90 Buenos Aires police officers in falsifying records to protect brothels, some of which exploited children, in exchange for bribes, and in March 2011, five police inspectors implicated in this case were removed from their positions. The government, however, did not prosecute or convict any government officials involved in human trafficking last year.

Protection

The government increased efforts to identify and assist trafficking victims during the reporting period, though several NGOs and legislators stated that the resources the government devoted to these efforts appeared to be insufficient compared with the large number of victims identified, and services were uneven across the country. In January 2011, authorities launched a more rigorous labor inspection program targeting rural areas and reportedly providing labor inspectors with updated tools to verify worker registration information. Previously, NGOs noted that labor inspectors lacked training on how to identify trafficking victims. Authorities did not report similar proactive efforts to identify sex trafficking victims among vulnerable populations, such as women in prostitution. The federal government maintained a temporary shelter in the capital to care for trafficking victims before they testify. Federal, provincial, and municipal authorities, working with an NGO, supported four shelters for women and child victims of sex trafficking across the country, three of which opened during the reporting period. One of the shelters was run by an NGO, while the others were staffed by government-funded professionals who received training and assistance from that NGO. Almost all of these shelters are "closed," not allowing victims to leave whenever they would like. In areas without these dedicated shelters, trafficking victims could be referred to government-operated shelters for victims of domestic violence shelters or for at-risk children, although it was unclear if any victims received services at these institutions during the reporting period. In other cases, authorities placed victims in hotels, which NGOs noted made the victims vulnerable to intimidation or kidnapping by traffickers. According to NGOs, the quality and level of victim care varied widely by province. The government did not provide specialized care or shelters for adult male victims.

The government's Office for Rescue and Caring of Victims of Trafficking, with an interdisciplinary staff of 19 located in Buenos Aires, provided initial post-rescue care to some trafficking victims, including access to legal, medical, and psychological services. In 2010, this office reported rescuing and assisting 569 trafficking victims: more than 80 percent were adults. NGOs gave mixed assessments as to the office's effectiveness. The governments of Salta and Chaco provinces maintained their own victim-care offices.

Argentine authorities encouraged victims to assist with the investigation and prosecution of their traffickers; however, some officials reported deficiencies in protections provided to victims who provided witness testimony in trafficking cases. While the Secretariat for Childhood, Adolescence, and Family was responsible for providing assistance to trafficking victims after they participated in a judicial procedure, there were limited reintegration efforts provided to the victims. The Secretariat did not report funding designated for services for trafficking victims, and some officials noted that victim assistance mechanisms were often unclear. There were no specific reports of identified victims being jailed or penalized for unlawful acts committed as a direct result of being trafficked. Authorities reported providing temporary residency to some foreign victims during the reporting period. Long-term residency was available through Argentine immigration policy, though it was not trafficking-specific, and there were no reports of foreign trafficking victims receiving this during the year. The government did not report identifying or assisting any repatriated Argentine victims of trafficking.

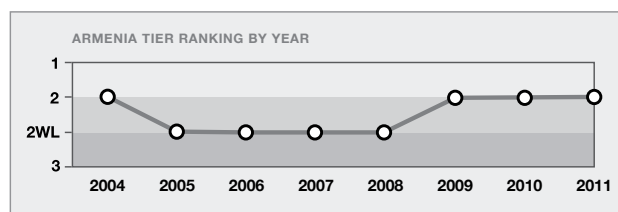
Prevention

The Government of Argentina sustained limited prevention activities; several provincial governments organized anti-trafficking campaigns, though the government did not report any nationwide awareness-raising efforts. While the government did not have a national anti-trafficking plan, authorities maintained an anti-trafficking roundtable. UFASE published a review of its anti-trafficking efforts in 2010, and the Office for Rescue released statistics several times through the state-owned news agency. The City of Buenos Aires established an anti-trafficking committee. NGOs noted that poor coordination between the federal and provincial governments continued to hinder the effectiveness of anti-trafficking efforts, as did limited or nonexistent funding for provincial and local efforts to combat trafficking. The Argentine penal code does not specifically prohibit child sex tourism, although it does prohibit sex with minors, and the government did not report investigating, prosecuting, or convicting any Argentine nationals for child sex tourism offenses abroad. The government provided anti-trafficking training to Argentine troops prior to their deployment on international peacekeeping operations. Authorities did not report efforts to reduce the demand for commercial sex acts.

ARMENIA (Tier 2)

Armenia is a source country for women and girls subjected to sex trafficking, as well as a source and destination country for women subjected to forced labor, and a source country for men subjected to forced labor. Women and girls from Armenia are subjected to sex trafficking in Germany, the United Arab Emirates, 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 forced labor and Armenian women and girls are found in sex trafficking within the country. Women from Russia are subjected to 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 2010, the government provided partial funding for an NGO-run shelter for victims of trafficking and pursued partnerships with NGOs to provide training to hundreds of officials. The government continued to ensure that all convicted traffickers were appropriately sentenced and that those sentences were enforced. In March 2011, the government enacted amendments to the Criminal Code that further strengthened its anti-trafficking statutes. However, of particular concern was a precipitous drop in the number of victims identified during the year, as well as the absence of investigations of forced labor offenses.



Recommendations for Armenia: Undertake more vigorous efforts to identify victims of forced labor and to investigate and prosecute labor trafficking offenses; continue to provide and expand funding for NGOs that provide victim assistance and ensure that all funding allocated for anti-trafficking programs and victim assistance is spent on designated programs; 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; improve efforts to protect victims who consent to serve as witnesses in prosecutions; continue to work to ensure that victims who are unable to assist in prosecutions have access to services and protection; investigate and prosecute government officials suspected of trafficking-related complicity and convict and punish complicit officials; continue to ensure that victims are provided with legally mandated assistance (medical, legal, primary needs, and shelter) at all stages of the victim assistance process; continue to ensure a majority of convicted trafficking offenders serve time in prison; and continue efforts to raise public awareness about both sex and labor trafficking.

Prosecution

The Armenian government demonstrated some progress in its law enforcement efforts against human trafficking during the reporting period. Armenia prohibits both sex trafficking and labor trafficking through Articles 132 and 132-2 of its Criminal Code, which prescribe penalties of five to 15 years' imprisonment – penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In amendments to the Criminal Code in March 2011, Armenia strengthened its anti-trafficking statutes; the amendments increased the amount of time a trafficking offender must serve before being eligible for an early release, introduced a separate article specifically prohibiting trafficking of children and persons with mental disabilities,

and introduced new punitive sanctions against traffickers that deprive them of the right of employment in certain occupations or practice certain activities for up to three years. The government investigated 15 sex trafficking and no labor trafficking cases in 2010, compared with nine sex trafficking and six labor trafficking cases in 2009. During 2010, Armenian courts prosecuted four new cases against six individuals for sex trafficking offenses and none for labor trafficking offenses. Armenian courts continued to prosecute an additional nine defendants whose cases had begun in previous years. The government convicted five trafficking offenders in 2010 – including four individuals for sex trafficking and one for labor trafficking – down from 11 convictions in 2009. All five convicted offenders in 2010 were given sentences ranging from three to nine years' imprisonment; no traffickers received suspended sentences, and no traffickers were granted early release from prison in 2010. The Armenian government sustained partnerships with anti-trafficking NGOs, international organizations, and foreign governments to provide anti-trafficking training to hundreds of government officials including police, border guards, and members of the judicial system. An Armenian court convicted and sentenced to nine years' imprisonment a former deputy principal of a state-run special needs school who, in 2008, forced two students to beg. There were no new reports of government officials' complicity in trafficking during 2010.

Protection

The Government of Armenia demonstrated modest progress in its efforts to identify and provide protection to victims of trafficking during the reporting period. The government provided partial funding for an NGO-run shelter which assisted 22 victims of trafficking in 2010, providing \$17,000 for lease of the facility's space. Victims were not detained at the shelter. Although the government spent less than a fourth of the money initially allocated for victim protection and assistance in 2010, it was an improvement over 2009 when it failed to spend any of the funding allocated for victim assistance. In 2010, at least five trafficking victims received free medical assistance from the government, an increase compared with two victims receiving free medical assistance in 2009. In partnership with NGOs, the government informed trafficking victims of the social benefits available to them and provided assistance in applying for those benefits. In February 2011, the government added victims of trafficking to the list of vulnerable persons eligible for extra employment assistance. The government officially identified 19 new sex trafficking victims in 2010 and referred 12 of them to NGOs for assistance, compared with 60 victims of trafficking identified and 22 referred to NGOs in 2009; no victims of forced labor or foreign victims of international trafficking were identified by the government in 2010. Foreign-funded NGOs assisted 16 new victims during 2010, including the 12 sex trafficking victims referred to them by the government as mentioned above, compared with 26 victims identified and assisted in 2009. Trafficking victims were encouraged to cooperate with law enforcement

officials; as in 2009, all identified victims voluntarily assisted police with trafficking investigations. Although NGOs reported improved attitudes toward victims by judges, they also reported that the rights of child witnesses were not always protected during trial and police did not consistently alert NGOs when victims were identified. By law, the government exempted trafficking victims from criminal prosecution for any unlawful acts they may have committed as a direct result of being trafficked. The government also allowed victims to stay in the country through temporary residency permits and obtain temporary employment. The lack of appropriate protections for victims who provide testimony continued to be an issue of concern; this may have hampered Armenia's prosecution efforts.

Prevention

The Armenian government increased its trafficking prevention efforts during the reporting period. In 2010, the government provided funding for two trafficking awareness television programs and cooperated with NGOs and international organizations to educate students and teachers across the country about the dangers of trafficking. The Ministry of Education incorporated anti-trafficking awareness materials developed and produced by NGOs and international organizations into the school curriculum for thousands of students. In September 2010, Armenia adopted its third National Plan of Action addressing trafficking in persons, spanning 2010-2012. The government took action to reduce demand for commercial sex by amending the Criminal Code to introduce punishments specifically for those who use the services of a victim of exploitation.

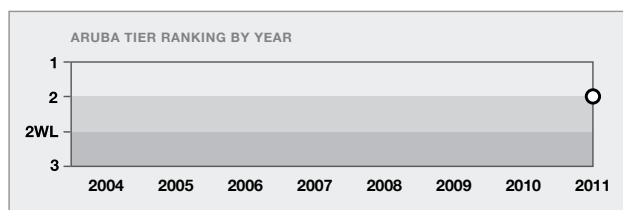
ARUBA (Tier 2)*

Aruba is primarily a destination for women and men subjected to sex trafficking and forced labor. Those at greatest risk of trafficking are foreign women in Aruba's commercial sex trade and foreign men and women in the service and construction industries. Also at risk are Chinese men and women working in supermarkets as well as Indian men in the jewelry sector, and Caribbean and South American women in domestic service. There are indications of past instances of Aruban children under 18 in prostitution in Aruba.

The Government of Aruba 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 not yet successfully prosecuted any trafficking offenders to date, though the Aruban anti-trafficking coordinator has demonstrated outstanding leadership in advancing the government's response to human trafficking during her short time in office, and the government initiated several complex prosecutions during the reporting season. The government also showed

* Aruba is a semi-autonomous entity within the Kingdom of the Netherlands. The Kingdom Charter divides responsibility among the co-equal parts of the Kingdom based on jurisdiction. For the purpose of this report, Aruba is not a "country" to which the minimum standards for the elimination of trafficking in the Trafficking Victims Protection Act apply. This narrative reflects how Aruba would be assessed if it were a separate, independent country.

improved efforts in the area of victim protection, primarily officials' increased victim identification measures.



Recommendations for Aruba: Implement procedures to guide health officials charged with screening people in prostitution on the identification and referral of suspected victims of human trafficking to the anti-trafficking committee; formalize victim protection policies for adults and children that include provisions ensuring identified trafficking victims are not punished for crimes committed as a direct result of their human trafficking situation and ensuring safe and, to the extent possible, voluntary repatriation for foreign victims; consider providing the anti-trafficking committee with an independent budget as a means to ensure its effectiveness; include the child protection agency as part of the anti-trafficking committee and in training opportunities; empower the anti-trafficking committee to direct formal training opportunities toward committee-identified areas of high need; expand multi-lingual public outreach activities; and consider ways to educate clients of the sex trade about the causes and consequences of trafficking.

Prosecution

The Government of Aruba demonstrated strong law enforcement efforts during the reporting period. Aruba prohibits all forms of trafficking in persons through Articles 203a and 286a of its criminal code, which prescribes penalties ranging from four to 15 years' imprisonment. These penalties are sufficiently stringent and are commensurate with those for other serious crimes, such as rape. In 2010, the government initiated seven trafficking investigations and arrested four people, including one police officer, in a case involving forced prostitution and forced labor. Authorities initiated prosecutions of three of the arrestees and a disciplinary process for the police officer. The prosecutions have involved many witnesses from multiple countries, and the government expected to bring the case to trial in late 2011. Two of the defendants remained in pre-trial detention. During the reporting period, the anti-trafficking coordinator took steps toward elevating the discourse on trafficking complicity in the region by speaking in public forums about her concerns regarding the linkage between official complicity and human trafficking in Aruba. The police established a team that specializes in human trafficking cases. The Royal Military Police and Dutch NGO Comensha have offered periodic training opportunities as has Aruba's anti-trafficking coordinator.

Protection

The Government of Aruba demonstrated progress in its victim protection efforts during the reporting period.

Largely due to the positive work of the anti-trafficking committee, the government identified up to 46 adult victims of human trafficking in 2010, a significant achievement, particularly when contrasted with the lack of any victims identified in 2009. The government did not provide routine, formal training in victim identification to law enforcement officers and officials charged with providing regular health checks on people in Aruba's sex trade. The government implemented a victim referral mechanism; the government directed all reported trafficking cases to a small group from the anti-trafficking committee, which devised assistance plans tailored for each victim identified in coordination with the Bureau for Victim Assistance and other government agencies. The committee did not, however, have dedicated funds to provide specialized services for trafficking victims. In one situation, an NGO that reportedly did not receive government funding assisted the committee by sheltering a male victim. In another situation, the government employed a Kingdom of the Netherlands memorandum of understanding to obtain Kingdom funds for victims' access to protective services. During the reporting period, the government issued a ministerial decree to ensure victims have access to legal aid. Aruba's child protection agency would handle victim assistance for any cases of child trafficking, though the government did not identify any child trafficking victims during the reporting period.

The government encouraged trafficking victims to participate in investigations and prosecutions of trafficking offenders and did not punish identified victims for unlawful acts committed as a direct result of being trafficked. According to Aruban officials, the government offered identified trafficking victims relief from immediate deportation. The government worked with IOM on the safe repatriation of several foreign victims.

Prevention

The government made some efforts to raise awareness of human trafficking during the reporting period. In a positive step, Aruba's justice minister spoke out in January 2011 against human trafficking and, in conjunction, raised awareness about Aruba's crime victim hotline, which has been staffed by operators trained to identify and refer trafficking victims. The government sustained the functions of an anti-trafficking committee started in 2007. The committee achieved tangible results, for example the rescue of victims, and has been developing a large-scale public awareness campaign, but its operations depended on the personal commitment of the anti-trafficking coordinator and participants as the committee has no funding attached to its operations or projects. Aruba does not have a trafficking rapporteur to monitor and evaluate its anti-trafficking efforts, but Aruba's anti-trafficking coordinator and director of public prosecutions were required to provide written reports on anti-trafficking results every three months to Aruba's Justice Minister in preparation for Kingdom justice meetings. The government has formally presented and shared its best practices on regional cooperation, victim identification, and investigation of trafficking cases in several international forums. There were no awareness campaigns specifically targeting potential clients of the sex trade in Aruba in an effort reduce demand for commercial sex acts.

There were no known reports of child sex tourism occurring in Aruba or of Arubans participating in international sex tourism, though the government has expressed willingness for training in this area.

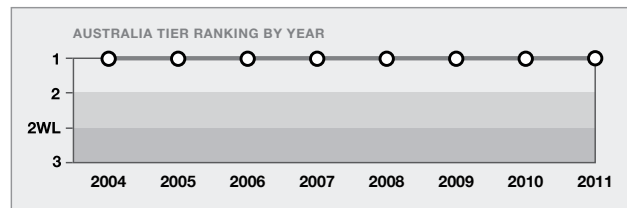
AUSTRALIA (Tier 1)

Australia is primarily a destination country for women subjected to forced prostitution, and, to a lesser extent, women and men in forced labor and children in sex trafficking. It is also a source country for a small number of child victims of sex trafficking, primarily teenage girls, within the country. Some women from Thailand, Malaysia, South Korea, China, and, to a lesser extent, India, Vietnam, Eastern Europe, and Africa, 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 prostitution in both legal and illegal brothels. There were news reports that some brothels are run by Asian organized crime groups that arrange for Asian women to travel, sometimes on student visas, to work in brothels. The women and girls 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 domestic servitude.

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, horticulture, construction, cleaning, hospitality, manufacturing, and other sectors, such as domestic service. 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 attempted to hide their foreign victims from official notice or prevented victims from receiving assistance by abusing the legal system in order to create difficulties for victims who contact authorities for help. An Australian Institute of Criminology report on labor trafficking released by the government during the year, noted instances of unreported and unrecognized labor trafficking, seen through the vulnerability of 457 visa holders, nurses, workers in the meat, manufacturing, and agriculture industries, domestic workers, international students, and seafarers. During the year, there were increased reports by NGOs and other informed observers that individuals on student visas, typically from Asia, became victims of forced labor and forced prostitution in Australia. There are over 450,000 foreign students in Australia, many of whom spend up to tens of thousands of dollars in placement and academic fees, as completion of courses often leads to permanent residency in the country. Some in the housekeeping and restaurant industries are subject to a restriction of working a maximum of 20 hours per week under their visas. When

asked to work for more than 20 hours, they face risk of losing their visas, making them vulnerable to exploitation by unscrupulous employers.

The Government of Australia fully complies with the minimum standards for the elimination of trafficking. During the year, the government prosecuted and convicted five trafficking offenders. Australian Federal Police (AFP) investigators in the Transnational Sexual Exploitation and Trafficking Teams (TSETT) specialized in investigating trafficking offenses as well as child sex tourism and the online sexual exploitation of children. The government reported identifying and assisting 31 suspected victims of trafficking, a notable decrease from 57 suspected victims identified during the previous reporting period. The Australian government's support program offered to foreign victims during the year included an option for long-term residence and care; authorities granted Permanent Witness Protection Visas to 20 such victims and nine of their family members, which allowed them to remain in Australia permanently. Authorities also continued a long-term trafficking research project that resulted in the publication of a number of papers on the trafficking situation in Australia. The government published discussion papers on the criminal justice response to trafficking and forced marriage, and sustained partnerships with NGOs in order to evaluate objectively its own anti-trafficking activities in these areas.



Recommendations for Australia: Conduct a review of the Criminal Code and overall legal framework to ensure that laws enable the government to effectively prohibit and prosecute all forms of trafficking; expand efforts to proactively identify, criminally prosecute, and convict offenders of labor trafficking; improve efforts to coordinate and refer trafficking case information between government agencies; increase efforts to train police, local councils, health inspectors, and other front-line officers to recognize and respond to both sex and labor trafficking cases; increase efforts to proactively identify trafficking victims among vulnerable groups, such as foreign workers, foreign students in the country, and foreign and Australian women and children in prostitution; make efforts to improve the access of trafficking victims to opportunities to seek financial compensation and civil remedies; consider ways to better streamline and expedite visa processes for trafficking victims; ensure that victims of trafficking and vulnerable populations are informed about their legal rights under Australian immigration and labor law; conduct a campaign to raise public awareness in local communities of trafficking outside of the sex industry, including labor trafficking and internal trafficking; increase efforts to reduce the demand for forced prostitution through campaigns directed at clients of the sex trade; play a more active role in educating countries in the Asia-Pacific region on the important distinction between

trafficking and smuggling; and consider appointing an Ambassador dedicated to addressing human trafficking issues worldwide.

Prosecution

The Government of Australia continued anti-trafficking law enforcement efforts during 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, such as rape. 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. However, there was widespread concern expressed by civil society, acknowledged in the government's labor trafficking report published during the year, that existing laws focus on the movement of individuals with the use of physical force or threats of physical force, and do not cover non-physical forms of coercion and use of fraud or deceit to exploit persons. In some cases, it was difficult or impossible for prosecutors to prove that the person allegedly engaged in exploitation had the necessary intention to exploit that person during their movement. NGOs also note that existing criminal laws do not adequately prohibit deceptive recruitment for labor services, offenses related to receiving and harboring trafficking victims, and some non-physical forms of coercion in trafficking crimes, and do not comply with Australia's obligations under the UN TIP Protocol.

While there were increased concerns and reports regarding forced labor in Australia, the Australian Federal Police (AFP) reported 38 investigations related to human trafficking during the year, 70 percent of which were for forced prostitution. Five sex trafficking offenders were convicted of trafficking-related offenses in Divisions 270 of the Commonwealth Criminal Code Act of 1995, and sentenced to between two and 12 years' imprisonment; one of these convictions is currently under appeal. There were seven additional trafficking-related matters before Australian courts at the end of the reporting period involving eight defendants. Three of these cases were appeals of previous convictions and one is an ongoing prosecution for labor trafficking. During the year, the government did not convict any offenders of labor trafficking. To date, there have only been three prosecutions of slavery outside the sex industry. Remedies for many labor trafficking cases were achieved through industrial or civil mechanisms, but authorities failed to file criminal prosecutions in these cases. The government has never identified or prosecuted a trafficking offense committed against an Australian citizen or resident and occurring within the country. AFP investigators in the Transnational Sexual Exploitation and Trafficking Teams specialized in investigating trafficking offenses as well as child sex tourism and the online sexual exploitation of children. Many front-line agencies, including state and territory police, and in some jurisdictions, labor inspectors and

unions, do not have adequate awareness of the relevance of the federal anti-trafficking response to their daily work.

Protection

The Government of Australia continued efforts to provide protection and care to victims of trafficking over the last year. The Government provided \$885,000 to its Victim Support Program in 2010, through which it identified and assisted a total of 31 people, 20 of whom were suspected victims of sex trafficking, and 11 of whom were suspected victims of forced labor. Eight of the 31 suspected victims were men, and all identified victims were foreigners. This was a decrease from the 57 suspected victims assisted during the previous year. The government's victim support program provided eligible victims of trafficking with access to accommodation, financial assistance, legal advice, training, and social support. Authorities reported identifying an increasing number of victims in sectors outside of the sex industry, including in agriculture, construction, hospitality, domestic service, and recreation. Since 2004, approximately 15 percent of the victims who received services under the Program were victims of human trafficking that did not involve the sex trade; 11 of the 15 were identified during the reporting period.

There are numerous structural difficulties that prevent people from seeking or accessing help or assistance; in many cases, individuals only seek help once their situation deteriorates to such an extent that they literally could not remain in that situation either because of serious injury or fear about their personal safety. Identified victims were provided with accommodation, living expenses, legal aid, health services, and counseling. Most victims identified were from Malaysia, the Philippines, South Korea, and China. The government granted 20 victims, plus nine of their immediate family members, Permanent Witness Protection (Trafficking) visas, which required the victims' contribution to an investigation or prosecution of an alleged trafficking offense. NGOs and service providers expressed concerns that victims of trafficking who were involved in cases that would not likely result in the prosecution of a trafficking offender did not have adequate access to victim support services, and that services designed to support victims and provide them with visas were in practice often linked closely to the ability of prosecutors to pursue cases against their traffickers.

Officials followed formal procedures for proactively identifying victims involved in the legal sex trade, and referred them for services, though efforts to identify and assist victims of forced labor could be improved. The government encouraged victims to participate in trafficking investigations, and granted selected victims visas to enable them to remain in Australia and support the investigation and prosecution of trafficking offenses. Victims identified by authorities were not incarcerated, fined, or penalized for unlawful acts committed as a direct result of being trafficked. To date, there have been few claims for compensation made on behalf of trafficking victims, and victims are not always informed about visa options available to individuals who wish to remain in Australia to pursue compensation or civil remedies, and what those options are.

Prevention

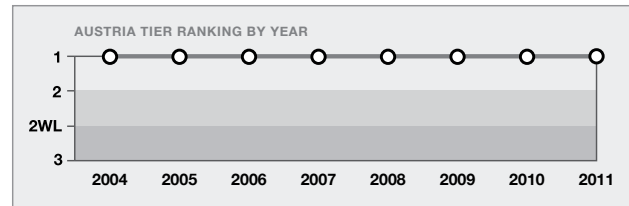
The Government of Australia continued to demonstrate efforts to prevent trafficking in persons during the year. In November 2010, the government convened the third annual National Roundtable on People Trafficking, a mechanism for coordinating among its agencies, NGOs, unions, and industry bodies. The government continued to fund the Australian Institute of Criminology \$600,000 a year to analyze trends in human trafficking in Australia and the region. During the year, the government announced that it would fund a total of \$1.4 million to four NGOs to provide *pro bono* legal services to trafficking victims, direct support for victims, and raise community awareness of trafficking. The government also reported that \$200,000 from confiscated criminal assets under the Proceeds of Crime Act of 2002 would be put towards labor trafficking protection and prevention efforts. The Fair Work Ombudsman continued to pursue efforts through the courts for workplace violations such as underpayment of wages; however, it was unknown whether any of its investigations led to criminal investigations for forced labor. During the year, the government published factsheets on identifying and acting on labor trafficking cases for its employees and employers. In 2007-2008, the government committed \$38.3 million over four years for anti-trafficking activities. The government also published papers on forced and servile marriage and the criminal justice response to trafficking, and undertook public consultations with the goal of improving government efforts in these areas. 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.

Australia is a regional leader in combating trafficking in persons. During the year, some observers believed that the Australian government's engagement with governments in the region seemed to emphasize people smuggling at the expense of trafficking in persons. At times, this impression was deleterious to efforts to improve anti-trafficking responses in the region. Australian diplomats and consular personnel received training on their obligations to report extraterritorial offenses of serious crimes, including child sex crimes and trafficking in persons. The government provided substantial funding for law enforcement training, victim assistance programs, and prevention activities throughout Southeast Asia. The Australian Agency for International Development (AusAID), continued to fund anti-trafficking activities in the Asia-Pacific Region, including efforts to improve criminal justice systems to address trafficking, conduct child protection workshops for hotel staff overseas, and anti-trafficking public awareness programs. In 2010, five Australian offenders of child sex tourism in Thailand, Papua New Guinea, Nepal, and Singapore were convicted and sentenced to between one and four years' imprisonment. The government did not take significant steps to reduce the demand for commercial sex acts aimed at clients of the sex trade during the reporting period. The Australian government educated troops and police officers on human trafficking 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 sex trafficking and forced labor. Victims originate from Eastern Europe, Africa, and Asia. An NGO reported that Austrians spent \$4.3 billion on domestic workers annually in 2009; exploitation is believed to be a problem in this sector. Some involuntary domestic service reportedly involves diplomats from Africa, Asia, Europe, and the Middle East. Forced labor also occurs in the agricultural, construction, restaurant, and tourism industries. Forced begging involving Roma children and others from Eastern Europe continues to be a problem. An NGO that works with Nigerian trafficking victims reported that traffickers abuse the legal prostitution and asylum processes to control their victims.

The Government of Austria fully complies with the minimum standards for the elimination of trafficking. The government continued to fund comprehensive services for identified female victims of trafficking and continued its proactive efforts to prevent domestic servitude in diplomatic households in Austria. In 2010, the Austrian government convicted an increased number of trafficking offenders and strengthened the severity of some of the sentences imposed on them, but most traffickers continued to receive less than one year in prison. Despite extensive outreach efforts, it did not employ systematic procedures for the identification and referral of victims, and deported at least one trafficking victim who faced possible retribution from her exploiters in her country of origin.



Recommendations for Austria: Aggressively prosecute trafficking offenders to ensure that a majority are convicted and receive sentences that are proportionate to the gravity of the crime; improve collection of data to disaggregate forced labor and sex trafficking crimes; establish a systematic identification process with NGO partners throughout Austria, including in reception centers for asylum seekers; consider expanding implementation of the 2009 Residence and Settlement Act to protect more victims of trafficking and increase victims' incentives to cooperate with law enforcement; improve identification and specialized care for children who are victims of trafficking; and establish services for men who are victims of forced labor.

Prosecution

The Austrian government convicted more trafficking offenders and strengthened some sentences for convicted offenders in 2010. The government prohibits trafficking for both sexual exploitation and forced labor under Article 104(a) of the Austrian Criminal Code, but continued to primarily use Article 217, which prohibits cross border

trafficking for the purpose of prostitution, to prosecute traffickers. Article 104 criminalizes trafficking for the purpose of slavery and prescribes penalties ranging from 10 to 20 years in prison; few, if any, traffickers have been convicted under this law. Penalties prescribed in Article 104(a) 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 65 trafficking offenders using Articles 217 and 104 (a) in 2009, the most recent year that data were available, compared with 67 trafficking offenders prosecuted under these statutes in 2008. The government reported sentences for convicted offenders in which trafficking was the leading charge under Article 217, convicting 30 trafficking offenders under this article in 2009, compared with 18 convicted trafficking offenders in 2008. Sentences for 10 convicted traffickers were not subject to suspension and ranged from a minimum of three months' to a maximum of five years' imprisonment. This was an improvement from the previous year in which the maximum sentence was three years and courts handed down only three sentences not subject to suspension. However, as in the previous year, over half of all convicted traffickers spent only 12 months or fewer in jail, and one-third of convicted traffickers received no jail time. Local observers report a lack of anti-trafficking expertise among prosecutors and judges; training was offered to these judicial officials, though it was not mandatory. The Austrian government did not disaggregate its data to demonstrate it prosecuted or convicted labor trafficking offenders. The government did not prosecute any acts of trafficking-related complicity in 2010.

Protection

The Government of Austria continued to partner effectively with civil society to provide protection to identified trafficking victims and improved its capacity to identify forced labor in 2010. In January 2011, the government issued a decree instructing labor inspectors to pay particular attention to possible labor exploitation during their inspections. The Ministry of Interior reported registering 63 adult trafficking victims in 2010. Law enforcement officials referred some trafficking victims on an *ad hoc* basis; however, the government has yet to employ systematic procedures for the identification and referral of victims within labor or legal and illegal prostitution sectors, an ongoing deficiency identified by NGOs in Austria.

The Austrian government continued to fund a specialized anti-trafficking NGO, which provided open shelter accommodations and assistance to female trafficking victims in Vienna. The government provided \$840,000 to this NGO in 2010, compared with \$828,000 provided in 2009. This shelter did not detain victims involuntarily and was at its full capacity of 18 beds throughout 2010. It provided counseling and other assistance services, including responsible repatriation, to a total of 242 trafficking victims in 2010; compared to 182 victims in 2009. The government reported it provided foreign victims of trafficking with legal alternatives to their removal through its 2009 Residence and Settlement Act, which

listed victims of trafficking as a special category with a right for temporary resident status. The government, however, did not report on the number of resident permits it issued to trafficking victims in 2010. An NGO reported the government deported a trafficking victim in January 2011 who faced possible retribution in Nigeria; the victim previously cooperated with law enforcement and had agreed to testify against her trafficker in Austria. The government encouraged victims to assist with investigations and prosecutions, though NGOs reported that due to a lack of victims' confidence in the ability of the government to protect them, and fears of retaliation, very few victims assisted in prosecution of their traffickers in 2010. 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. The government continued to fund the City of Vienna's specialist center for unaccompanied minors, which accommodated approximately 40 child victims of trafficking in 2010. Late in the reporting period the center ceased repatriating trafficked children back to Romania out of safety concerns upon their return. The government reportedly ensured identified victims were not punished for unlawful acts committed as a direct result of being trafficked.

Prevention

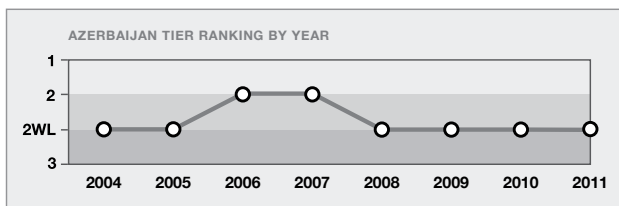
Austria continued to serve as a leader in the region through its prevention of domestic servitude within diplomatic households, requiring all foreign domestic workers to appear in person at the Ministry of Foreign Affairs to receive information on how to get help if they become victims of forced labor. In addition, the government required domestic servants to have their own bank accounts and provide evidence of direct salary transfer. In July 2010, the Interior Ministry established an anti-trafficking hotline and email service targeted at sex trafficking and forced labor. In the fall of 2010, it launched a series of school exhibitions to sensitize Austrian youth to sex trafficking. Austria continued a campaign to encourage tourists and travel agencies to report cases of child sex tourism in 2010. The government sustained a high level of transparency in its anti-trafficking efforts, publicly reporting on its policies and actions during the year, and continued partnerships with NGOs on the issue. Austrian law provided extraterritorial jurisdiction over Austrian nationals who travel abroad to engage in commercial sexual exploitation of children; the government reported it initiated at least one investigation under the law. The government continued to fund courses conducted by an anti-trafficking NGO to sensitize troops prior to their deployment on peacekeeping missions.

AZERBAIJAN (Tier 2 Watch List)

Azerbaijan is a source, transit, and destination country for men, women, and children subjected to forced labor, and women and children subjected to sex trafficking. Men and boys from Azerbaijan are subjected to conditions of forced labor in Russia and Moldova. Women and children from Azerbaijan are subjected to sex trafficking in the

UAE, Turkey, Russia, and Iran. Women and children from Azerbaijan are subjected to sex trafficking and children are subjected to forced labor, including forced begging, within the country. Azerbaijan serves as a transit country for women from Uzbekistan and Kazakhstan subjected to forced prostitution in Turkey and the UAE. Azerbaijan is a destination country for women from Uzbekistan and Kyrgyzstan subjected to forced prostitution. Azerbaijan is also a destination country for men from Turkey, Afghanistan, and China subjected to conditions of forced labor, primarily in the construction industry. Chinese women are subjected to forced labor as street vendors within Azerbaijan.

The Government of Azerbaijan does not fully comply with the minimum standards for the elimination of trafficking. The Government of Azerbaijan has not made sufficient progress in investigating, prosecuting, or convicting labor trafficking offenses or in identifying victims of forced labor; therefore, Azerbaijan is placed on Tier 2 Watch List for a fourth consecutive year. Azerbaijan was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the government has a written plan that, if implemented, would constitute making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. During the reporting period, the government acknowledged that forced labor is a problem within Azerbaijan and investigated at least three reports of forced labor. It did not, however, prosecute or convict any trafficking offenders for forced labor. Moreover, the reported number of sex trafficking prosecutions and convictions declined from the previous year. The government identified three Azerbaijani victims of forced labor in Poland and investigated an allegation of 25 Azerbaijanis subjected to forced labor in Russia. The government also provided assistance to some domestic victims of trafficking without requiring them to submit a police report.



Recommendations for Azerbaijan: Improve efforts to identify victims of forced labor by more effectively implementing the national victim referral mechanism; sustain efforts to ensure identified victims of forced labor are provided access to government-funded victim assistance; 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; continue to 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; develop an effective and affordable birth registration process; continue

efforts to raise public awareness about both sex and labor trafficking; and increase efforts to inspect construction sites for potential victims of forced labor.

Prosecution

The Government of Azerbaijan demonstrated uneven anti-trafficking law enforcement efforts during the reporting period. Azerbaijan's 2005 Law on the Fight Against Trafficking in Persons prohibits both forced prostitution and forced labor, and prescribes penalties of five to 15 years' imprisonment, punishments which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government did not provide information on the number of sex trafficking investigations in 2010, though it reported at least three labor trafficking investigations. The government reported prosecuting 38 individuals for sex trafficking crimes in 2010, compared with 58 individuals prosecuted in 2009, a number newly clarified during the reporting period. The government convicted 28 sex trafficking offenders during the reporting period, a decrease compared with 58 trafficking offenders convicted during the previous reporting period; 11 cases remained pending at the end of the year. Twenty-five convicted offenders received sentences ranging from two to nine years' imprisonment and three convicted offenders received delayed five-year sentences.

The government investigated at least three reports of labor trafficking, though it did not prosecute or convict any individuals for forced labor in 2010. The government did not initiate any prosecutions regarding a 2009 case involving hundreds of Bosnian and Serbian labor trafficking victims. In response to this case, the government reported a new recognition of Azerbaijan's serious labor trafficking problem and the establishment of a procedure for joint investigations by the Ministry of Internal Affairs and the Ministry of Labor at construction sites. There were allegations that police officers controlled or influenced the activities of certain saunas, motels, and massage parlors where forced prostitution likely occurred. The government, however, did not investigate any allegations of government officials involved in either sex or labor trafficking. The government, in cooperation with NGOs, provided specific anti-trafficking training to government officials in 2010; some officials received training at 31 events organized by international organizations held in other countries.

Protection

The Government of Azerbaijan demonstrated efforts to protect and assist victims of trafficking during the reporting period. The government identified 31 adult female victims of sex trafficking, three child victims of sex trafficking, and three male victims of forced labor in 2010, a decrease from 220 total victims identified by the government in 2009. The victims of forced labor were identified as trafficking victims and repatriated by the Government of Azerbaijan after being jailed in Poland. The government provided medical, psychological, financial and housing assistance to all identified victims of trafficking; it also provided medical and psychological assistance to an additional 319 women, who were potential victims of trafficking, without requiring that they fill out a police report. During the year, the

government funded one trafficking shelter which assisted 27 victims of sex trafficking, compared with 48 victims assisted by the government-funded trafficking shelter in 2009. Shelter assistance was contingent upon filling out a report with shelter staff that was required to be shared with police. Victims were not detained at the government-funded shelter and could enter and leave the shelter freely. The government-funded shelter did not assist any victims of forced labor. The government placed two child victims in foster care and a third victim in a boarding school. During the reporting period, the government provided at least 12 victims of trafficking with vocational training and job placement through its victim assistance center. It also provided a one-time subsidy payment of \$40 to all identified victims, including child victims. During 2010, the government adopted resolutions to increase this one-time stipend to trafficking victims from \$40 to \$243 and increase the number of existing treatment facilities at which victims can receive psychological counseling.

The government did not demonstrate progress in its efforts to identify foreign victims of forced labor in Azerbaijan. Police and labor inspectors inspected 142 construction sites in 2010 and reported finding no cases of forced labor. Outside of official inspections, there were few civil society organizations able to monitor and report independently on potential labor trafficking situations. Law enforcement reported that all 34 victims of sex trafficking identified by authorities assisted law enforcement during the reporting period. There were no reports that victims were penalized for unlawful acts committed as a direct result of being trafficked. The government offered some legal alternatives to foreign victims facing retribution or hardship upon return to their home country; the anti-trafficking law allows for a suspension of deportation proceedings for up to one year or the duration of the investigation and court proceedings. The law also allows victims to apply for temporary immigration relief.

Prevention

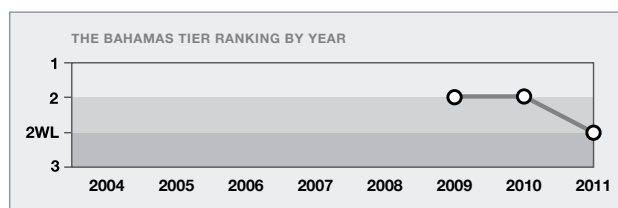
The Government of Azerbaijan sustained its trafficking prevention efforts during the reporting period. The government ran trafficking awareness public service announcements, developed by NGOs, on major TV networks. The Ministry of Internal Affairs, in cooperation with NGOs, conducted 53 anti-trafficking seminars, targeted primarily at high school and university students and local government officials, including police, immigration officers, customs and border police, Ministry of National Security officers, and health authorities. The government estimates that approximately 4,500 individuals from these groups attended these seminars. The government provided \$56,700 to anti-trafficking NGOs in 2010, though some NGOs not associated with the government did not receive funding. The government continued to fund an NGO-operated trafficking hotline that served to provide information to the public and identify potential victims of trafficking; it also helped create and distribute posters advertising the hotline in cooperation with other organizations. The government does not have an effective birth registration process, leaving some Azerbaijani citizens vulnerable to trafficking because they do not have legitimate identification documents.

The government did not conduct a public awareness campaign to reduce the demand for commercial sex acts. The Government of Azerbaijan continued to implement an action plan to combat trafficking, originally formed in 2009 though valid through 2013. In 2010, the government signed the Council of Europe Convention on Actions Against Trafficking in Human Beings.

THE BAHAMAS (Tier 2 Watch List)

The Bahamas is a destination, source, and transit country for men, women and children subjected to forced labor and sex trafficking. Senior Bahamian officials during the year acknowledged that forced labor and forced prostitution exists in The Bahamas. NGOs and officials in The Bahamas are concerned that the estimated 30,000 undocumented Haitians, most of whom arrive in The Bahamas voluntarily, are highly vulnerable to forced labor in farming, landscaping, and housekeeping. NGOs allege there were cases where employers coerce Haitian workers into involuntary servitude by improperly holding work permits and threatening arrest and deportation. NGOs and local experts also have raised concerns that some workers from Jamaica, China, Peru, and the Philippines could be vulnerable to involuntary servitude. Anecdotal reports suggest that women from South American countries such as Brazil, Colombia, and Panama may be subjected to forced prostitution. Groups vulnerable to sex trafficking in The Bahamas include children engaging in sex with men for basics such as food, transportation, or material goods.

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. Despite these efforts – most notably increased government statements of commitment to address the country's human trafficking problem – the government did not demonstrate evidence of an overall increase in its anti-trafficking efforts over the previous year; therefore, The Bahamas is placed on Tier 2 Watch List. Specifically, there were no reports of victims assisted or trafficking offenders prosecuted and punished. The absence of a formal inter-ministerial coordination body and formal procedures to guide officials in how to identify and address suspected instances of forced labor or forced prostitution were obstacles to progress during the reporting period. Portending well for future results, by the end of 2010, the director of public prosecutions announced it had established a special cadre of prosecutors to prosecute trafficking cases.



Recommendations for The Bahamas: Develop and implement formal procedures to guide police, immigration officials, and labor inspectors in how to identify victims of forced labor and forced prostitution among vulnerable groups, including migrant workers and people in prostitution, and refer them to available services; identify potential victims of forced labor and forced prostitution; fund NGOs designated to assist victims; and vigorously prosecute, convict, and sentence trafficking offenders.

Prosecution

The Government of The Bahamas demonstrated minimal anti-trafficking law enforcement efforts during the reporting period. All forms of human trafficking are prohibited through the country's 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 reported at least three investigations of human trafficking offenses during the reporting period. The government reported that the results of investigations into suspected trafficking cases to date have not warranted prosecution. Responding to allegations of human trafficking occurring at the private estate of a wealthy Canadian resident of The Bahamas raised in a Canadian Broadcasting Corporation documentary, the government reported that an investigation into the matter yielded no evidence of human trafficking. By the end of 2010, the director of public prosecutions established a special cadre of prosecutors to prosecute trafficking cases. The government investigated officials for misconduct, but did not report any investigations or prosecutions of government officials for human trafficking complicity. Anecdotal reports suggest that human trafficking complicity may be a problem. Resource constraints and capacity, given the country's small population size and geographic spread, were also obstacles to law enforcement results. The government provided venues and required representatives from stakeholder agencies to attend training provided by foreign donors, IOM, and OAS. Representatives from the Ministry of National Security, Ministry of Labor and Social Development, Ministry of Foreign Affairs, Department of Immigration, Royal Bahamas Police Force, Royal Bahamas Defense Force, and national NGOs participated. These trainings included segments on victim identification, victim assistance, prosecutions, labor laws, and child sex tourism.

Protection

There was little progress made in the area of victim protection during the reporting period. Greatly hindering its ability to rescue victims, the government did not have formal guidelines or procedures in place to assist law enforcement personnel, labor inspectors, and health workers in how to proactively identify victims of forced prostitution and forced labor; while the government reported conducting trafficking investigations, no victims were identified as a result of these investigations. The government provided space in medical facilities and long term shelters to assist trafficking victims. According to

two NGOs, the government did not report using a formal plan to refer trafficking victims to the Bureau of Women's Affairs. One local NGO that provides services to trafficking victims – in addition to its main focus on domestic violence and sexual abuse – faced closure and eviction due to lack of funding during the reporting period.

Although Bahamian law encourages victims to participate in investigations and prosecutions of trafficking offenders, no victims were identified during the reporting period. Similarly, though the law allows for temporary relief from deportation for foreign trafficking victims, officials reportedly deported some probable trafficking victims during the reporting period. Following anti-trafficking training, Bahamian authorities implemented new protocols to ensure that identified victims are not inappropriately penalized for immigration violations or any unlawful acts committed as a result of being trafficked.

Prevention

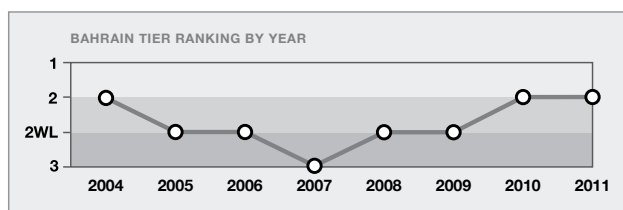
Senior government officials, in particular the minister of state for labor and social development, were outspoken in their advocacy of efforts to address human trafficking during the reporting period. The government did not conduct any formal trafficking prevention campaigns during the reporting period, but the Ministry of Labor and Social Development announced that it was developing public service announcements to raise awareness of human trafficking in English and Creole. One NGO operated a government-funded hotline for domestic violence, providing operators trained to assist victims of trafficking. The government lacked adequate coordination of its anti-trafficking efforts, specifically a focal point official or inter-ministerial body. The government did not conduct any specific awareness campaigns to reduce the demand for commercial sex. The government did not identify a problem of its nationals or foreign nationals engaging in child sex tourism.

BAHRAIN (Tier 2)

Bahrain is a destination country for men and women subjected to forced labor and sex trafficking. 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, nonpayment 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 continued to investigate and prosecute forced prostitution cases and convicted nine trafficking offenders during the reporting period. In addition, the government assisted 17 victims of forced prostitution. Nonetheless, there were no reports of government efforts to punish forced labor crimes nor any indication that the Government of Bahrain took steps to institute a formal victim identification procedure or otherwise improve victim protection efforts during the reporting period. The government’s lack of efforts to acknowledge and address forced labor remains a key gap in its anti-trafficking response.



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; reform the sponsorship system to eliminate obstacles to migrant workers’ access to legal recourse for complaints of forced labor; vigorously investigate all credible trafficking tips secured through the anti-trafficking hotline; institute and apply formal procedures to identify victims of trafficking among vulnerable groups, such as domestic workers who have fled from abusive employers and women in prostitution; refer identified victims to protection services; expand the government-run shelter to protect all victims of trafficking, including victims of forced labor and male victims of trafficking; ensure that the shelter does not inappropriately restrict victims’ movement and that shelter staff are qualified and speak the languages of expatriate workers; ensure that identified victims of trafficking are not punished for unlawful acts committed as a direct result of being trafficked, such as illegal migration or prostitution; and extend labor law protections to domestic workers to ensure that they have the same protections under the law as other expatriate workers.

Prosecution

The Government of Bahrain sustained moderate efforts to prosecute sex trafficking offenses during the reporting period, but made no reported efforts to punish forced labor. 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 Government of Bahrain investigated 12 cases of forced prostitution, five of which were prosecuted during the reporting period, resulting in the conviction of nine trafficking offenders; this is generally on par with law enforcement efforts against trafficking in the previous reporting period. In one case, two convicted traffickers received five years’ imprisonment and fines for forcing women into prostitution, while in the other case, seven convicted traffickers received three years’ imprisonment and fines for running a prostitution ring. There were no reports, however, that the government adequately investigated or punished trafficking cases involving forced labor despite common reports of domestic workers facing serious conditions indicative of forced labor. The government also did not report efforts to investigate government complicity in trafficking offenses.

Protection

The Government of Bahrain made no reported progress in improving protection for victims of trafficking 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 continued to fund a 120-bed NGO-run shelter called *Dar al Aman*, which is described as serving victims of family violence. This shelter reported assisting 17 victims of forced prostitution during the reporting period. The government did not, however, report assisting any victims of forced labor during the reporting period. The majority of victims continued to seek shelter at their embassies or at the shelter of the *Migrant Workers Protection Society*, an NGO. Many police officers remained unfamiliar with procedures for referring victims of labor abuse and human trafficking to these shelters. In previous years, 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; it was not known whether this was the case during 2010. There remained no shelters or other protection services for male trafficking victims provided by the government. The Government of Bahrain encouraged victims to participate in the investigation and prosecution of traffickers; however, 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 and translation provided by courts, fear of losing residency permits during legal proceedings,

and to avoid additional maltreatment at the hands of the employer. The government did not provide legal alternatives for the removal of foreign victims to countries where they faced retribution or hardship. The Ministry of Interior continued to operate a toll-free hotline for trafficking victims, but the government did not report how many calls this hotline received or how many victims were assisted.

Prevention

The government made no clear efforts to prevent trafficking in persons during the reporting period. While Bahrain's Ministry of Labor has pledged for several years to end the sponsorship (*kafala*) system – which creates vulnerabilities to trafficking – it has not completely abolished this structure to meaningfully prevent trafficking in persons. Earlier reforms of the sponsorship system to regulate labor recruitment and expand worker mobility continue to exclude Bahrain's approximately 70,000 domestic workers – the group that is most vulnerable to trafficking. In addition, the 2010 labor law also does not afford basic protections to domestic workers. 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 government reported no efforts to reduce the demand for commercial sex acts or child sex tourism.

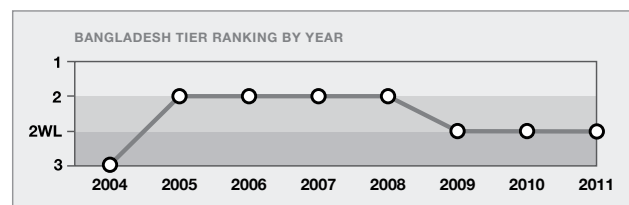
BANGLADESH (Tier 2 Watch List)

Bangladesh is a source and transit country for men, women, and children subjected to forced labor and sex trafficking. A significant share of Bangladesh's trafficking victims consists of men recruited for work overseas with fraudulent employment offers who are subsequently exploited under conditions of forced labor or debt bondage. Bangladeshi children and adults also are trafficked internally for commercial sexual exploitation, domestic servitude, and forced and bonded 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. Internal trafficking often occurs from poorer, more rural regions, to locations with more commercial activity including Dhaka and Chittagong, the country's two largest cities. Women and children from Bangladesh are trafficked to India and Pakistan for commercial sexual exploitation or forced labor. Many Rohingya refugees from Burma transit through Bangladesh using unofficial methods, leaving them vulnerable to traffickers inside Bangladesh and in destination countries. In 2010, some Rohingya girls were forced into prostitution.

Bangladeshi men and women migrate willingly to Saudi Arabia, Bahrain, Kuwait, the United Arab Emirates (UAE), Qatar, the Maldives, Iraq, Iran, Lebanon, Malaysia, Singapore, Libya, Europe, and other countries for work, often under legal and contractual terms. Most Bangladeshis who seek overseas employment through legal channels rely on the over 1,000 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, but workers are sometimes charged \$6,000 or more for these services. Many Bangladeshi migrant laborers are victims of recruitment fraud, including exorbitant recruitment fees often accompanied by fraudulent representation of terms of employment; high recruitment fees increase vulnerability to debt bondage and 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, nonpayment of wages, threats, and physical or sexual abuse. Some Bangladeshi women working abroad are subsequently forced into prostitution. Some Bangladeshis have been convicted by foreign governments for their human trafficking crimes abroad. There are reports of an increased number of Bangladeshis transiting through Nepal to obtain Nepalese visas and work permits for employment in the Gulf, and many of them are likely trafficking victims. Many Bangladeshi migrant workers – including trafficking victims – were stranded in Libya in early 2011 due to the civil conflict in that country. Trafficking victims among these migrant workers may be particularly vulnerable to being trapped in Libya as a result of the confiscation of their travel documents and unpaid wages. Some of these migrants who have been able to return to Bangladesh are under pressure to repay the high debts they incurred for recruitment fees.

Bangladesh does not fully comply with the minimum standards for the elimination of trafficking, and is placed on Tier 2 Watch List for a third consecutive year. Bangladesh was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the government has shown evidence of a credible, written plan that, if implemented, would constitute making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. The Government of Bangladesh demonstrated increased attention to the issue of human trafficking. The government continued to address the sex trafficking of women and children, drafted and submitted a comprehensive anti-trafficking law to the cabinet, and created an interagency task force mandated to monitor recruiting agencies and address high recruitment fees. The government did not prosecute or convict those who trafficked men, as well as those responsible for subjecting Bangladeshi workers to forced labor overseas through fraudulent recruitment mechanisms. The government did not report on law enforcement efforts against Bangladeshi officials who were complicit in human trafficking.



Recommendations for Bangladesh: Enact the draft comprehensive anti-trafficking legislation that criminalizes the forced labor of men, in order to integrate anti-labor trafficking objectives into national anti-trafficking policies and programs; increase criminal prosecutions and convictions for all forms of labor trafficking, including those involving fraudulent labor recruitment and forced child labor; take steps to address the allegations concerning the complicity of public officials in trafficking, particularly through the criminal prosecution and punishment of those found involved in or abetting human trafficking; increase the capacity of the Vigilance Task Force and improve oversight of Bangladesh's international recruiting agencies to ensure they are not promoting practices that contribute to labor trafficking; place Anti-Trafficking Monitoring Cell officers in Bangladeshi embassies in destination countries; and provide protection services for adult male trafficking victims and victims of forced labor.

Prosecution

The Government of Bangladesh showed progress in convicting sex traffickers of females, but not traffickers of men, during the reporting period; however, the government drafted an anti-trafficking law that includes criminal prohibitions for all forms of trafficking, with stringent sentences, and submitted the proposed law into the parliamentary process in December 2010. 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 trafficking statutes range from 10 years' imprisonment to the death sentence. 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 42 sex trafficking offenders and sentenced 24 of them to life imprisonment under Sections 5 and 30 of the Repression of Women and Children Act; 18 were sentenced to lesser prison terms. This is an increase from the 32 convictions obtained in 2009, with 24 offenders sentenced to life imprisonment. The government prosecuted 80 cases involving suspected trafficking offenders and conducted 101 investigations, compared with 68 prosecutions and 26 investigations during the previous year. Fifty-three prosecutions resulted in acquittals; however, under Bangladeshi law the term "acquittal" also can refer to cases in which the parties settled out of court or witnesses did not appear in court. The government did not report any criminal convictions for labor trafficking offenses, although some unconfirmed reports noted that the government prosecuted some labor trafficking cases. 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. The Ministry of Home Affairs' Anti-

Trafficking Monitoring Cell continued to collect data on trafficking arrests, prosecutions, and rescues.

The complicity in human trafficking crimes of Bangladeshi government officials remained a serious problem, though the government made no discernible efforts to address it. During the year, there were allegations that a Bangladeshi diplomat facilitated human trafficking of Bangladeshi migrants. 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. NGOs and press reports indicate official recruitment agencies in Dhaka have linkages with employers and brokers in destination countries and help facilitate fraudulent recruitment. In addition, some of these employers put their migrant workers in situations of servitude. The Government of Bangladesh did not provide data on investigations, prosecutions, convictions, and sentencing of public employees complicit in human trafficking. There was no further information about the prosecution of a civil servant last year who was complicit in trafficking, as noted in the 2010 TIP Report. The country's National Police Academy continued to provide anti-trafficking training to police officers who went through entrance training.

Protection

The Government of Bangladesh made some efforts to protect victims of trafficking over the last year. The government's insufficient 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. The government did not have a systematic procedure to identify trafficking victims and vulnerable populations, and to refer victims of trafficking to protective services. An NGO report indicated that many brothel owners and pimps coerce Bangladeshi girls to take steroids, with devastating side effects, to make them more attractive to clients; the drug is reported to be used by 90 percent of women between the ages of 15 and 35 in Bangladeshi brothels; this phenomenon made it sometimes difficult for the government to identify prostituted minors. Bangladesh's courts and police refer some victims of trafficking to NGO shelters; other times, those victims were either self-identified or identified by an NGO. One hundred thirty-seven victims (83 adult women, zero adult men, and 54 children) were self-identified or identified and rescued by law enforcement officials or NGOs in the reporting period, but it is uncertain whether they were referred to shelters. In the previous year, law enforcement officials identified and rescued 68 victims. While the government did not provide shelter or other services specifically 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. An NGO noted that adult female victims could leave the shelters at will; children's decisions to leave were dependent on their families' permission. No male victims were assisted in these shelters. It is not known how many trafficking victims were served by government and NGO care facilities in Bangladesh. The

government continued to run some shelters in Bangladeshi embassies abroad, but closed other shelters. Law enforcement personnel encouraged victims of trafficking, when identified, to participate in investigations and prosecutions of their traffickers by providing transportation to courts. Authorities did not penalize Bangladeshi 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 were placed in divisional custody facilities at government-run prisons, which include access to medical care and cooking facilities. Unregistered Rohingya refugees who were trafficking victims were detained indefinitely for their undocumented status. At least 36 Bangladeshi sex trafficking victims were repatriated to Bangladesh from India from 2010-2011, although repatriation remained a challenge for other victims. Some of them had been in shelters in India for almost a year and a half, awaiting the verification of their Bangladeshi identities by the Government of Bangladesh. Bangladesh established a trafficking task force with India.

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 BAIRA-affiliated recruitment agents. Workers were encouraged to seek resolution for their complaints directly from BAIRA, rather than file cases against the company, by both BAIRA and the Bureau of Manpower Employment and Training. This resolution generally led to cash-payouts much less than the wages they were denied and the recruitment fees paid. If there are “major” disputes, recruitment agencies may lose their licenses. NGOs and news reports alleged instances of officials working at some Bangladeshi embassies abroad were mostly unresponsive to complaints and attempts to seek restitution abroad were rare. Bangladeshi officials noted that embassies in destination countries do not have enough staff to combat labor exploitation.

Prevention

The Bangladeshi government took efforts to prevent trafficking over the reporting period. In July 2010, the Ministry of Expatriate Welfare and Overseas Employment (MEWOE) created a Vigilance Task Force charged that improving the oversight of Bangladesh’s labor recruitment process. Through the task force, MEWOE launched an advertising campaign directed at potential migrants which detailed the dangers of migration, offered tips for safe migration, and provided contact information for relevant ministries through which migrants could reach assistance. The Ministry of Women and Children’s Affairs held events in villages explaining recourses for victims under the Women and Children’s Repression Prevention Act. In the reporting period, the government shut down three recruiting agencies, blacklisted their owners, and seized their assets. The government cancelled the licenses of 25 recruiting agencies for involvement in fraudulent recruitment practices that potentially facilitated human trafficking. The agencies in question have the right to appeal the cancellation, and until all the appeals are

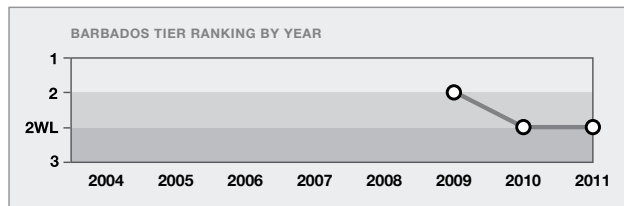
exhausted – a process that could take several years – they are allowed to continue business operations; however, during the appeals the agency is not allowed to engage in any labor recruitment. This is a large increase from the shutting down of one agency and the cancellation of licenses and forfeiture of money from six other agencies in the previous reporting period. NGOs and a government official reported, however, that friends and family members of agency heads are sometimes able to file successfully for new licenses. Bangladesh took a leadership role in the region, chairing the Colombo Process, a consortium of labor contributing countries that seeks to address issues such as rights and conditions for migrant workers and human trafficking. Under Bangladeshi leadership, consultations between European and Colombo Process countries took place in February 2011. 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. The home secretary continued to chair the bi-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. 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. Training, including awareness about human trafficking, was provided to Bangladeshi soldiers prior to their deployment abroad on international peacekeeping missions. During the year, the government did not demonstrate measures to reduce the demand 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 sex trafficking and forced labor. In a welcomed move over the last year, officials spoke more openly about the likely profile of human trafficking in Barbados, which is similar to those of other countries in the region. Evidence suggests there are foreign women forced into prostitution in Barbados. Legal and illegal immigrants from Jamaica, the Dominican Republic, and Guyana appear to be the most vulnerable to trafficking. The prostitution of children is known to exist in Barbados; a high risk group is Barbadian and immigrant children engaging in transactional sex with older men for material goods. There is also evidence that some foreigners have been subjected to forced labor in Barbados, with the highest risk sectors being domestic service, agriculture, and construction.

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, the government has not shown evidence of increasing efforts over the previous year; therefore, Barbados is placed on Tier 2 Watch List. The main obstacles to anti-trafficking progress in Barbados were: the new legislation’s failure to criminalize all forms of trafficking in persons; the government’s absence of formal procedures

to guide officials in victim identification and assistance; and the absence of a formal mechanism to coordinate government and NGO actions on trafficking issues.



Recommendations for Barbados: Amend the new legislation to prohibit all forms of human trafficking and prescribe penalties that are commensurate with those prescribed for other serious crimes; implement procedures for law enforcement officers to proactively identify trafficking victims among vulnerable populations, such as people in prostitution and migrant workers; enact protections for victims of trafficking, including provisions that provide foreign victims with relief from immediate deportation and ensure victims are not punished for crimes committed as a direct result of being trafficked; increase funding to the NGO shelter and crisis center to ensure adequate assistance is available to human trafficking victims; establish a formal inter-ministerial coordination group; and raise awareness of all forms of human trafficking – including domestic servitude, other forms of forced labor, and commercial sexual exploitation of children – in partnership with NGOs through the use of radio or other media.

Prosecution

The Government of Barbados made significant efforts in its anti-trafficking law enforcement activities during the reporting period. Barbados enacted the Transnational Crime Bill (pt.III) in February 2011. Inconsistent with international standards, this law requires migration as a necessary element of human trafficking offenses and apparently does not criminalize the forced labor or forced prostitution of Barbadian citizens and residents, only of persons who enter, exit, or are received into Barbados. The law prescribes maximum penalties of 15 years' imprisonment. These prescribed penalties are sufficiently stringent but are not commensurate with penalties for other serious crimes, such as rape, and are lower than the separate crime of human smuggling. Low awareness of human trafficking among law enforcement officials, as well as the absence of legislation criminalizing all forms of trafficking, were significant limitations in the government's ability to address human trafficking in Barbados during the reporting period. The government did not report data on any investigations, prosecutions, convictions, or sentences of trafficking offenders or public officials complicit in human trafficking during the year. Barbadian officials contributed in-kind assistance to an OAS-sponsored human trafficking awareness training.

Protection

The government did not demonstrate progress in protecting victims during the reporting period. Greatly hindering its

ability to rescue victims, the government did not include victim protection provisions in the new law and did not have a formal policy in place to guide officials in how to identify victims of sex trafficking and forced labor proactively; the government did not report identifying any victims during the year. Officials drafted a formal protocol to guide authorities in the identification and protection of victims, though this document had not yet received cabinet approval. In the past, police have referred suspected victims to the Bureau of Gender Affairs for support services. The government provided funding for an NGO shelter and crisis center providing security and services primarily for domestic violence victims but also for women and children who have been in human trafficking situations. Despite significant financial strain, this organization provided very high quality services, had staff trained to handle trafficking cases, and has assisted trafficking victims. The government provided funding to another NGO that could provide temporary shelter to adult male trafficking victims though there were no reports that any victims were assisted. The government did not have in place any specific policies to encourage victims' assistance in the investigation and prosecution of trafficking. It also did not offer foreign trafficking victims legal alternatives to their removal to countries where they would face hardship or retribution. The government did not have formal provisions in place to ensure that identified victims would not be inappropriately punished for unlawful offenses committed solely as a direct result of being trafficked.

Prevention

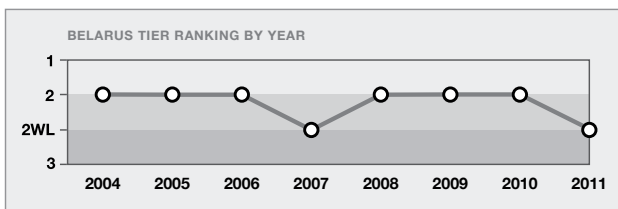
The government made limited progress in efforts to prevent human trafficking in Barbados. There was no formal awareness campaign, but various officials raised awareness of human trafficking through the public debate surrounding the introduction of anti-trafficking legislation to the parliament. The Bureau of Gender Affairs distributed materials from IOM and worked with regional and local NGOs, religious organizations, and community advocates to raise awareness. The government did not have a formal mechanism for coordinating government and NGO action on trafficking issues or a national action plan. The government funded the operation of a hotline staffed by professionals from the women's crisis center who were trained to identify human trafficking. The government did not report any efforts to reduce the demand for commercial sex acts. The government has not identified a problem with child sex tourism. Barbados is not a party to the 2000 UN TIP Protocol.

BELARUS (Tier 2 Watch List)

Belarus is a source, destination, and transit country for women, men, and children subjected to sex trafficking and forced labor. Women and children are subjected to sex trafficking in Russia, Germany, Poland, the Czech Republic, Lithuania, Spain, Greece, Belgium, Turkey, Israel, Lebanon, Egypt, the United Arab Emirates, and within Belarus. Reports continued of women from low-income families in Belarus subjected to forced prostitution in Minsk. Belarusian men, women, and children are found in forced begging, as well as in forced labor in the

construction industry and other sectors in Russia and Belarus. Belarusian single, unemployed females between the ages of 16 and 30 and without higher education are at the greatest risk of becoming a victim of human trafficking. Belarusian men seeking work abroad are increasingly subjected to forced labor. Traffickers often used informal social networks to approach potential victims. Some labor trafficking victims returned to Belarus with severe injuries, such as amputated limbs.

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. Despite these efforts, the government did not demonstrate evidence of increasing anti-trafficking efforts over the previous reporting period; therefore, Belarus is placed on Tier 2 Watch List. The government demonstrated weaker victim protection efforts during the year – identifying 50 percent fewer victims – and prosecuting and convicting fewer trafficking offenders than in previous years. There were no reports of public officials complicit in trafficking; however, there were also no signs that the government made discernible efforts to investigate or prosecute such officials. A full and accurate assessment of the government's response to trafficking was difficult due to the closed nature of the government and sparse independent reporting. The government conducted anti-trafficking prevention campaigns jointly with NGOs, identified a number of victims of trafficking, and provided limited in-kind assistance to anti-trafficking NGOs.



Recommendations for Belarus: 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; cultivate a climate of cooperation with NGO partners providing critical victim protection services; distinguish prevention activities focused on curbing forced labor and forced prostitution from those focused on illegal migration, and increase the former; and ensure that information is made publicly available on anti-trafficking efforts, including the number of prosecutions and convictions of trafficking offenders and the number of victims identified and referred to NGOs for assistance.

Prosecution

The government demonstrated decreased 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 five 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 of Belarus reported 38 trafficking investigations in 2010, including four labor trafficking investigations, a decrease compared with 61 human trafficking investigations reported in 2009. Officials reported prosecuting 48 cases and convicting 12 trafficking offenders under Article 181 in 2010, compared with 47 cases prosecuted and 15 offenders convicted under Article 181 in 2009. Eleven of the 12 trafficking offenders received sentences of imprisonment; one was given a deferred sentence. The government did not provide data on specific sentences imposed on any of the convicted offenders. The number of investigations and prosecutions listed in the previous report may have included investigations and prosecutions into crimes related to trafficking rather than trafficking crimes themselves. 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. The government anti-trafficking center housed at the police academy, with the assistance of NGO instructors, trained 10 Belarusian government officials and a number of foreign government officials in 2010. NGOs are permitted to use this facility to conduct independent training and NGOs reported providing training on trafficking victim identification to border guards and other government officials. The government reported jointly investigating several trafficking cases with the governments of Spain, the United Kingdom, Turkey, Poland, Germany, Lithuania, and Ukraine.

Protection

The government demonstrated insignificant progress in protecting victims of trafficking during the reporting period. The government identified 64 victims of human trafficking compared with the 147 victims identified in 2009. The number of victims reported in the previous report may have included victims of trafficking-related crimes. State medical and rehabilitation services were available to trafficking victims, but most declined assistance from government sources. NGOs identified and assisted 159 victims of trafficking, the majority of whom were referred by law enforcement. Anti-trafficking NGOs reported that the government provided some support for their efforts in the form of in-kind contributions; however, the government did not provide any funding for NGOs assisting victims of trafficking, despite the 2005 presidential edict mandating such funding. The government reported that it encouraged all 64 trafficking victims to participate in the investigation and prosecution of traffickers; NGOs report that at least one victim did so. There were no reports of identified victims penalized for unlawful acts committed as a direct result of being trafficked. Belarusian law allows authorities to grant temporary residency status to foreign victims which would permit foreign victims to work while in the country.

Prevention

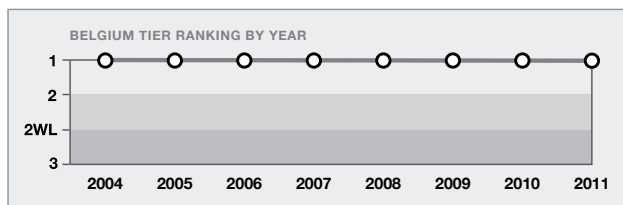
The government sustained its limited trafficking prevention activities during the reporting period. Government-

owned TV channels continued to air six NGO-sponsored anti-trafficking messages and continued to display anti-trafficking awareness billboards. Anti-trafficking materials developed by NGOs were distributed at all land border crossings and at the airport. Government officials continued to conduct press conferences and briefings on the anti-trafficking situation in Belarus. 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. The government did not report any actions to reduce the demand for commercial sex acts.

BELGIUM (Tier 1)

Belgium is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. 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 subsequently subjected to forced labor and sex trafficking. Male victims are subjected to forced labor in restaurants, bars, sweatshops, horticulture sites, fruit farms, construction sites, and retail shops. Belgian girls are seduced by local pimps and then subjected to sex trafficking within the country. Furthermore, the government reported that foreign children, including ethnic Roma, are subjected to sex trafficking within more hidden forms of prostitution. Forced begging within the Roma community in Belgium also occurs. Foreign workers continued to be subjected to forced domestic service, some involving members of the international diplomatic community assigned to Belgium.

The Government of Belgium fully complies with the minimum standards for the elimination of trafficking. The government proactively investigated and prosecuted sex trafficking offenders during the reporting period; however, the government reported that it did not vigorously pursue forced labor cases. The government funded three NGOs providing comprehensive protection and assistance to victims, but identified very few child trafficking victims, despite reports of a significant number of children in prostitution in the country. The Belgian government continued to serve as a leader in the region for its efforts to monitor and prevent domestic servitude within Belgium's diplomatic community. The government's Centre for Equal Opportunity and Opposition to Racism served as a *de facto* rapporteur and continued to publish a comprehensive self-critical annual report to improve the government's anti-trafficking efforts in 2010.



Recommendations for Belgium: Demonstrate vigorous prosecution and punishment of forced labor and forced prostitution offenders; pursue criminal sentences of imprisonment for convicted human trafficking offenders; improve collection of victim assistance statistics to demonstrate proactive identification of victims and ensure that victims are provided with access to services; improve outreach to children who are engaged in sex trafficking and forced begging; consider consolidating current multi-agency directives on identification and protection into formal standard operating procedures for all front-line responders in Belgium as means of avoiding inadvertent deportation of trafficking victims; and implement a nation-wide comprehensive demand campaign to educate clients of Belgium's commercial sex industry about forced prostitution within the legal and illegal sectors, as well as consumers of the products made and services provide through forced labor.

Prosecution

The government sustained strong law enforcement efforts against sex trafficking offenses but made only modest efforts to address forced labor during the reporting period. 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 penalty 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 it conducted 341 trafficking investigations in 2009, the most recent year full data were available. During this same time period, it convicted 132 trafficking offenders; sentences for 10 convicted traffickers were over five years' imprisonment, 93 offenders received one to five years' imprisonment, and 12 offenders received less than one year in jail. Seventeen convicted traffickers received no jail time. Other data showed courts used fines and community service in lieu of criminal penalties, although it is unclear if these punishments were for crimes of sexual and economic exploitation rather than trafficking. The government did not disaggregate these statistics to demonstrate how many convictions involved forced labor. Additionally, a recent government report noted that prosecutors in Belgium handle few cases involving forced labor. In May 2010, however, a court of appeals increased the sentence of an Antwerp lawyer who subjected a Moroccan child to domestic servitude, including sexual abuse, from five to eight years' imprisonment; the court added that contradictions in the victim's statements did not diminish her credibility. The government reported it prosecuted some traffickers who subjected women to forced prostitution in the legalized commercial sex industry in the country. The government reported that the employers' intention to exploit their workers was considered of paramount importance to prove a crime of trafficking. The failure of an employer to meet wage, hours, and working conditions in accordance with prevailing labor legislation and collective bargaining agreements can constitute "exploitation" under Belgium's anti-trafficking law; these cases may be included as trafficking offenses in the government's data. 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 for economic exploitation from one of illegal employment.

In November 2010, judicial authorities reported their decision to formally prosecute eight family members of the royal family of Abu Dhabi (UAE) of abuse and sequestration for subjecting 17 girls to forced servitude while staying at a Brussels hotel in 2008. The convicted sheikha and seven other family members have not returned to Belgium. The government did not vigorously investigate, prosecute or convict any Belgian officials for trafficking-related complicity in 2010.

Protection

The government continued its efforts to protect victims of trafficking in 2010. According to the government, 141 new trafficking victims were identified and referred to service providers during the first half of the year. The government continued to fund three NGOs that provided shelter and comprehensive assistance to these trafficking victims. The government reportedly used proactive procedures to identify victims of trafficking based on a 2008 interagency directive on coordination and assistance to trafficking victims; according to a recent NGO report, standard operating procedures for all front-line responders are lacking. The government reported it issued 52 unlimited residence permits and 108 temporary permits to trafficking victims in 2010. 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 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. Victim witnesses were entitled to seek legal employment during the relevant legal proceedings. Identified victims were not inappropriately incarcerated, fined, or penalized for unlawful acts committed as a direct result of being trafficked.

The Ministry of Justice reported it finalized a cooperation project with hospitals in Belgium to improve detection of potential trafficking victims who seek medical care in 2010. Further, *Surya*, one of the three government-funded NGOs, continued a pilot project to improve detection of trafficking victims at the Liege University Hospital, to assess both the feasibility and the efficiency of using medical staff to improve victim identification. Preliminary findings from the pilot project verified that trafficking victims are more willing to talk to medical staff than police; the government reported it continued to review the project before expanding it to the national level.

Prevention

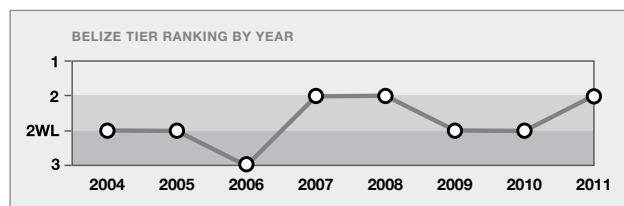
The Government of Belgium sustained progress to prevent trafficking in 2010. A 2011 OSCE Report cited Belgium as a country with best practices in its outreach to domestic employees to inform them of their rights and provide them with avenues to report abuse. Among other measures, the government required domestic workers to appear in person once a year to renew their identification cards. Further, the government has expelled foreign diplomats found to be engaged in exploitation, despite pressure from foreign diplomatic interlocutors. The government transparently reported on its anti-trafficking efforts in 2010; the Center for Equal Opportunities and Opposition to Racism served as a *de facto* anti-trafficking national rapporteur for the government and published an independent annual report on human trafficking and smuggling. This report highlighted both good and bad practices in the government's anti-trafficking efforts and made recommendations for improvement. 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)

Belize is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. A common form of trafficking in Belize is the coerced prostitution of children, particularly situations in which poor parents push their school-aged children to provide sexual favors to wealthy older men in exchange for school fees, money, and gifts. Child sex tourism, involving primarily U.S. citizens, has been identified as an emerging trend in Belize. Additionally, sex trafficking and forced labor of Belizean and foreign women and girls occurs in bars, nightclubs, and brothels throughout the country. Foreign men, women, and children, particularly from Guatemala, Honduras, El Salvador, Mexico, and Asian countries migrate voluntarily to Belize in search of work; some may fall victim to sex trafficking or forced labor. Children and adults working in the agricultural and fishing sectors in Belize are vulnerable to forced labor. Forced labor has been identified in the service sector amongst the South Asian and Chinese communities of Belize, primarily in restaurants and shops with owners from the same country. There reportedly has been at least one case of a Belizean citizen in forced domestic service in the United States during the reporting period.

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. While the government has not successfully prosecuted a trafficking offender for over five years, the government increased prosecutions of trafficking offenders, identified more human trafficking victims, and conducted an awareness campaign in several languages. The Belizean government demonstrated impressive efforts to forge and expand partnerships with NGOs during the reporting period to address child sex trafficking, a form of human trafficking

that is a taboo subject in much of the Caribbean region. The government arrested a police officer in relation to a human trafficking case, though it did not convict or sentence any officials complicit in sex trafficking or forced labor; lack of accountability for trafficking offenders, especially complicit officials, remained a significant obstacle to effective anti-trafficking reforms.



Recommendations for Belize: Enact legislation that would make penalties for human trafficking commensurate with those for other serious crimes, such as rape; demonstrate vigorous efforts to investigate, prosecute, and convict government officials complicit in sex trafficking and forced labor, and seek criminal punishment of any guilty official; demonstrate transparency and appropriate follow-through regarding the prosecution of the police officer linked with human trafficking; increase efforts to prosecute sex and labor trafficking offenses and convict and punish trafficking offenders; employ formal procedures to guide officials (including law enforcement, health workers, and labor inspectors) in how to identify victims of sex trafficking and forced labor among vulnerable populations, including migrant laborers and people in prostitution, and refer them to the government's anti-trafficking committee; continue to identify and assist domestic and foreign labor and sex trafficking victims and ensure identified foreign victims are not penalized for crimes, such as immigration violations, committed as a direct result of being in a human trafficking situation; develop a strategic plan to enhance effectiveness of the government's anti-trafficking initiatives over the coming years; continue funding and collaborating with NGOs to sensitize domestic and foreign communities about forced domestic service and other types of forced labor, in addition to commercial sexual exploitation of children, and other forms of human trafficking.

Prosecution

The government made some progress in law enforcement efforts during the reporting period, though the government has not obtained a conviction of a trafficking offender, including officials complicit in human trafficking, since 2005. 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. Under the existing legislation, trafficking cases are tried in the lower courts, where they are often dismissed, indicating a lack of severity assigned to the crime of trafficking. Draft proposed legislation, which the government has announced it was committed to passing, would lead to significant improvements, including ensuring legally

qualified judges and prosecutors handle trafficking cases, and the continuous trial of cases.

The government initiated 12 new prosecutions of suspected trafficking offenders during the reporting period, at least five of which involved the alleged commercial sexual exploitation of children, and at least three of which involved alleged labor trafficking; two labor trafficking prosecutions from the previous reporting period remained pending. Trafficking-related complicity reportedly remained a serious problem. In an initial positive step during the reporting period, authorities arrested and charged one government official with rape and aggravated assault resulting from human trafficking investigations; the case is pending in the court system. For the fifth consecutive year, the government reported no convictions of trafficking offenders, including officials complicit in human trafficking. Court delays have caused victims to become frustrated, and often led them to cease cooperation as witnesses in trafficking prosecutions, despite their interest in seeking justice. The government conducted human trafficking awareness training for at least 86 customs and immigration officers and 12 labor inspectors during the reporting period; the government reported that at least 12 percent of all Belize police officers have been trained on identifying commercial sexual exploitation of children and other human trafficking issues.

Protection

The government made progress in victim protection during the reporting period. The government showed improvements in victim identification efforts, identifying and assisting 13 new trafficking victims in 2010, including three victims of forced labor, in addition to providing services for eight victims identified in previous years. Law enforcement and other officials do not systematically employ formal mechanisms to guide them in identifying victims of sex trafficking and forced labor among vulnerable populations, such as migrant laborers or foreign citizens in prostitution, though Belize's anti-trafficking committee employed a formal mechanism to refer victims to available services. In an unprecedented effort to improve transparency and effectiveness of victim protection services, the government reported the amount it spent in providing assistance to victims of human trafficking in 2010 – \$87,000. The government reportedly provided housing (including 24-hour security protection in some cases), health care, counseling, stipends, case management, and reintegration services to adult and child victims of trafficking in Belize during the reporting period. There were two government-operated shelters for adult victims; the government has placed child victims in foster care or with relatives. There were no reports that victims were held involuntarily in these shelters. Authorities in Belize encouraged victims to assist with the investigation and prosecution of their traffickers. Authorities provided temporary residency for foreign trafficking victims participating in court cases. After the conclusion of court cases, victims could remain in the country by applying for residency; however, the government did not cover the costs of the application, presenting a barrier to those victims without funds. Authorities reportedly often jailed and prosecuted foreign women found in prostitution; without

formal trafficking victim identification procedures, this practice greatly increased the chances that victims were systematically jailed or penalized for crimes committed as a direct result of being trafficked. Also, there were reports that the government deported some foreign victims before they were able to receive assistance.

Prevention

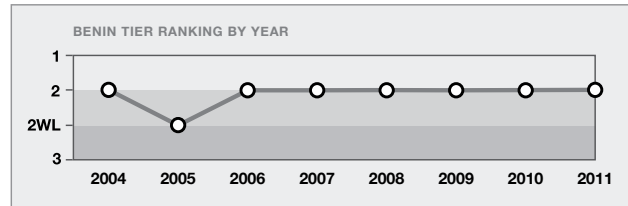
The government made progress in prevention efforts during the reporting period. The government continued to coordinate Belize’s anti-trafficking initiatives through operating an anti-trafficking committee chaired by a high level official from the Ministry of Human Development. During the reporting period, the anti-trafficking committee produced and disseminated public service announcements via radio, television and print media in English, Spanish, Chinese, and Hindi with the goals of raising general awareness about human trafficking and providing basic information to victims. In March 2011, the government placed six large anti-trafficking billboards outside the entrance to the international airport, at border entry points, and in tourist areas. Officials conducted a poster contest and three teacher workshops to raise awareness of human trafficking among school children and teachers. The government continued implementation of the 2006-2010 National Strategy for Human Trafficking with the support of local NGOs. The government did not have a formal mechanism to monitor its anti-trafficking efforts. In support of reducing the demand for commercial sex acts and child sex tourism, the government provided some funding toward an NGO that raises awareness about the consequences of commercial sexual exploitation of children and operates a hotline for reporting child trafficking. The prime minister’s spouse and the Ministry of Human Development and Social Transformation led a two-day symposium on commercial sexual exploitation of children in August 2010.

BENIN (Tier 2)

Benin is a country of origin and transit for children, and possibly men and women, subjected to forced labor and sex trafficking. The majority of victims are girls subjected to forced domestic service or sex trafficking in Cotonou, the administrative capital. Children are also forced to labor on farms or construction sites, to produce handicrafts, or hawk items on the street. The majority of child trafficking victims are from the northern regions of Benin. Reports indicate that children may be exploited in the sex trade near Pendjari National Park in northwest Benin to meet the demand of foreign tourists. Children are recruited and transported to Nigeria and Gabon, and to a lesser extent Cote d’Ivoire, Ghana, Democratic Republic of the Congo, Togo, Cameroon, and Niger, where they are forced to labor in mines, quarries, restaurants, street vending, and on cocoa farms.

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. The government acknowledges that child trafficking is a problem in Benin, and during the year authorities

continued to proactively identify child victims and coordinate efforts to provide for their short and long-term protection. The government identified 241 victims during the year and prosecuted an unknown number of trafficking offenders. However, the government does not recognize the trafficking of adults, and despite reports of children held in commercial sexual exploitation, it neither investigated nor apprehended any suspected sex traffickers during the year.



Recommendations for Benin: Increase efforts to convict and punish trafficking offenders, including using existing statutes to successfully prosecute trafficking crimes committed against adults; develop and enact legislation to criminalize all forms of trafficking of adults; improve efforts to collect law enforcement data on trafficking offenses, including cases involving the trafficking of adults, prosecuted under separate statutes in the penal code or legal code, and make this data available to the public; train law enforcement officials to identify trafficking victims among vulnerable populations, such as women in prostitution and children laboring in the informal sector, and refer them to protective services; and employ active measures to monitor and raid brothels to remove children from the sex trade and bring their traffickers to justice.

Prosecution

The government continued its anti-trafficking law enforcement efforts during the last year. Benin does not prohibit all forms of trafficking. The 2006 Act Relating to the Transportation of Minors and the Suppression of Child Trafficking criminalizes all forms of child trafficking and prescribes penalties of 10 to 20 years’ imprisonment. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. The trafficking of adults for forced labor and forced prostitution is not adequately prohibited by Beninese law. Some cases of trafficking of adults could be prosecuted under other criminal statutes, but these articles were not used to prosecute trafficking cases. The country’s penal code outlaws pimping and the facilitation of prostitution, and prescribes a sentence of six months’ to two years’ imprisonment, while the labor code prohibits forced labor and prescribes a penalty of two months’ to one year imprisonment or a fine. These punishments are neither sufficiently stringent nor commensurate with those prescribed for rape. The government provided data on its law enforcement efforts from six of its nine courts related to a variety of crimes against children, including child trafficking; it reported prosecuting 93 such cases and obtaining 84 convictions. It is unknown how many of these cases constituted trafficking offenses. During the year, the Minors’ Protection Brigade (BPM) arrested and referred 14 individuals for trafficking and related offenses, including the illegal movement of children and child labor, to the

court of Cotonou; an additional 35 identified cases did not result in any arrests. The government neither specified which of these cases involved child trafficking nor provided information on the outcome of these prosecutions. *Gendarmes* arrested an unreported number of individuals in Prekete for attempting to transport 16 children to Cotonou for domestic servitude; the suspected traffickers were prosecuted in Natitingou, but the outcome of this case is unknown.

The government did not report efforts to investigate, prosecute, convict, or sentence government employees complicit in human trafficking, and there were no reports that such complicity occurred. Some government officials may be tolerant of trafficking, but observers report this tolerance is decreasing. The government did not provide specialized training to law enforcement officials to identify, investigate, or prosecute trafficking offenses.

Protection

The Government of Benin sustained its modest efforts to protect child victims during the year, but did not protect any adult victims of trafficking. Four government ministries collaborated to provide services to victims and refer them to NGOs to receive additional care. The BPM took proactive measures to identify child trafficking victims by interviewing the children it took into custody. During the year, the BPM identified 241 child victims and provided them with temporary shelter, as well as legal, medical, and psychological services in a transit center staffed by NGO personnel – located on police premises in Cotonou – before referring them to long-term NGO shelters. In December 2010, the Ministry of Family and the BPM repatriated 19 Beninese child victims from Nigeria, and referred them to NGO shelters for care; an additional 40 children were repatriated from Gabon and other countries in the region during the year. The Ministry of Family and National Solidarity reunited 193 victims with their families, but only after determining the child's reintegration prospects were good, based on prospective services such as education or vocational training. In 2010, the Ministry of Family and Children built seven new Social Promotion Centers and restored eight of its 77 existing centers which provide social services at the community level. An unknown number of trafficking victims may have received services from these centers. The BPM did not encourage child victims to take part in an investigation or trial unless a judge required it, preferring not to expose them to the potential for additional trauma. Parents were reluctant to bring charges against traffickers, though the government prosecuted some cases without relying on the support of the victims or their parents. There were no reports that victims were detained, fined, or jailed for unlawful acts committed as a direct result of being trafficked; however, the government did not make adequate efforts to identify trafficking victims, which may have led to some victims being treated as law violators.

Prevention

The government took some steps to prevent trafficking in persons during the year. In April and May 2010, the Ministry of Justice conducted trainings in three cities

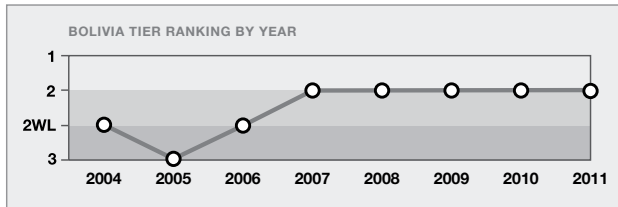
in northern Benin for 120 government officials and civil society members on the legal protections available for children. The ministry distributed 6,000 brochures detailing the country's child trafficking laws, printed with the assistance of international organization partners, to law enforcement agents in four cities. The National Child Protection Coordination and Monitoring Working Group, which includes a committee on trafficking and exploitation, continued to meet quarterly and issue a newsletter. The Beninese government hosted several anti-trafficking meetings with other governments and multilateral institutions during the year, though it did not report taking any additional actions as a result of this engagement. Both the BPM and the Family and Child Monitoring Office at the Ministry of Family and National Solidarity maintained databases on child trafficking; in September 2010, the ministry used the data to create a Social Scoreboard to make child protection data available to the public. The government took no steps to reduce the demand for commercial sex or forced labor during the reporting period, and no arrests were made for the sex trafficking of children. The government did not provide Beninese troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions, though such training was provided by a foreign donor.

BOLIVIA (Tier 2)

Bolivia is principally a source country for men, women, and children who are subjected to conditions of sex trafficking 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. A Bolivian consular official noted an increase in exploited Bolivian laborers in Brazil during the year. Within Bolivia, young women and girls from rural areas are subjected to sex trafficking in urban areas. Bolivian women and girls are also subjected to sex trafficking in neighboring countries, including Argentina, Peru, and Chile. Members of indigenous communities are at risk of forced labor within the country, particularly in the Chaco region. A significant number of Bolivian children are subjected to conditions of forced labor in mining, agriculture, and as domestic servants. Reports also indicate some families lease their children for forced labor in mining and agriculture near border areas with Peru. In Chile and Brazil, authorities identified some Bolivian children forced to courier drugs. Despite some officials' assertions otherwise, some NGOs and the human rights ombudsman report that a small number of children serve in the Bolivian armed forces. The country's porous borders facilitate the movement of undocumented migrants, some of whom may be victims of trafficking.

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 law enforcement efforts against sex trafficking crimes involving children and, with support from a foreign government, opened four trafficking investigative units during the reporting period in border areas with identified trafficking problems. Despite these

efforts, convictions of trafficking offenders remained disproportionately low compared with high numbers of trafficking victims identified by Bolivian authorities. The government did not show evidence of adequately addressing forced labor, and most victim services were available only to girl sex trafficking victims.



Recommendations for Bolivia: Intensify law enforcement efforts against the forced labor of adults and children and the forced prostitution of adults; increase efforts to prosecute trafficking offenses, and convict and punish trafficking offenders, especially in cases involving forced prostitution of adult women or forced labor; increase efforts to proactively identify victims of forced labor and adult sex trafficking victims; pass the draft comprehensive trafficking law to establish more robust victim protections; enhance victim services across the country, particularly for victims of forced labor, through increased resources designated for victim assistance; increase resources for dedicated anti-trafficking prosecutorial and police units to address the challenges in moving from victim identification to successful prosecution; enhance training opportunities for police officers, judicial officials, and other government officials; develop formal procedures for identifying trafficking victims among vulnerable populations; provide enhanced legal protections to trafficking victims, including legal alternatives to deportation for foreign victims; and increase public awareness about the dangers of human trafficking, particularly among Bolivians seeking work abroad.

Prosecution

The Bolivian government sustained anti-trafficking law enforcement efforts over the last year, though it did not demonstrate increased efforts to prosecute and punish trafficking offenders. Bolivia prohibits all forms of human trafficking through Law 3325, a trafficking and smuggling law enacted in 2006, which prescribes penalties of eight to 12 years' imprisonment for both internal and transnational trafficking offenses. These penalties are sufficiently stringent and commensurate with penalties prescribed under Bolivian law for other serious crimes, such as rape. A draft trafficking and smuggling law before Bolivia's congress would enhance the government's ability to conduct in-depth trafficking investigations and would improve victims' access to specialized services. The Bolivian National Police reported investigating 219 cases suspected of involving human trafficking in 2010, compared with 288 investigations initiated during the preceding year. Authorities prosecuted 15 suspected trafficking offenders under the anti-trafficking law, as well as prosecuting 16 trafficking offenders under pimping statutes and three offenders under statutes prohibiting the sexual exploitation of minors. The government achieved the conviction of

seven sex trafficking offenders in 2010 under statutes prohibiting pimping and the sexual exploitation of minors, with sentences ranging from six to 20 years' imprisonment. The government did not achieve any convictions under the trafficking law in 2010. In comparison, in 2009 the government prosecuted 21 suspected trafficking offenders and convicted seven, three of which were given suspended sentences.

The majority of anti-trafficking law enforcement efforts continued to focus on the prostitution of children, and there were no reports that charges were filed for forced labor crimes. The government continued to operate four specialized anti-trafficking police units in La Paz, El Alto, Santa Cruz, and Cochabamba. During the reporting period, authorities inaugurated four additional units along Bolivia's borders with Brazil in Cobija and Puerto Quijarro, with Argentina in Yacuiba, and with Peru in Desaguadero, with the support of a foreign government. Each unit was staffed by four officers, and prosecutors were assigned to these new units to support their investigative work. Law enforcement officials and prosecutors received anti-trafficking training funded by NGOs, international organizations, and a foreign government. Bolivian police continued targeted law enforcement operations against brothels that exploited children. The dedicated anti-trafficking prosecutorial unit in the capital was underfunded and understaffed. Some judges were reportedly reluctant to use the anti-trafficking law. Bolivian officials pursued partnerships with counterparts in the governments of Argentina and Peru to investigate trafficking cases and repatriate victims. Authorities reported no investigation, prosecutions, or convictions of government officials for trafficking-related complicity.

Protection

The Bolivian government sustained efforts to protect female trafficking victims over the last year with funding from civil society organizations and foreign governments. Although law enforcement officials identified a significant number of child victims during police operations in brothels, the government lacks effective procedures for identifying trafficking victims among other vulnerable populations, such as child laborers. Authorities ran a closed shelter for underage female sex trafficking victims, as well as other underage female victims of abuse, in La Paz. Similar shelters in Potosi, Cochabamba, and El Alto housed trafficking victims during the reporting period; these shelters also housed juvenile offenders. In addition to investigating and prosecuting cases, the anti-trafficking police unit in Santa Cruz provides victims of trafficking and domestic violence with medical assistance, counseling services, and shelter, and is seen as a successful model of integrated care in the country. NGOs and religious groups provided additional shelter care and reintegration programs to trafficking victims, but do not receive government funding.

Temporary and long-term services for victims remained unavailable in parts of the country. Services for adult female victims and for male victims were minimal, and in one case a male victim of sex trafficking from Argentina was placed in police detention to protect him from his

traffickers. Police reported identifying 277 sex trafficking victims during the reporting period; 154 were referred to government-run facilities, and 84 were referred to shelters run by civil society. Authorities reported adopting the IOM care protocol for trafficking victims in 2010 in an effort to standardize the approach of different government entities, but there was no designated funding to implement this protocol. The government encouraged victims to participate in investigations and prosecutions of trafficking offenders, though victims often chose not to cooperate because of their fears of reprisals from traffickers. Furthermore, as courts maintain open records, no mechanisms existed to protect information about trafficking victims, and the legal structure often provided greater safeguards to accused trafficking offenders than to victims. The government did 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

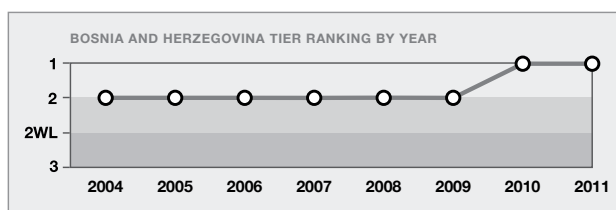
The government sustained its prevention and public awareness efforts, largely in collaboration with international donors. The National Anti-Trafficking Council met four times during the year and was responsible for implementing the 2006-2011 national plan to combat trafficking, though many of the plan's goals remain unmet. In 2010, authorities sponsored the second meeting of the separate National Council to Combat Trafficking in Migrants. Officials from different government agencies and the IOM committed to various anti-trafficking initiatives, including enhanced victim identification efforts along the border with Argentina and enhanced coordination with the Government of Chile regarding Bolivian children exploited in Chile. Bolivian authorities continued to forge partnerships with NGOs, international organizations, and other governments on prevention activities. No efforts to reduce demand for commercial sex acts or forced labor were reported during the year. The government provided human rights training for its troops before they deployed on international peacekeeping missions, though this did not involve training specifically on human trafficking.

BOSNIA AND HERZEGOVINA (Tier 1)

Bosnia and Herzegovina is a source, destination and transit country for men, women and children who are subjected to sex trafficking and forced labor. Bosnian victims are subjected to sex trafficking and forced labor in Azerbaijan, Slovenia, Croatia and other countries in Europe. Women from Albania, Serbia, Kosovo, and Bosnian women and young girls were subjected to sex trafficking within the country. Local girls, particularly Roma, were trafficked, using forced marriage, for the purpose of domestic servitude. Roma boys and girls, some as young as 4 years old, were subjected to forced begging by organized crime groups. An NGO reported children as young as 12 years

old are subjected to sex trafficking by traffickers who use blackmail, gang rape, and drugs as tools of coercion and control.

The Government of Bosnia fully complies with the minimum standards for the elimination of trafficking. The government demonstrated sustained law enforcement and victim protection efforts, and set a leading example in a forced begging case in 2010. However, it did not proactively identify trafficking victims, likely resulting in their punishment for unlawful acts committed as a result of being trafficked. Some NGOs reported that trafficking-related corruption significantly hampered the government's ability to vigorously prosecute trafficking and to identify and protect victims.



Recommendations for Bosnia and Herzegovina:

Vigorously investigate all potential trafficking cases to ensure trafficking offenders are aggressively prosecuted and punished; ensure identified victims are not punished as a direct result of being trafficked; move towards a more victim-centered, multi-disciplinary response to trafficking by expanding partnerships with specialized NGOs to ensure their role in victim identification and assistance; vigorously investigate and prosecute trafficking-related complicity; improve statutory protections for foreign victims to ensure they are not prematurely expelled before the reflection period or involuntarily repatriated; mandate anti-trafficking training for all law enforcement and other front-line responders; and develop comprehensive national level campaigns to educate the public about trafficking and to reduce the local demand for commercial sex.

Prosecution

The Government of Bosnia maintained its anti-trafficking law enforcement efforts in 2010. The national government 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. In 2010, the national government prosecuted and convicted seven trafficking offenders, compared with 11 in 2009. Sentences ranged from one suspended sentence to six years in prison. Three of these sentences were over 4.5 years in length. Courts in the Federation prosecuted and convicted three trafficking offenders, and sentences ranged from six months to 2.5 years' imprisonment. This compares with 11 convicted offenders in 2009. In the Republika Srpska, authorities prosecuted and convicted two trafficking offenders resulting in a suspended sentence and one year's imprisonment; this compares with convicting five trafficking offenders in 2009. Finally in the Brcko District, courts prosecuted and convicted

four trafficking offenders with sentences ranging from 2.5 to 3.5 years' imprisonment. Regional experts report that authorities often fail to recognize trafficking cases and prosecute offenders under other criminal statutes, resulting in continued use of suspended sentences for trafficking offenders. The government continued efforts to improve cooperation and coordination through its Anti-Trafficking Strike Force, resulting in improvements in its data collection on trafficking cases. Further, under the leadership of the Strike Force, authorities executed an unprecedented, coordinated operation involving large-scale raids against forced begging rings in Sarajevo, Banja Luka, and Brcko, and pursued an investigation of the suspected trafficking offenders.

There were continued anecdotal reports of police and other officials' facilitation of trafficking, including by willfully ignoring, exploiting trafficking victims, and actively protecting traffickers or exploiters of trafficking victims in return for payoffs. The government at times failed to vigorously investigate or prosecute such cases during the reporting period. In September 2010, the government suspended an investigation of 17 individuals for charges including the sex trafficking of a child from the Roma community, from which potential victims are especially vulnerable. The investigation, initiated in March 2010, included some government officials. Citing a lack of credible evidence, the state prosecutor determined the individuals under investigation could not be prosecuted for trafficking. However, an NGO providing assistance to the victim, whose exploitation began when she was 14, reported strong indications of trafficking. Furthermore, the government did not report on any progress made in a case involving two local officials under investigation by the state prosecutor for their December 2007 involvement in forced prostitution of three children who were released from custody on February 12, 2009.

Protection

The Government of Bosnia sustained its efforts to protect some trafficking victims, though it did not demonstrate concrete improvements in the proactive identification of trafficking victims in 2010. Authorities identified 37 trafficking victims in 2010, compared with 46 victims in 2009. Local experts report police are not using proactive identification techniques to locate victims increasingly kept in more private locations throughout the country. All stakeholders report a lack of clarity in the current procedures used for identification and referral of victims, and local experts report multiple instances of potential victims not being recognized as such. Furthermore, according to local experts, children in prostitution who are over 14 years of age are generally treated as juvenile offenders and can be punished for crimes committed as a direct result of being trafficked. In July 2010, the government reduced the number of NGOs who receive funding for the reintegration and rehabilitation of victims from seven to two, reporting its intention to focus on building the capacity of two partner NGOs to provide these services for foreign and domestic trafficking victims. However, NGOs with a history of providing assistance to trafficking victims in Bosnia report this decision resulted in their increasingly marginalized role in overall anti-

trafficking efforts. The government's funding for victim assistance came from a general fund for all victims of sexual violence, reporting \$45,000 for domestic victims and \$69,000 for foreign victims of sexual violence. The government identified four foreign trafficking victims in 2010. Authorities reported victims are not entitled to leave the shelters unchaperoned, citing safety concerns.

The government demonstrated regional leadership in conducting large-scale raids against a forced begging ring operating throughout the country in December 2010 and January 2011. In this case, police rescued and referred 10 children to a shelter, rather than simply returning them to their parents, as is the general response in the region, after suspecting their parents were colluding with the ringleaders. 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 2010. However, local experts continued to report that the protection of witnesses in Bosnia remained inadequate. The government reported it 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. However, NGOs report that prosecutors initiated deportation procedures for foreign trafficking victims without arranging for their safe and responsible return after deciding there was a lack of evidence or if the victim's testimony was not needed. In 2010, the government provided five victims with residence permits, compared to six in 2009. One border official reported authorities did not use formalized systematic procedures to identify trafficking victims at border points.

Prevention

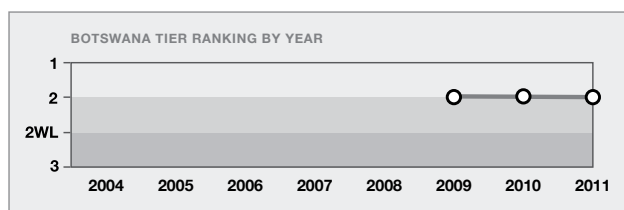
The Bosnian government did not initiate any new anti-trafficking awareness initiatives in 2010, although it continued to partner with NGOs conducting campaigns. The Office of the State Coordinator assisted in the development of anti-trafficking educational materials for school children and continued to serve as a general point of contact for anti-trafficking stakeholders. The government also continued specialized anti-trafficking training of Bosnian troops before their deployment on international peacekeeping missions.

BOTSWANA (Tier 2)

Botswana is a source, and destination country for women and children subjected to forced labor and sex trafficking. Some parents in poor rural communities send their children to work for wealthier families as domestic servants in cities or as herders at remote cattle posts, where some become victims of forced labor. Young Botswana, serving as domestic workers for extended family or friends of family, in some cases may be subjected to verbal, physical, or sexual abuse and denied access to education and basic necessities, conditions indicative of forced labor. Botswana girls are exploited in prostitution within the country, including in bars and by truck drivers along major highways. A report indicates that the organized prostitution of underage girls may be occurring in Gaborone. 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. Botswana families who 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 threatening to have them deported 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, including the launching of the government's first anti-trafficking awareness campaign, in partnership with UNICEF, and working with UNODC to train officials and formulate anti-trafficking legislation. Despite these efforts, however, the government has not finalized draft comprehensive anti-trafficking legislation, and has failed to prosecute and convict trafficking offenders, but made social services available to potential trafficking victims. While high-level officials display an apparent willingness to address the issue, a government-wide mandate to begin coordinated anti-trafficking work does not yet exist.



Recommendations for Botswana: Complete the drafting of and enact comprehensive legislation that criminalizes all forms of trafficking in persons; increase efforts to investigate and prosecute suspected traffickers under existing laws; develop a formal system to proactively identify trafficking victims and train law enforcement, immigration, and social welfare officials to identify such victims, especially among vulnerable populations such as irregular migrants and women and children in prostitution; expand existing public awareness campaigns to educate the general public on the nature of human trafficking; and begin maintaining detailed records of anti-trafficking law enforcement efforts.

Prosecution

The Government of Botswana made limited progress in anti-trafficking law enforcement efforts over the last year. The government investigated several suspected trafficking cases; however, it did not report any prosecutions of trafficking offenses or convictions of trafficking offenders in 2010. Although Botswana does not have a law specifically prohibiting trafficking in persons, provisions in the Penal Code of 1998, such as those in Sections 155-158 (forced prostitution) and Sections 260-262 (slavery), prohibit some forms of 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. Sections 57 and 114 of the Children's Act prohibit child prostitution

and child trafficking, respectively; Section 57 prescribes penalties of two to five years' imprisonment for facilitation or coercion of children into prostitution, while Section 114 prescribes penalties of five to 15 years' imprisonment for child trafficking. The Children's Act, however, fails to define child trafficking, potentially limiting its utility. Although the Ministry of Defense, Justice and Security began drafting a comprehensive anti-trafficking law in October 2009, no action was taken on this bill during the reporting period; however, the government is considering inclusion of anti-trafficking provisions in the revised Serious Crimes Act.

The police reportedly investigated one case of a five-year old who was promised an education by her aunt, but was instead forced to do domestic work and suffered severe physical and verbal abuse. Police and social workers brought the victim to a local shelter; the police formally charged the aunt and she is awaiting trial. Multiple law enforcement officials were trained to effectively investigate cases of human trafficking or to differentiate between smuggling and trafficking. In December 2010, in partnership with UNODC, the government provided law enforcement training, including anti-trafficking issues, to 50 law enforcement officers. A police officer in the National Central Bureau of Interpol is assigned to work exclusively on transnational human trafficking issues.

Protection

The government demonstrated minimal efforts to protect victims of trafficking. Botswana has no social services specifically to assist victims of human trafficking. NGO-operated shelters, which received government funding, provided general services to children, including children in prostitution. During the reporting period, police and social workers brought at least one child victim of forced labor to one of these shelters, where she received shelter and assistance. Although the Government of Botswana made available counseling, medical services, food, and accommodation to potential trafficking victims, it did not provide assistance to any persons it identified as victims of trafficking during the reporting period. Law enforcement and social services personnel have not established formal procedures to proactively identify victims of trafficking among vulnerable populations. The government deports undocumented foreign migrants in 24 hours from arrest and, due to limited time and resources, provides informal screening for trafficking victimization for the 300 undocumented foreign migrants deported each day.

Prevention

The government made moderate efforts to prevent trafficking in and through Botswana. During the reporting period, however, it took no action to complete or implement the draft national action plan it began developing in 2008 and the country remains without a formal inter-ministerial body to coordinate its anti-trafficking work. In June 2010, the Director of Social Services, in partnership with UNICEF, launched an anti-trafficking awareness campaign in preparation for the World Cup in South Africa, which included awareness raising and training for stakeholders. A national committee was formed to oversee this campaign, which held a workshop for stakeholders in April 2010.

The committee also held an outreach event for children in May 2010, which included speeches, a march, poetry, and art competitions, as well as a live radio program on trafficking; 290 participants attended this event, including 260 children. In June and July 2010, the Department of Social Services, the Immigration Department, the Tribal Administration, as well as UNICEF and a local NGO, facilitated three workshops in Gaborone, Lobatse and Palapye; 91 teachers, social workers, immigration officials, and officers from the Botswana United Revenue Service received training on how traffickers operate, what child trafficking entails, and the management of trafficking cases.

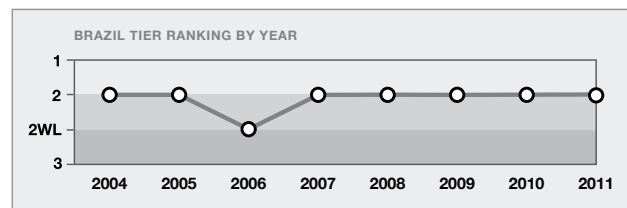
BRAZIL (Tier 2)

Brazil is a source country for men, women, and children subjected to sex trafficking within the country and abroad, as well as a source country for men and children in forced labor within the country. To a more limited extent, Brazil is a destination and transit country for men and women in forced labor and forced prostitution. According to the UNODC, sex trafficking of Brazilian women and girls occurs in all 26 Brazilian states and the federal district, and the federal police continued to estimate that upwards of 250,000 children were involved in prostitution. A large number of Brazilian women and children are found in sex trafficking abroad, often in European countries, including Spain, Italy, Portugal, the United Kingdom, the Netherlands, Switzerland, France, Germany, Norway, and Luxembourg, as well as in the United States, and as far away as Japan. Brazilian women and children also are subjected to sex trafficking in neighboring countries such as Suriname, French Guiana, Guyana, and Venezuela. To a lesser extent, women from neighboring countries have been identified in sexual servitude in Brazil. During the year, some Brazilian transsexuals were forced into prostitution within the country, and some Brazilian men and transsexuals were forced into prostitution in Spain and Italy.

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 *trabalho escravo* within the country, typically on cattle ranches, logging and mining camps, sugar-cane plantations, and large farms producing corn, cotton, soy, and charcoal, as well as in construction and deforestation. Some children have been identified as slave laborers in cattle ranching, mining, and agriculture. 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. Many of these internally trafficked laborers originated from the states of Maranhao, Piaui, Tocantins, and Bahia, while Para and Mato Grosso states received the higher number of slave laborers from within the country. Children in 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, Peru, and China for forced labor in garment factories and textile sweatshops in metropolitan centers, particularly 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. Human trafficking investigations and prosecutions increased during the year, and authorities convicted seven police officers of trafficking-related complicity. Few convicted trafficking offenders served jail time, however, and there were no reported convictions for internal sex trafficking offenses. Authorities continued mobile labor inspection operations to identify *trabalho escravo* victims and maintained anti-trafficking offices in eight states to assist trafficking victims and raise awareness. Government-provided shelter services and protections for trafficking victims remained inadequate, including those for male victims of forced labor and sex trafficking. Authorities continued to partner with civil society and international organizations to raise awareness about sex trafficking and to punish companies that profited from *trabalho escravo*. Despite continued prevention efforts on child sex tourism, there were no reported prosecutions or convictions of child sex tourists.



Recommendations for Brazil: Significantly increase efforts to investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders, including those involved in internal cases of sex trafficking; vigorously investigate and prosecute those who engage in the prostitution of children; amend legislation to apply more stringent sentences for trafficking offenders so that sentences are not commuted to community service; consider increasing penalties for fraudulent recruiting crimes to target and punish unscrupulous recruiters of forced labor more effectively; increase efforts to prosecute and convict child sex tourists; strengthen the interagency mechanisms at the federal, state, and local level and enhance collaboration between government entities involved in combating forced labor and forced prostitution; increase designated funding for specialized assistance, shelters, and protection for trafficking victims, especially for victims of *trabalho escravo* who are vulnerable to being re-trafficked; supplement victim services by dedicating resources for male and transsexual victims of sex trafficking; continue to increase training for local level law enforcement officers, judicial officials, and social workers; pass a second national plan to combat trafficking with designated funding for victim services and for law enforcement efforts; 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 internal forced labor and transnational forced prostitution during the past year. Few convicted trafficking offenders served jail time, however, and authorities did not vigorously investigate or prosecute internal sex trafficking crimes, including the prostitution of children. In some forced labor and forced prostitution convictions achieved during the year, judges commuted sentences of less than four years' imprisonment to community service, which in rare cases are partially satisfied through making food donations to the victims, thus undercutting in practice the otherwise stringent penalties set forth in the relevant anti-trafficking statutes.

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 some forms of sex trafficking – the promoting or facilitating movement to, from, or within the country for the purposes of prostitution or other forms of sexual exploitation, with violence, threats, or fraud as aggravating elements, as opposed to necessary elements of the offense. These articles prescribe penalties of three to eight years' imprisonment; sentences may be increased up to 12 years' imprisonment 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 movement for the purpose of prostitution, whether across international or state borders. They only prohibit forced prostitution that involves movement. The offenses of forced prostitution without an element of movement is covered under other statutes, including Section 228, which prohibits inducing, attracting, and facilitating the prostitution or sexual exploitation of another person, or impeding or making leaving prostitution or sexual exploitation difficult for another person; penalties range from two to eight years' imprisonment.

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. Section 149, however, goes beyond cases in which people are held in service through forced, fraud, and coercion and includes cases in which persons were subjected 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 that are not considered human trafficking. The statutory penalty of two to eight years' imprisonment is sufficiently stringent. In practice, however, few convicted labor trafficking offenders have ever served jail time in Brazil. Brazilian law does not appear to 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 continue to work. A bill first proposed in 2001 that would allow the government to confiscate and redistribute property on which forced labor

has been employed remained pending, due to opposition from rural landowners in Congress.

During the reporting period, the federal police reported investigating 74 transnational sex trafficking cases, an increase from 43 investigations during the previous year, and 45 separate criminal suits were filed for sex trafficking in 2010. Authorities prosecuted 31 sex trafficking offenders and achieved four convictions under Article 231. Of the four traffickers convicted under Article 231, two received sentences of three years' imprisonment that were then commuted to community service, a decision being appealed by the prosecutor. The other two received sentences of eight years and 10 months' and eight years and 11 months' imprisonment. In addition, four trafficking offenders were convicted under charges of forming a gang, and received sentences that ranged from fines and community service to 11 years' imprisonment. In comparison, five transnational trafficking offenders were convicted under Article 231 during the previous year. There were no reports of prosecutions or convictions for internal sex trafficking under Article 231-A in 2010, nor were there any convictions for this crime in 2009. Brazilian authorities collaborated with foreign government counterparts in a number of transnational sex trafficking cases involving victims trafficked to Italy, Spain, Portugal, Canada, Switzerland, Mexico, Argentina, Serbia, and the United States.

To investigate potential cases of *trabalho escravo*, the Ministry of Labor conducted 141 operations targeting 305 properties in 2010, compared with 156 operations involving 350 properties in 2009. The federal police reported investigating 323 potential cases of forced labor in 2010, a significant increase from the 2009, when they reported investigating 142 cases. In most cases, these investigations were in tandem with Ministry of Labor operations. In 2010, authorities filed 177 *trabalho escravo* civil and criminal suits in federal and labor courts. The largest numbers of cases were filed in the states of Mato Grosso and Para. During the reporting period, federal and labor courts prosecuted two cases involving eight defendants and handed down eight convictions under the *trabalho escravo* law. Seven convicted offenders were given fines, and one trafficking offender was given a sentence of 3.5 years' imprisonment plus fines, a sentence that was then commuted to community service. In comparison, authorities reported 15 convictions for *trabalho escravo* during the previous year. During the year, a court upheld a previous fine of \$3 million, the largest amount awarded for a *trabalho escravo* case. Despite a federal ruling in 2006 establishing that *trabalho escravo* cases fall under federal and not state jurisdiction, NGOs reported that there was occasionally still confusion about which authorities were responsible for these cases, causing delays in prosecutions.

The Ministry of Labor's anti-*trabalho escravo* mobile units, created in 1995, continued to free victims and require those responsible to pay fines. Fines varied significantly in amount. Over \$4.5 million in fines were levied during the year, but there is no public information on how many of these fines were paid. In some cases, mobile unit inspectors did not 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 efforts were not always coordinated with public ministry prosecutors, who initiate criminal cases in federal court, though federal prosecutors can use labor inspectors' reports as valid evidence in indictments. Local political pressure and the remoteness of areas in which rural *trabalho escravo* was practiced have been cited as impediments in the investigation of these cases. During the reporting period, local landowners threatened some members of mobile inspection teams in the state of Santa Catarina. Since the murder of three labor inspectors in 2004, mobile inspection teams should be accompanied by federal police for physical protection, though this did not always occur. In urban areas, particularly Sao Paulo, the shortage of labor inspectors, as well as difficulties in prosecuting companies who subcontracted with sweatshops using forced labor, were cited as impediments to criminal prosecution of trafficking offenders, and in most cases inspectors only levied administrative fines.

Credible NGO reporting indicated instances of serious official complicity in trafficking crimes at the local level, alleging that police continued to turn a blind eye to child prostitution and potential human trafficking activity in commercial sex sites. One NGO providing services to sex trafficking victims in Sao Paulo noted that several victims reported receiving threats from certain local police officers. In 2010, authorities sentenced seven police officers for falsifying documents and passports used to facilitate crimes of smuggling and forced prostitution of Brazilian citizens abroad, in the culmination of an investigation launched in 2003. Sentences ranged from 11 years and 4 months' imprisonment to 12 years and four months' imprisonment, plus fines; all were free awaiting appeal at the end of the reporting period. Officials launched an online anti-trafficking training publication during the year, and reported that 8,000 social workers were trained during the reporting period. In 2010, 4,577 federal and state police officials, as well as other law enforcement officials completed online training on human trafficking. The Ministry of Foreign Relations launched a guide for Brazilians returning from abroad intended for Brazilian victims and consular officials and NGOs assisting these victims. An integrated trafficking database that will collect information from law enforcement, the judiciary branch, and anti-trafficking centers around the country will not be launched until 2011, despite plans to do so in 2010.

Protection

The Brazilian government made sustained efforts to provide trafficking victims with specialized services during the year; although authorities continued to operate regional offices to assist sex trafficking victims in eight states, funding for victim services was limited, and there were few specialized services or shelters for trafficking victims, particularly for male victims and forced labor victims. 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 people in prostitution. The federal government did not fund specialized shelters for trafficking victims. The Ministry of Social Development

provides generalized shelter, counseling, and medical aid to women through its network of 400 centers for victims of domestic violence and sexual abuse, although it is unclear how many trafficking victims received services at these centers. These centers do not receive additional funding and some do not receive training to handle trafficking cases. Brazilian police continued to refer child sex trafficking victims to the government-run specialized social service centers for care, where they could be referred to legal and health services and offered temporary shelter for 24 hours, after which the children were referred to families or to an alternate shelter. The only government-funded shelter specifically for trafficking victims opened during the year in Bahia: it was limited only to girls and was funded by the state government with civil society support. Due to a lack of victim identification, the local government decided to open the shelter to girls subjected to other forms of abuse. NGOs noted that some government-run centers were not prepared or willing to handle trafficking cases and were underfunded. NGOs provided additional victim services, and authorities referred victims to NGOs during the reporting period for specialized care. A few NGOs received limited funding from local governments, but most provided these services without this support. Long-term shelter options for sex trafficking victims 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, Pará, Acre, and Bahia, and launched two additional offices in Acre during the reporting period. 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. The Pernambuco office reported assisting 398 female trafficking victims during the year, 236 of whom filed formal complaints with the police. Authorities continued to fund assistance posts to aid repatriated citizens who might be trafficking victims at airports in Sao Paulo and Belem and inaugurated posts in Rio de Janeiro and Fortaleza in 2010 and 2011, respectively. The post in Belem only functioned for limited hours and days. During 2010, the Sao Paulo airport post assisted 219 individuals, 13 of which were identified as trafficking victims. Previous plans to open a similar post in Salvador during the year were unrealized.

In 2010, the Ministry of Labor's mobile units identified and freed 2,617 victims of *trabalho escravo*. In comparison, authorities identified and freed 3,769 victims in 156 operations targeting 350 properties in 2009. The government did not generally encourage victims of *trabalho escravo* to participate in criminal investigations or prosecutions. Forced labor victims were not eligible for government-provided shelter assistance, though victims who were Brazilian citizens were provided with three months' salary at minimum wage, as well as job training and assistance when available. Although the Ministry of Labor reported awarding forced labor victims a portion of funds that were derived from fines levied against employers identified during operations, forced labor victims in some isolated cases have waited up to 10 years before receiving

such compensation. The state of Mato Grosso was one of the only states that funded a program to provide vocational training and other services to freed slave laborers; however, this program is beginning to be replicated by other states. According to NGOs, a significant percentage of rescued slave laborers have been re-trafficked, due to a lack of effective prosecutions of recruiters of *trabalho escravo*, few alternate forms of employment for the rescued workers, and a lack of legal aid to help them pursue their own complaints against exploitative employers. Authorities, however, reported placing more freed forced labor victims in the *Bolsa Familia* social welfare program due to improved cooperation between the Ministry of Labor and Employment and the Ministry of Social Development.

The government encouraged sex trafficking victims to participate in investigations and prosecutions of trafficking, and five did so during the reporting period. Some victims 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 had engaged in prostitution prior to being subjected to coercive conditions; in some cases, evidence of initial consent to engage in prostitution prevented the identification of a woman in prostitution as a trafficking victim. Victims of sex trafficking could be offered short-term protection under a protection program for witnesses active in some states, but this program was generally regarded as lacking sufficient resources. The government did not generally detain, fine, or otherwise penalize identified victims of trafficking for unlawful acts committed as a direct result of being trafficked. Some officials and NGOs noted, however, that undocumented victims of forced labor were sometimes threatened with deportation or were deported. In December 2010, the national immigration council issued a decree granting permanent visa status to foreigners considered victims of trafficking. Information on the number of foreign victims receiving this status during the period of January to March 2011, however, was not yet available. Brazilian consular officers received guidance on how to report trafficking cases and assist trafficking victims.

Prevention

The Brazilian government maintained strong efforts to prevent human trafficking last year. Federal authorities generally maintained good cooperation with international organizations and NGOs on anti-trafficking activities. The first national anti-trafficking action plan ended in January 2010, and authorities published an in-depth analysis of the plan's implementation during the reporting period. In November 2010, the Ministry of Justice convened the first national meeting of the Network to Combat Trafficking to analyze the first plan; authorities reported spending \$200,000 to bring over 200 representatives from NGOs, international organizations, and government agencies at the federal, state, and local level to participate. Officials used feedback from this event to begin drafting a second national plan for 2011-2013 during the year and to seek public commentary, although it was not published at the time of this writing. There was no permanent interagency committee

to address sex trafficking, though there was an assessment group to oversee the implementation of the first national plan, which met irregularly. Some states or municipalities had local-level anti-trafficking coalitions or committees, and the state of Sao Paulo established 11 regional committees during the year. The national Commission to Eradicate Slave Labor, a permanent council composed of government agencies, civil society organizations and international organizations, continued to coordinate efforts against forced labor, and six states had local commissions displaying varying degrees of activity. Civil society organizations, religious officials, and various federal, state, and municipal agencies collaborated on anti-trafficking initiatives. Authorities maintained partnerships with foreign governments to cooperate on anti-trafficking efforts.

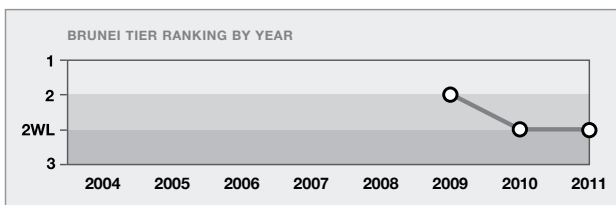
The Ministry of Labor's "dirty list," which publicly identifies individuals and corporate entities the government has determined to have been responsible for crimes under the *trabalho escravo* law, continued to impose civil penalties on those engaged in this serious crime. According to NGOs and the Ministry of Labor, the "dirty list" is the most effective tool against *trabalho escravo*, although a study released in 2010 found that only half of the companies on the list between 2004 and 2007 have been subject to criminal prosecution. The most recent version, released in December 2010, cited 220 employers, some of whom were denied access to credit by public and private financial institutions because of this designation. During the year, however, a large company that had previously sued to remove its name from the list reportedly negotiated a temporary injunction with the Federal Solicitor General's office to keep its name off the list, a move protested by NGOs and other government officials as undermining the dirty list's effectiveness. The agreement is not yet finalized.

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 38 reported calls on children moved for the purposes of prostitution. Authorities partnered with civil society and the business sector to provide vocational training to adolescents who were vulnerable to sexual exploitation. The government took public measures to reduce demand for commercial sexual exploitation of children by conducting a multi-media campaign during the 2011 Carnival holiday period targeting the 12 cities that will host the 2014 World Cup, as well as three other cities. Authorities continued to reduce demand for commercial sex acts involving children along Brazil's highways and published a report mapping vulnerable points of child prostitution along federal highways. There were no reported efforts to reduce the demand for commercial sexual activity involving adults. Despite the significant number of child sex tourists visiting Brazil, there were no reports of prosecutions or convictions for child sex tourism during the reporting period. Authorities, however, cooperated with U.S. officials on one child sex tourism case pursued in U.S. courts and reported working with European countries' law enforcement and judicial officials to combat child sex tourism. 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 forced labor and forced prostitution. Men and women from Indonesia, Malaysia, the Philippines, Pakistan, India, Bangladesh, China, and Thailand migrate to Brunei for domestic work or other low-skilled employment, but sometimes face conditions of involuntary servitude after arrival. There are over 87,500 migrant workers in Brunei, some of whom face debt bondage, nonpayment of wages, passport confiscation, confinement to the home, and contract-switching – conditions widely recognized as key indicators of human trafficking. There were credible reports of South Asian nationals in Brunei who are subjected to nonpayment of wages and debt bondage of up to a year's wages in order to pay off fees owed to labor recruitment agencies. 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. 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 labor broker or recruitment fees they are charged and as a tool with which to maintain the service of the workers. 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. There are reports of women forced into prostitution in Brunei, and that women arrested for prostitution attest to having been victims of trafficking. Many of these victims enter the country on social visit passes or tourist visas. Brunei is a transit country for trafficking victims in Malaysia, including Filipinas, who are brought to Brunei for visa renewals 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. Despite these efforts and ample resources, the government has not shown evidence of increasing efforts to address human trafficking over the previous year; therefore, Brunei is placed on Tier 2 Watch List. The government has yet to prosecute a human trafficking case using its 2004 anti-trafficking law. In November 2010, authorities announced plans to create an anti-trafficking unit within the Royal Brunei Police Force, though the unit has yet to begin operations. During the year, the government did not identify or assist any trafficking victims. The government has yet to develop or implement formal procedures to identify victims of trafficking.



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 and 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 direct 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 failed to make concrete progress in anti-trafficking law enforcement efforts during the past year. The Government of Brunei prohibits both sex and labor trafficking through its Trafficking and Smuggling Persons Order of 2004. While the government used its 2004 law to prosecute a smuggling case during the year, it has yet to use the law to prosecute or convict a human trafficking offender. The 2004 Order prescribes punishments of up to 30 years' imprisonment, which is sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. In November 2010, the government announced its plans to create an anti-trafficking unit within the Royal Brunei Police Force, but the unit has not yet begun operations, and no date has been set for the unit to begin work, as it has not yet received budgetary approval. Authorities continued to rely on victims coming forward or being identified by foreign embassies to begin investigations, and did not make efforts to proactively identify suspected trafficking victims among vulnerable groups, such as women in prostitution. During the year, there continued to be complaints by foreign workers, some of whom may have been trafficking victims, against employers who failed to pay salaries; however, authorities did not investigate these cases for potential trafficking. The government often relied on mediation or administrative rather than criminal penalties in labor-related offenses. Two employers received a punishment of a fine or imprisonment for failure to pay wages to their employees, but authorities did not report investigating these cases to see if there was any further evidence of trafficking.

Protection

Brunei's efforts to identify and protect trafficking victims during the reporting period remained inadequate. 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, and the government did not implement training for its officials on identifying trafficking victims. While authorities reported identifying and deporting one “trafficking victim” during the year, the individual was in fact a smuggled migrant and did not appear to be a trafficking victim. The government did not identify or assist any victims of trafficking during the year. 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. Foreign females in prostitution were most often arrested and deported without effective screening to determine if they were subjected to forced prostitution. During the year, three Chinese women were prosecuted and imprisoned for three months for prostitution offenses. As there may have been trafficking victims among these immigration violators and females in prostitution, some may have been penalized for unlawful acts committed as a direct result of their being trafficked. Trafficking victims were likely detained in prison in close proximity to their traffickers while judicial and immigration proceedings were ongoing. The government reported funding three general purpose shelters that could be used to assist trafficking victims, but none of these shelters have ever been used to assist trafficking victims. There were no NGOs or international organizations in Brunei that provided support to trafficking victims, though the embassies of several source countries in coordination with the Brunei government provided shelter, mediation, and immigration assistance to their nationals. The government did not provide any funding to civil society actors to assist trafficking victims, and also did not provide legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution.

Prevention

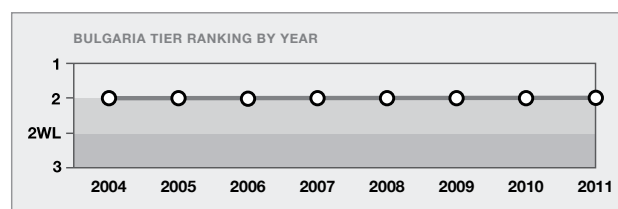
The Brunei government demonstrated limited prevention efforts during the reporting period. Government-influenced newspapers published articles on problems facing foreign workers, such as the nonpayment of wages, but the government did not conduct any public awareness campaigns on trafficking. The government hosted a regional anti-trafficking training jointly organized with the French Government. The government provides arrival briefings for foreign workers and runs a telephone hotline for worker complaints. During the year, the government convicted two employers for failing to pay wages to their domestic workers, and punished them with fines. In March, a court sentenced a Vietnamese national to eight months’ imprisonment and one stroke of the cane after he pleaded guilty to hiring women in prostitution. There were no other 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 sex trafficking, and men, women, and children subjected to conditions of forced labor. Bulgarian women and children are subjected to sex trafficking within the

country, particularly in resort areas and border towns, as well as in the Netherlands, Belgium, France, Austria, Italy, Germany, the United States, the Czech Republic, Finland, Greece, Italy, Spain, Norway, Poland, Portugal, Switzerland, Turkey, and Cyprus. Ethnic Roma men, women, and children are particularly vulnerable to becoming trafficking victims and are overrepresented among identified trafficking victims. Bulgarian men, women, and children are subjected to conditions of forced labor in Greece, Italy, Spain, Denmark, Slovenia, and the United Kingdom. Some Bulgarian children are forced into street begging and petty theft within Bulgaria and also in Greece, Italy, 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. During the reporting period, the Government of Bulgaria sustained progress by adopting a national referral mechanism and making greater efforts to ensure that no victims of trafficking were punished. In 2010, the government increased the number of victims identified by law enforcement personnel and increased funding for child victims of trafficking. The government opened a second trafficking shelter for adults in February 2011; bureaucratic problems, however, prevented the shelters from helping more than one victim in total. Although the government increased the number of officials investigated for trafficking-related offenses, they did not convict or criminally punish any officials complicit in trafficking-related crimes and less than 40 percent of trafficking offenders convicted in 2010 served time in prison.



Recommendations for Bulgaria: Continue efforts to investigate, prosecute, and convict government officials complicit in trafficking and ensure that guilty officials receive criminal punishment; continue efforts to investigate, prosecute, and convict trafficking offenders and ensure that a majority of convicted offenders serve time in prison; sustain efforts to ensure that no victims of trafficking are punished for acts committed as a direct result of being trafficked; continue efforts to reduce human trafficking, including extending prevention activities to more schools with a majority of Romani children; continue to increase the number of victims referred by government officials to service providers for assistance; ensure the National Referral Mechanism is fully implemented; and ensure administrative hurdles do not inappropriately prevent victims from receiving assistance.

Prosecution

The Government of Bulgaria demonstrated increased law enforcement efforts during the reporting period; however, they did not take sufficient steps to address public officials’

complicity in human trafficking. Bulgaria prohibits trafficking for both sexual exploitation and forced labor through Article 159 (a, b, and d) 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 2010, police conducted 160 new trafficking investigations including 11 labor trafficking investigations, compared with 149 sex trafficking and nine labor trafficking investigations conducted in 2009. Authorities prosecuted 113 individuals for sex trafficking and five for labor trafficking in 2010, compared with 77 persons prosecuted for sex trafficking and four for labor trafficking in 2009. A total of 117 trafficking offenders were convicted in 2010 – 112 for sex trafficking and five for labor trafficking offenses – compared with 80 sex trafficking offenders and three labor trafficking offenders convicted in 2009. Only 43 of the 117 convicted trafficking offenders were sentenced to time in prison, with sentences ranging from one to seven years' imprisonment, compared with 51 of 83 convicted trafficking offenders sentenced to imprisonment in 2009. In March 2011, for the first time the government successfully seized assets from a convicted trafficker; the property was worth \$575,000. In 2010, 400 police officers, 50 diplomats, and 88 judges, prosecutors, and investigators were given anti-trafficking training as part of the standard curriculum of the Police Academy, Foreign Ministry Diplomatic Institute, and the National Institute of Justice. During the year, the government pursued partnerships with NGOs and IOM to provide trafficking-specific training to 72 members of law enforcement and social workers on victim referral and assistance, including a section on prevention, reintegration, and long-term assistance for Roma victims. Bulgarian law enforcement officials also collaborated with law enforcement counterparts in other governments on 17 human trafficking investigations.

Government complicity in human trafficking remained a problem. There were continued reports of trafficking-related complicity of government officials during the reporting period, including reports of government officials who provided sensitive law enforcement information to traffickers and intentionally hindered the investigations of high-level traffickers. The government did not show appreciable results in combating this complicity. Despite a notable increase in the number of investigations against police officers – 12 police officers were investigated in 2010, compared with four officers investigated in 2009 – no new prosecutions were started or convictions were obtained against government officials complicit in human trafficking. Trials against three police officers and one elected municipal official, however, continued from 2009.

Protection

The Government of Bulgaria made modest progress in identifying and protecting victims of trafficking in 2010. In November 2010, the government adopted a national referral mechanism to coordinate state actors and civil society for the protection and support of trafficking victims. This mechanism divides victim identification into formal and informal stages, allowing victims to be identified and provided with assistance regardless of

their readiness to cooperate with police investigations. In 2010, the government identified a total of 558 victims of trafficking, including 89 child victims and one foreign victim. This represented a significant increase from 2009, in which the government identified 289 victims of trafficking, including 44 children. NGOs identified an additional 55 victims in 2010. Victims who did not cooperate with police investigations were not formally identified under the victim referral mechanism in place in 2010; however, some of the potential victims of trafficking not formally identified were still referred to NGOs after declining to participate in an investigation. The government assisted a total of 110 victims of trafficking, referred 17 identified victims to NGOs for assistance, and advised the remaining victims of available NGO services in 2010. The national government, in cooperation with local governments, continued to fund one state-run trafficking shelter for adults and opened a second state-run trafficking shelter for adults in February 2011; however, both shelters experienced administrative problems and only one trafficking victim was assisted by these shelters during the reporting period. Trafficking victims were permitted to enter and leave the shelters freely. No trafficking-specific government or NGO shelters were available to male victims of trafficking. Government-funded child centers provided shelter assistance to 79 child victims of trafficking in 2010, a significant increase from the 44 children provided with shelter assistance in 2009. The Government of Bulgaria increased funding for child victims of trafficking to \$725,000 through government-funded child crisis centers, which provided rehabilitative, psychological, and medical assistance to identified child victims of trafficking, as well as other children in distress. Foreign victims of trafficking were eligible for all assistance available to Bulgarian victims of trafficking. Although the government did not provide financial assistance to anti-trafficking NGOs, it provided 10 NGOs with limited in-kind assistance. The government encouraged victims to assist in trafficking investigations and prosecutions; all 558 victims identified by the prosecution chose to cooperate with law enforcement in 2010. Foreign victims who cooperated with law enforcement were eligible to stay in Bulgaria for the duration of the criminal proceedings before deportation or mandatory repatriation; however, no foreign victims opted for this status during the reporting period. Although Bulgaria does not expressly prohibit the prosecution of trafficking victims for acts committed as a direct result of their being trafficking, there were no reports of trafficking victims punished for such acts in 2010.

Prevention

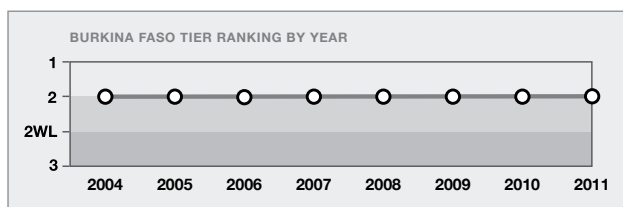
The Bulgarian government demonstrated significant efforts to prevent human trafficking during the reporting period. The government sponsored several trafficking awareness campaigns, including training over 300 teachers and distributing 10,000 interactive anti-trafficking CDs to students containing movies, songs, videos, and interviews with trafficking victims. The government, in partnership with local commissions, organized a trafficking awareness campaign entitled "Time for Action." Information events took place across the country, including theater performances, mock trials of trafficking cases, discussions, and anti-trafficking essay and painting competitions. The local government in Varna allocated \$20,000 for trafficking

prevention activities, including a “Summer without Risk” campaign which reached over 3,000 students in 2010. The Bulgarian government maintains a website providing potential victims of trafficking with information and published an anti-trafficking handbook. The government also demonstrated efforts to reduce demand for commercial sex acts and to combat child sex tourism by convicting seven offenders for exploiting sex trafficking victims and producing and distributing prevention cards in clubs and bars to raise awareness about trafficking among potential clients. In 2010, the Government of Bulgaria adopted an action plan for combating human trafficking.

BURKINA FASO (Tier 2)

Burkina Faso is a country of origin, transit, and destination for women and children subjected to forced labor and sex trafficking. Burkinabe children are forced into labor as farm hands, gold panners and washers, street vendors, domestic servants, beggars recruited as pupils by unscrupulous religious teachers, and exploited in the sex trade. Burkinabe children are also transported to Cote d’Ivoire, Mali, or Niger for subsequent forced labor or sex trafficking. Burkina Faso is a transit area for traffickers transporting children from Mali to Cote d’Ivoire, and may be a destination for children trafficked from other countries in the region. To a lesser extent, traffickers recruit Burkinabe women for forced prostitution in Europe. Women from other West African countries are fraudulently recruited for employment in Burkina Faso, and subsequently subjected to situations of forced labor in restaurants, domestic servitude, and 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. The government recognizes that child trafficking is a problem in the country, and it continued its efforts to proactively identify child victims. A police operation launched following an INTERPOL-supported training event was successful in rescuing 103 children from situations of forced labor, many at artisanal gold mining sites, and the Ministry of Social Action reported identifying an additional 557 child victims during the year. The government did not take steps to identify adult victims of trafficking among vulnerable populations, such as women in prostitution. During the year, the government sustained anti-trafficking law enforcement efforts which led to the arrest of 24 suspected traffickers and the conviction of six trafficking offenders. However, the government struggled to obtain complete data on its law enforcement efforts.



Recommendations for Burkina Faso: Strengthen the system for collecting anti-trafficking law enforcement data and ensure that the authorities responsible for data collection are supplied with adequate means for accessing and compiling this information; while distinguishing between human trafficking and the separate crimes of abduction and child selling, increase efforts to prosecute and convict trafficking offenders, and apply appropriate penalties as prescribed by the May 2008 anti-trafficking law; train law enforcement to identify trafficking victims among vulnerable populations, such as women in prostitution and children working in agriculture and mining, and refer them to protective services; include adults in the Ministry of Social Action’s yearly victim identification targets; and while continuing to fund transit centers and vocational training programs, develop a formal referral mechanism for coordinating with NGOs to provide victims with long-term care.

Prosecution

The government sustained its anti-trafficking law enforcement efforts during the year. Burkina Faso’s May 2008 anti-trafficking law prohibits all forms of trafficking and prescribes maximum penalties of 10 years’ imprisonment, and up to life imprisonment under certain aggravating circumstances; these penalties are sufficiently stringent and commensurate with prescribed penalties for other serious offenses, such as rape. The government reported investigating 24 trafficking cases in 2010. Three of these cases did not have sufficient evidence to go to trial; two resulted in acquittals; six resulted in convictions; and the rest remain ongoing. The government provided incomplete data on sentences imposed on the six convicted offenders, though they ranged from six months’ to one year’s imprisonment. The Ministry of Justice reported that in 2009, high courts considered 32 criminal cases against child traffickers – information which had been previously unavailable due to the destruction of court records in a natural disaster – though it did not provide information on the outcomes of these cases. The Ministry of Social Action disseminated 1,000 copies of the country’s 2008 anti-trafficking legislation to law enforcement and border officials throughout the country, and in October 2010, the government coordinated with INTERPOL to conduct three days of anti-trafficking training, which included sessions led by officials from the Ministry of Justice and Ministry of Social Action, for nearly 100 law enforcement officers in the Cascades region, a transit area for the trafficking of children *en route* to Cote d’Ivoire. There were no reports of government officials’ complicity in trafficking.

Protection

The Government of Burkina Faso sustained its overall efforts to proactively identify and provide protective services to child victims during the year, but did not identify or provide protective services to any adults. The Ministry of Social Action identified 660 child victims, 562 of whom were boys, in 2010, exceeding its target of identifying 500 child victims during the year. A police operation launched following an INTERPOL-sponsored anti-trafficking training in October 2010 led to the identification of 103 of these victims. Reports indicate that

these children were not all of Burkinabe origin, but the government did not maintain comprehensive statistics as to the national origin of the victims identified. The Ministry of Social Action reported it worked with donors and the diplomatic representatives of neighboring countries in order to repatriate those of non-Burkinabe origin. During the year, the government continued to operate 23 transit centers with international organization partners, and referred an unknown number of victims to these centers to receive food, medical care, and clothing before being reunited with their families. Although the majority of the government's protection efforts provide only short-term care for victims, in 2010 the government worked with international donors to provide vocational training for 120 trafficking victims. Burkinabe authorities repatriated one 11-year-old girl who was suspected to have been a trafficking victim in Ghana, and collaborated with NGOs to repatriate 75 foreign victims identified in Burkina Faso. The government allows foreign citizens to apply for asylum if they fear they will face hardship or retribution if returned to their country of origin, though no trafficking victims sought this protection during the year. No victims are known to have assisted in the investigation and prosecution of trafficking offenders; it is not known whether authorities encouraged them to do so. There were no reports that trafficking victims were penalized for unlawful acts committed as a direct result of being trafficked. Government personnel did not employ procedures to proactively identify trafficking victims among vulnerable populations such as women in prostitution.

Prevention

The Government of Burkina Faso sustained modest efforts to prevent trafficking in persons. The country's national committee for the coordination of anti-trafficking activities, led by the Ministry of Social Action's Directorate for Child Protection and Combating Violence Against Children, did not meet during the year. Thirteen regional vigilance and surveillance committees, composed of local officials and community leaders, met during the year to coordinate activities to identify and assist potential victims. The Ministry of Social Action plans to publish a report on the government's 2010 anti-trafficking efforts in June 2011. The government estimates that its public anti-trafficking awareness campaigns, including workshops, movie discussions, debates, live plays, and seminars, financially supported through partnerships with NGOs and international organizations, reached more than 20,000 people during the year. The government also used nationwide radio and television to broadcast anti-trafficking programs. The government took some steps to implement its anti-trafficking National Action Plan, adopted in 2007. The government also undertook measures to decrease the demand for forced labor by increasing the number of labor inspectors it trained and employed, though it did not take steps to reduce the demand for commercial sex acts. The government provided Burkinabe troops anti-trafficking and human rights training prior to their deployment abroad on international peacekeeping missions.

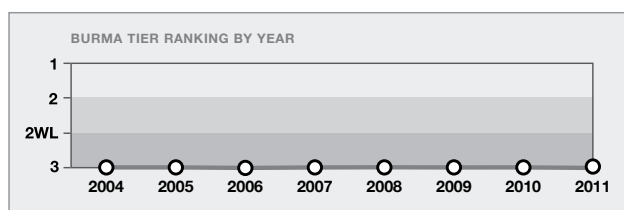
BURMA (Tier 3)

Burma is a source country for men, women, and children who are subjected to forced labor and for women and children subjected to sex trafficking in other countries. Burmese children are forced to labor as hawkers and beggars in Thailand. Many Burmese men, women, and children who migrate for work in Thailand, Malaysia, China, Bangladesh, India, and South Korea are subjected to conditions of forced labor or sex trafficking in these countries. Poor economic conditions within Burma have led to increased legal and illegal migration of Burmese men, women, and children throughout East Asia and to destinations as far as the Middle East, where they are subject to forced labor and sex trafficking. For example, men are subjected to forced labor in the fishing and construction industries abroad. Some Bangladeshi trafficking victims transit Burma *en route* to Malaysia, while Chinese victims transit Burma *en route* to Thailand. The government has yet to address the systemic political and economic factors that cause many Burmese to seek employment through both legal and illegal means in neighboring countries, where some become victims of trafficking.

Trafficking within Burma continues to be a significant problem, as the military engages in the unlawful conscription of child soldiers and continues to be the main perpetrator of forced labor inside the country. Burmese civilian and military authorities' use of forced or compulsory labor remains a widespread and serious problem, particularly targeting members of ethnic minority groups. Complainants to the ILO during the year indicated a trend of forced farming accompanied by threats of fines, loss of farmers' land, and imprisonment for those refusing to comply. Beneficiaries of these actions are the Burmese military, defense-owned commercial interests, and large private corporations; these arrangements are facilitated by local government authorities, who maintain that such activities are carried out in line with the law. A study published during the year found an acute problem in Chin State where 92 percent of over 600 households surveyed reported at least one episode of a household member subjected to forced labor, including being forced to porter military supplies, sweep for landmines, or build roads, with the Burmese military imposing two-thirds of these forced labor demands. Because authorities refuse to recognize members of certain ethnic minority groups (including the Rohingyas) as citizens and provide them with identification documentation, they are more vulnerable to trafficking. Military and civilian officials have for years systematically used men, women, and children for forced labor for the development of infrastructure and state-run agricultural and commercial ventures, as well as forced portering for the military. Government authorities use various forms of coercion, including threats of financial and physical harm, to compel households to provide forced labor. Those living in areas with the highest military presence, including remote border areas populated by ethnic groups, are most at risk for forced labor. The regime's treatment of ethnic minorities makes them particularly vulnerable to trafficking.

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 Burma army as well as the armed wings of ethnic minority groups through intimidation, coercion, threats, and violence. Some observers estimate that 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 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 are sometimes physically abused. Subsequent to cyclone Giri in October 2010, there were verified reports of underage recruitment in cyclone-affected areas by the Burmese armed forces. Children are also subjected to forced labor by private individuals and groups, in tea shops, home industries, agricultural plantations, and as beggars. Exploiters subject girls to sex trafficking, particularly in urban areas. Anecdotal evidence suggests that a small number of foreign pedophiles – normally long-term residents in Burma – occasionally exploit Burmese children in the country.

The Government of Burma does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Authorities continued efforts to address the cross-border sex trafficking of women and girls, but the forced labor of civilians perpetrated by regime officials and the conscription of child soldiers by military officials remained serious problems. The Burmese regime's gross economic mismanagement and human rights abuses, coupled with the Burma military's continued widespread use of forced and child labor as well as recruitment of child soldiers, remain the driving factors behind Burma's significant trafficking problem, both within the country and abroad. The climate of impunity and repression and the regime's lack of accountability in forced labor and the recruitment of child soldiers represent the top causal factors for Burma's significant trafficking problem. Although the government of Burma took some steps to address cross-border sex trafficking, it has not demonstrated serious and sustained efforts to clamp down on military and local authorities who are themselves deriving economic benefit from forced labor practices. On key human trafficking issues, most notably the complicity of public officials and the use 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.



Recommendations for Burma: Cease the use of forced labor by civilian and especially 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, government and military perpetrators of internal trafficking offenses, including child soldier recruitment and other such crimes; actively identify and demobilize all children serving in the armed forces; continue improving UN access 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 and drop the charges against the four citizens imprisoned for their role in reporting cases of forced labor to international organizations; increase partnerships with local and international 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

While the Government of Burma reported continued law enforcement efforts against trafficking of women and girls across international borders during the year, including for forced marriages, it failed to demonstrate discernible progress in investigating, prosecuting, and convicting perpetrators of internal trafficking – particularly the military's forced conscription of soldiers, including child soldiers, and use of forced labor. The government continued to incarcerate four 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. This included two complainants in forced labor cases involving over 500 farmers in Magwe Division, 18 of whom were prosecuted and jailed by local authorities for their role in reporting forced labor perpetrated by local government officials, as reported during the previous reporting period. In addition, the advocacy licenses of two lawyers associated with the ILO complaints have remained revoked by the Bar Council since 2007. 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. The continued primacy of the Burmese military in the regime significantly limited the ability of civilian police and courts to address the recruitment of child soldiers and military-perpetrated forced labor – the most severe forms of trafficking prevalent in the country. 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 the military prosecuted several of its uniformed members for complicity in child soldier recruitment during the previous reporting period, it did not report any such prosecutions during the reporting period.

The police focus on cases that are within their authority to pursue, namely cross-border trafficking. While forced labor is widely considered to be the most serious trafficking problem in Burma, authorities reported that most trafficking cases investigated and prosecuted continued to involve women and girls subjected to forced marriage or recruited and transported with the intention to be subjected to forced marriage, typically in China. Some of these cases, however, may have involved Burmese women voluntarily working with brokers to attempt to cross into China with the understanding that they would be married to Chinese men. The Burmese regime reported investigating 173 cases of trafficking, and convicting 234 offenders in 2010; however, these statistics include cases of abduction for adoption, rather than human trafficking. Additionally, Burmese court proceedings are not open, and lack due process for defendants. Burma lacks rule of law and an independent judiciary, and the regime rules arbitrarily through its unilaterally imposed laws. International organizations and NGOs were not able to verify the statistics provided by the regime. Additionally, limited capacity and training of the police coupled with the lack of transparency in the justice system make it uncertain whether all trafficking statistics provided by authorities were indeed for trafficking crimes. Corruption and lack of accountability remain pervasive in Burma, affecting all aspects of society; Burma continues to be consistently rated among the most corrupt nations in the world. Officials frequently engage in corrupt practices with impunity. Police can be expected to self-limit investigations when well-connected individuals are involved in forced labor cases. Nevertheless, authorities reported punishing four police officers who were members of the Anti-Trafficking Task Force in Mawlamyaing for taking money from Burmese attempting to gain employment overseas; one police captain was forced to retire, two police lieutenants were demoted, and one policeman lost one year's seniority. These punishments were insufficient. During the year, a foreign donor provided some training on human trafficking to police officials.

In 2010, the ILO continued to receive and investigate forced labor complaints; 333 complaints were received during the year. The ILO submitted 354 cases to the Burmese government for action in 2010. The government resolved 161 cases; 159 cases are pending resolution and 34 cases were closed with an "unsatisfactory outcome" according to the ILO. Of the total, 194 complaints were for recruitment of child soldiers, representing a more than two-fold increase over 2009, according to the ILO. Victims of forced labor cases are not protected from countersuit by regime officials. The central government did not intervene with local authorities to stop the politically motivated harassment, including lengthy interrogations, of forced labor complainants in one prominent case. Such unaccountable harassment and punishment presumably discouraged additional forced labor complaints.

Protection

The regime continued some efforts to assist repatriated victims of cross-border sex trafficking, though it exhibited no discernible efforts to identify and protect victims of internal trafficking and transnational labor trafficking. In

forced labor cases, some victims were harassed, detained, or otherwise penalized for making accusations against officials who had forced them into labor. The government did not report the number of victims identified during the year. Authorities reported assisting 348 Burmese victims identified and repatriated by foreign governments in 2010, including 183 from China and 134 from Thailand. Seventy-five of the 348 repatriated to Burma were male victims of trafficking. This represented a decrease from 425 victims repatriated to Burma by foreign authorities in 2009. Victims were housed, some against their will, in Department of Social Welfare (DSW) facilities for a mandatory minimum of two weeks, which stretched into months if authorities could not find an adult family member to accept responsibility for the victim. Some victims were sent to one of eight residential vocational training centers, which offered limited facilities for training and education. The government allocated scant resources to longer-term support for trafficking victims. Victims in DSW shelters were not free to leave, either with or without supervision. While in government facilities, victims received basic medical care and had access to counseling, which was often substandard. Victims had very limited access to social workers. There remained 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. Burmese law provides for the financial compensation to trafficking victims from the disposal of seized assets, but there were no known cases where victims received such compensation. Similarly, victims have the right to file civil suits against their traffickers, but the government did not provide access to legal assistance to enable victims to do so. The ILO received 201 complaints of under-age recruitment in 2010. The regime continued to cooperate with the ILO on the military's conscription of child soldiers and released 70 child soldiers in 2010. However, this number is extremely small when compared to the large number of children who 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. Additionally, some child recruits have been prosecuted and sentenced for deserting the military and remain in prison.

Prevention

The Government of Burma continued limited efforts to prevent international trafficking in persons over the last year, but 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 Women's Affairs Federation, a government-linked entity, conducted educational sessions for women around the country to discuss trafficking risks associated with emigrating for employment. The government continued awareness campaigns through billboards, flyers, and public talks during the reporting period. The Burmese

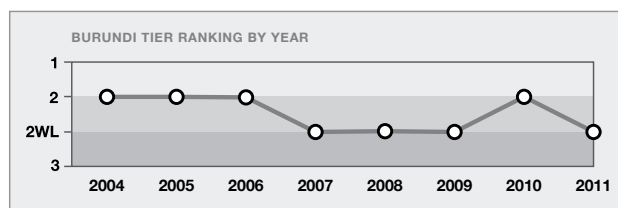
government reported forming a new anti-trafficking unit in Chin Shwe Haw during the year. The National Task Force on Anti-Trafficking in Persons helped coordinate activities among domestic and international organizations. The government, in conjunction with the ILO, published a brochure on trafficking disseminated widely throughout the country. Additionally, informational billboards were posted at bus and railway station to increase public awareness. UN sources reported increased access to military recruitment centers during the year, and conducted training courses for military and civilian officials. During the year, authorities reported convicting one foreigner for conspiring to procure children for sexual exploitation, and sentenced him to 10 years' imprisonment. The government did not make any discernible efforts to reduce the demand for forced labor inside Burma during the reporting period.

BURUNDI (Tier 2 Watch List)

Burundi is a source country for children and possibly women subjected to forced begging and sex trafficking. Children and young adults may also be coerced into forced labor on plantations or small farms in southern Burundi, small-scale menial labor in gold mines in Cibitoke, labor intensive tasks such as fetching river stones for construction in Bujumbura, or informal commerce in the streets of larger cities. Some traffickers are the victims' family members, neighbors, or friends who, under the pretext of assisting with education or employment opportunities, obtain them for forced labor. Some families are complicit in the exploitation of disabled children or adults, accepting payment from traffickers who run forced street begging operations. Older females offer vulnerable younger girls room and board within their homes under the guise of being benevolent, and in some cases push them into prostitution to pay for living expenses; these brothels are located in poorer areas of Bujumbura, as well as along the lake and trucking routes. Extended family members sometimes also financially profit from the prostitution of young relatives residing with them. Male tourists from the Middle East, particularly Lebanon, exploit Burundian girls in prostitution, mainly in newly constructed high-end neighborhoods. Business people recruit Burundian girls for prostitution in Bujumbura, as well as in Rwanda, Kenya, and Uganda, and recruit boys and girls for exploitation in various types of forced labor in southern Burundi and Tanzania.

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. Within its limited capabilities, the government continued its efforts to identify trafficking victims, investigate potential trafficking offenses, and raise public awareness. Despite these efforts, the government did not demonstrate overall increased efforts to address human trafficking over the previous year, particularly in prosecution and protection; therefore, Burundi is placed on Tier 2 Watch List. The government investigated several trafficking cases; however, the government did not prosecute or convict any trafficking offenders, including public officials suspected of complicity in trafficking crimes, during the reporting period. Following raids in 2010, brothel owners housing trafficking victims were fined but did not face criminal prosecution. Although

the Ministries of Health and Solidarity provided *ad hoc* support to victims through the provision of medical care vouchers and limited funding to some service providers, most victim assistance continued to be provided by NGOs and local organizations, without government support. The government expanded awareness campaigns, although there still remained a significant need for trafficking awareness among both the general population and government officials.



Recommendations for Burundi: Complete and enact anti-trafficking legislation; enforce the trafficking provisions in the 2009 Criminal Code amendments through increased prosecutions of trafficking offenses and conviction and punishment of trafficking offenders; consider a criminal code amendment to provide a legal definition of human trafficking and penalties for forced labor; establish anti-trafficking standards within all parts of the police force; continue the anti-trafficking public awareness campaign; establish standardized 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 additional training on human trafficking to police and border guards; and establish broad-based institutional capacity to combat trafficking by forming an inter-ministerial committee to coordinate and guide government efforts to combat human trafficking.

Prosecution

The Government of Burundi's anti-trafficking law enforcement efforts decreased during the reporting period. The government investigated several trafficking cases but did not prosecute or convict any trafficking offenders. In at least one case, a trafficking offender was released prior to prosecution after only paying a small fine. The government faced systemic challenges in holding trafficking offenders accountable, including reliance on victim complaints to bring a case to trial, lack of investigative equipment and training, and official complicity. Local and national government officials tend to place emphasis on responding to transnational rather than internal trafficking cases. 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, potentially impeding investigators' or prosecutors' ability to identify and prosecute trafficking offenders. Sex trafficking offenses can also be punished using penal code statutes on brothel-keeping and pimping, imposing penalties of one to five years' imprisonment, and child prostitution, with

penalties of five to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. Forced labor is prohibited by Article 2 of the Labor Law, though the Criminal Code prescribes no explicit penalties for a violation; officials cite this as a weakness in combating trafficking crimes, especially in addressing forced child labor. During the reporting period, the Ministry of Justice forged a partnership with UNODC to draft comprehensive anti-trafficking legislation as part of a donor-funding project; the legislation will rectify gaps in existing anti-trafficking legislation.

In 2010, the government did not collect aggregate data on its anti-trafficking law enforcement efforts; however, according to police statistics, there are 222 cases of incitement to debauchery and prostitution and 52 cases of kidnapping of minors pending. Police claim the majority of these cases involved trafficking. The commander of the Women's and Ethics Brigade reported the investigation of at least 18 serious trafficking cases. In August 2010, police arrested three Tanzanians for attempting to force 10 Burundian children to labor in Tanzania's tobacco fields; Burundian authorities extradited the three trafficking offenders to Tanzania for prosecution. In another forced labor case, an employer was investigated after allegedly hitting his 14-year-old female domestic servant on the head; however, the Chief of Police released the suspect after payment of a small fine. Burundian authorities also conducted several raids on hotels functioning as brothels in the Industrial Quarter of Bujumbura between March and July 2010, in which they discovered and rescued children in prostitution. The prosecutor of Bujumbura fined the brothel owners, though they did not face criminal prosecution; three establishments were closed and one reopened after it met regulatory guidelines as a legitimate hotel. During the raids conducted in the Industrial Quarter of Bujumbura, police discovered government officials soliciting people in prostitution, including children; despite these reports the Government of Burundi did not prosecute or convict any officials for involvement in trafficking. In November 2010, an employer allegedly burned an adult domestic servant with a smoldering plastic bag; a local association alerted the authorities and brought the case to civil court. Fearing prosecution, the offender fled and has not been located or charged by police. Burundian authorities collaborated with neighboring countries such as Rwanda, Tanzania, and Kenya, as well as with INTERPOL, to investigate trafficking cases and facilitate the return of victims of trafficking. For example, the National Police assisted in the repatriation of at least four child victims of trafficking from Rwanda in 2010.

Protection

The government made minimal efforts to ensure trafficking victims received care during the reporting period. While the government identified and repatriated several trafficking victims, little was done to directly assist these individuals or formally support the organizations that did so. The care centers that exist in Burundi are operated by NGOs, religious organizations, and women's or children's associations; none are specifically focused on providing assistance to trafficking victims. The government operated two centers in Kigobe and Buyenzi Communes of Bujumbura to assist street children,

including victims of forced child labor. Government officials identified at least 70 trafficking victims in 2010; however, it is unknown how many of these victims were referred to and provided protective services. Some local NGOs received funding from the Ministry of Solidarity to assist victims of gender-based violence and trafficking in persons or vouchers for hospital care from the Ministry of Health for victims of physical or sexual abuse, including trafficking victims. In a few cases, the Ministry of Education provided school materials for child victims or inserted older youth into vocational schools. Police provided limited shelter and food assistance to child victims in temporary custody while authorities attempted to locate their families; these children were housed in a holding area separate from adult detainees. Children identified in the brothel raids in the Industrial Quarter of Bujumbura were reunited with their families and did not receive care. In some instances, the police, especially members of the Women's and Ethics Brigade, provided counseling to children in prostitution and mediated between these victims and their parents. Burundian authorities cooperated with governments of neighboring countries to repatriate children from Rwanda, Kenya, and Tanzania, though they were provided little assistance upon their return.

The government has not yet developed a system for proactively identifying trafficking victims among vulnerable populations or a process by which to refer such trafficking victims to organizations providing services. Police attempted to locate the relatives of child victims and referred some children to NGO care on an *ad hoc* basis, but provided no support of adult victims. Without standardized procedures for identifying trafficking victims amongst vulnerable populations, some adult trafficking victims were jailed, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked; the brigade did not attempt to identify trafficking victims among women in prostitution, who were arrested, jailed, and fined \$4 to \$8 before their release. 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 an appropriate manner – in prosecutions of trafficking offenders and demonstrated laxness in following up on evidence or opening cases in the absence of a victim's complaint. 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 maintained efforts to prevent trafficking during the year. It did not appoint a ministry or establish a national committee to coordinate or lead its anti-trafficking efforts; neither has it developed a national plan of action on human trafficking. Coordination across government ministries to combat trafficking remained in its infancy. In 2010, the Ministry of Labor, in partnership with UNICEF, began sponsoring working groups with government and civil society representatives on forced child labor, while the Municipal Council for Youth and Children of Bujumbura had ministerial representatives on a committee that addressed human trafficking. In 2010, the Women's and Ethics Brigade, partnering with local government officials and police, informed local populations in seven provinces

on the danger of human trafficking, encouraging citizens to report trafficking cases to local authorities. Rather than waiting for victims to file a complaint in order to begin investigations on potential offenders, the national police, through their awareness campaigns, encouraged the population to contact local police or the Women's and Ethics Brigade if they suspected trafficking had occurred in their communities. In 2010, the Ministry of Labor sponsored five workshops for communal administrators, civil society including children protection associations, trade unions, and employers associations to raise awareness of the dangers of child labor and trafficking. The Ministry of Labor's 12 inspectors conducted no child labor inspections during the year. In September 2009, the Ministry of Labor adopted a five-year action plan to address forced child labor in Burundi that it advertised to the government and population in 2010; however, the action plan remained unimplemented due to lack of funds. In March 2011, at a meeting of governors and regional police commissioners, the President cited his concerns regarding trafficking and requested regular progress reports on the government's anti-trafficking efforts. The brothel raids in Bujumbura's industrial quarter resulted in the arrest of three "clients" of the establishments; the offenders are on provisional release awaiting trial. Police investigated incidents of child sex tourism and arrested suspected offenders, including three Lebanese businessmen found sexually exploiting two underage girls in a local guesthouse in March 2011. Burundian authorities charged the offenders with rape and incitement to prostitution and deported them to Lebanon. The government did not provide its troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions, though foreign donors provided such training to Burundian peacekeeping troops. 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 forced labor and sex trafficking. Cambodian men, women, and children migrate to Thailand, Malaysia, and other countries for work, and many are subsequently subjected to sex trafficking 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. The number of workers who migrated to Malaysia for employment through Cambodian recruiting companies increased significantly since 2008. In 2010, licensed Cambodian labor recruitment agencies – members of the Association of Cambodian Recruiting Agencies – trained and sent 16,395 workers to Malaysia, of which 11,918 were females trained as domestic workers. This was an increase from 9,982 Cambodians who migrated to Malaysia in 2009, and 2,654 in 2008. Some Cambodian migrants become victims of labor trafficking when they pursue what they believe to be legitimate employment opportunities abroad, but are then forced or coerced to work through debt bondage.

Although the practice was prohibited late in 2010, it was common for recruiting agencies to require families of Cambodians traveling to Malaysia for work to agree

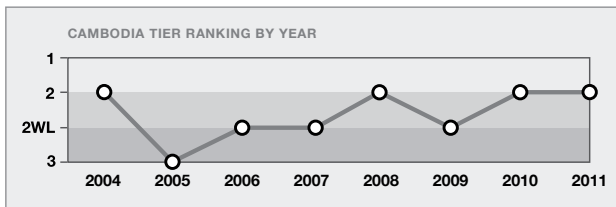
to repay pre-departure loans, a means of ensuring the departing worker would fulfill employment contracts in Malaysia. Some workers do not understand their obligations or cannot read the contracts, which note \$800 to \$1,200 in placement and processing fees deducted from the worker's expected wages in destination countries, amounting to four months' to one year's wages. Other workers agree to the terms because, even with the risk and required salary deductions, they see no other viable opportunities to pull themselves out of poverty. Workers are sometimes not given copies of their employment contracts, and typically have their passports confiscated. Recruitment agencies also reportedly engaged in the falsification of legal identification and age verification documents to allow for the illegal recruitment of children. During the three-to six-month training period, recruitment agencies often place restrictions on women and children from leaving the training center, sometimes incurring hefty fees if they leave in violation of their contracts. Once in Malaysia, some Cambodian domestic workers report experiencing indicators of trafficking including long working hours, no days off, inability to leave their workplace, nonpayment of wages, payment delays, and wage deductions. These high fees and abusive practices have been used to facilitate forced labor and debt bondage of foreign migrant workers in Malaysia.

During the year, Cambodian men who were victims of forced labor on fishing boats were returned from India, Thailand, and Malaysia. One United Nations study estimated that among some 89,000 Cambodians deported from Thailand at the Poipet border alone, over 20,000 of them were actually trafficking victims not identified by Thai authorities. 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. Remaining at sea for up to several years, some men report witnessing severe abuses by Thai captains, including violence towards, and murder of, fellow fishermen. Cambodian children are also taken across the border to Thailand and Vietnam by Cambodian traffickers and forced to beg, sell candy and flowers, and shine shoes. Parents sometimes sell their children into conditions of forced labor, including domestic servitude. Organized Vietnamese criminal gangs move Vietnamese women and girls through Cambodia to onward destinations in Thailand and Malaysia for forced and child prostitution.

Within the country, Cambodian and ethnic Vietnamese women and children are trafficked from rural areas to Phnom Penh, Siem Reap, Poipet, Koh Kong, Sihanoukville, and Svay Pak for commercial sexual exploitation. Some large entertainment establishments each may exploit between 100-200 women and children on premises on a given night. In an effort to evade prosecution, many of these establishments have stopped offering sex on premises in favor of having customers pay to take the women and girls off-site. In a similar manner, underage girls, many of whom are brought in from Vietnam, remain available upon demand to brothels and guesthouses in Svay Pak area, but are not kept on site. Children are also subjected to forced labor, including being forced to beg, scavenge refuse, work in quarries, as domestic servants, or in the production and processing of bricks, rubber, salt, and shrimp. According

to the International Labor Organization, there are an estimated 28,000 child domestic workers in Phnom Penh alone. Cambodia is a destination for Vietnamese women and girls subjected to prostitution, many of whom are also victims of debt bondage. The sale of virgin girls continues to be a serious problem in Cambodia, with Cambodian and foreign (mostly from Asia) men paying hundreds to thousands of dollars to have sex with virgins. A significant number of Asian and other foreign men travel to Cambodia to engage in child sex tourism. Some Cambodians who migrate to Taiwan and the Republic of Korea through brokered international marriages may subsequently be subjected to forced prostitution or forced labor. Forced labor in drug treatment centers in which administratively-sentenced drug offenders are reportedly required to perform low-skilled labor was also a concern.

The Government of Cambodia 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 prosecute sex trafficking cases, convicting 20 trafficking offenders during the year – a decrease from 36 during the previous reporting period. Corruption at all levels continued to impede progress in combating trafficking and fostered an enabling environment for trafficking. Labor trafficking of Cambodians migrating abroad for work continued to be a serious concern. The government has never convicted any labor recruiters whose companies were involved in labor trafficking or fraudulent recruitment.



Recommendations for Cambodia: Significantly increase efforts to investigate and prosecute offenders of both labor and sex trafficking; conduct robust investigations and prosecutions of government officials involved in trafficking activities; institute and enforce a law to better regulate the recruitment, placement, and protection of migrant workers going abroad; hold labor recruitment companies criminally responsible for illegal acts committed during the recruitment process, such as debt bondage through exorbitant fees, detention of workers during pre-departure training, and recruitment of workers under age 18; increase efforts to make court processes sensitive to the needs and best interests of both child and adult trafficking victims; expand efforts to proactively identify victims of trafficking among vulnerable groups, including the institution of nationwide victim identification procedures and referrals to adequate victim services; increase engagement with governments of destination countries on the protection of migrant workers, as well as the safe repatriation of Cambodian trafficking victims and the prosecution of their traffickers; increase efforts to train and sensitize law enforcement, prosecutors, and court officials about trafficking, proactive identification of victims, victim referral procedures, and victim-sensitive handling of

cases; improve interagency cooperation and coordination between police and court officials on trafficking cases; and conduct a public awareness campaign aimed at reducing demand by the local population and Asian visitors for commercial sex acts.

Prosecution

The Government of Cambodia did not demonstrate progress in law enforcement efforts against trafficking crimes during the year. The February 2008 Law on the Suppression of Human Trafficking and Commercial Sexual Exploitation covers a wide variety of offenses, with 12 of its 30 articles explicitly addressing trafficking offenses. The law prohibits all forms of trafficking and prescribes penalties that are sufficiently stringent and commensurate with penalties for other serious crimes, such as rape. Government officials reported prosecuting 72 trafficking cases and convicting 20 offenders, compared with 36 convictions in 2009. While labor trafficking remained a significant concern, there were no convictions of labor trafficking offenders during the year, and the government has yet to convict any labor recruiters whose companies were involved in labor trafficking or fraudulent recruitment. Prosecutors sometimes failed to charge trafficking offenders using the most appropriate articles of the 2008 law. In some cases, Cambodian police were reportedly unwilling to pursue investigations of several suspected trafficking establishments during the year because the establishments were thought to be owned by or affiliated with high-ranking officials. Information leaks by law enforcement authorities to traffickers were reported to significantly harm efforts to enforce anti-trafficking laws. Although the Ministry of Labor was aware of the seriousness of the abuse of Cambodian adult and child migrant laborers by licensed recruitment agencies within Cambodia and abroad, they have not adequately addressed the issue.

Sources reported that several labor recruitment agencies allegedly involved in labor trafficking reportedly are connected to senior Cambodian officials. NGOs reported witnessing recruitment, detention, and deployment of children by labor recruitment agencies for work abroad and submitting case information to authorities, but expressed concern authorities did not respond to, or act on, these reports. As reported in the previous reporting, one labor broker was arrested in December 2009 for the unlawful removal of nine children with the intent of selling them to work as servants in Malaysia; the broker was released on bail in April 2010. Authorities report initiating four prosecutions of Cambodian labor recruiting companies for abduction, detention, and confinement of women and children recruited for work abroad; the suspects are still in custody and no trial dates had been set at the time of this report. The government continued to cooperate with NGOs to educate police officers and other government officials on the 2008 law and its enforcement. Nevertheless, continued confusion by police and the judiciary regarding human trafficking and the 2008 law harmed anti-trafficking law enforcement efforts and victim protection efforts. Judges and prosecutors continued to inaccurately charge trafficking offenders under non-trafficking articles and laws, or prosecute non-trafficking cases using trafficking

statutes, resulting in difficulties in disaggregating trafficking and non-trafficking cases. A lack of coordination between police investigators and prosecutors continues to impede effective prosecution of trafficking offenders, as did delayed trials caused by absent defense lawyers and judges. In some cases, court officials also failed to notify parties when such trials were continued. Such delays caused unnecessary anxiety for victims, many of whom were children, and required additional preparation and travel for hearings. There was a decrease in the number of victim rescues and perpetrator arrests during the year.

During the year, the government passed a corruption law in April 2010 and declared a “zero-tolerance” policy for corrupt officials. Nevertheless, endemic corruption at all levels continues to create an enabling environment for trafficking, and in some cases, actively helped facilitate trafficking. Police and judicial officials continue to be both directly and indirectly involved in trafficking. One source reported that some large entertainment establishments involved in sex trafficking were connected to officials. Some local police and government officials extorted money or accepted bribes from brothel owners, sometimes on a daily basis, in order to allow the brothels to continue operating. Police tip-offs of impending anti-trafficking brothel raids continued to cause interference into investigations and planned rescues led by NGOs. The child sex trafficking ring in Svay Pak is believed to be well-connected and protected from effective government investigation and prosecution. Several informed sources report government officials are involved in the labor recruitment of Cambodians for work abroad; this is believed to be the cause of impunity of firms engaging in illegal recruitment practices that contribute to trafficking. During the year, there were some reports that Cambodian law enforcement authorities gave advance notification of inspections to labor recruitment firms so that the firms could remove children detained on their premises, some of whom may have been trafficking victims. In March 2011, authorities arrested a police major for trafficking-related corruption and reported ongoing efforts to investigate the case; the investigation was still ongoing at the time of this report. Authorities also reported the conviction of a provincial commune clerk in February 2011 for accepting bribes to forge an age document to assist a child in eligibility to work overseas; he was sentenced to five years in prison but will be released after one year.

Protection

The government did not improve efforts to identify and protect trafficking victims during the reporting period. The government continued to refer victims to NGO shelters, but did not itself offer further assistance. There continued to be a lack of shelter facilities to accommodate men and boys who were victims of trafficking. The government did not provide statistics on the total number of trafficking victims identified and assisted by authorities during the reporting period. The Ministry of Social Affairs, Veteran and Youth Rehabilitation (MOSAVY) reported assisting in the placement and temporary shelter of 595 trafficking victims referred by local police and 501 referred from foreign authorities during the year. MOSAVY continued to jointly operate with UNICEF a transit center in Poipet for victims returned from Thailand, and reported identifying 119

victims who had been deported by Thai authorities during the year. The government worked with NGO partners to repatriate five female trafficking victims to Vietnam during the year.

Authorities encouraged victims to participate in investigations and prosecutions of traffickers. However, Cambodia’s weak and corrupt judicial and law enforcement systems, the lengthy legal process, credible fears of retaliation, and the lack of witness protection continued to hinder victims’ willingness to cooperate in cases and impeded their access to legal redress. Additionally, authorities failed to make adequate efforts to provide child and victim friendly space for those waiting to give testimony, forcing victims to share spaces with their traffickers. Although victims legally had the option of filing civil suits to seek legal actions against their traffickers, most did not have the resources to do so, and the government did not provide assistance to victims for this purpose. Additionally, while the 2008 law allows for victims to pursue restitution from their traffickers, the victim is expected to wait until a perpetrator finishes a jail sentence before obtaining compensation.

Prevention

The Government of Cambodia’s efforts to prevent trafficking during the reporting period remained incomplete. The government continued some efforts with the help of international organizations and NGOs, but failed to make efforts to prevent the trafficking of Cambodian migrant workers or to reduce significant local demand for commercial sex acts. Authorities continue to negotiate additional labor agreements with other countries in Asia and the Middle East. Cambodian laws on the recruitment, placement, and protection of migrant labor are limited and outdated. They lack clear delineation of responsibilities of recruitment agencies during the recruitment process, do not detail suitable controls and monitoring of agencies to avoid abuses, and do not assign penalties for agencies’ misconduct. Additionally, there are no policies that regulate, restrict, or standardize the amount recruitment agencies may charge workers. During the year, the government drafted a sub-decree of regulations on international labor recruiters, though the sub-decree was not finalized as of April 2011. NGOs report the government limited their involvement in consultations about the sub-decree, while allowing substantial input from the Association of Cambodian Recruiting Agencies – a group representing the agencies the sub-decree intends to regulate. Cambodian migrant workers abroad lacked an understanding of where they could submit complaints regarding their labor experiences, and reports indicate when Cambodian government representatives intervene in dispute resolution, they generally negotiate for the recruitment agency rather than for the migrant worker. During the reporting period, the Ministry of Labor reported that it began providing pre-departure training for potential migrant workers on their rights.

In March, the government established a Department of Counter-Trafficking in Persons and Reintegration within MOSAVY. The ministry held “Anti-Human Trafficking Day” activities on December 10, 2010 in Phnom Penh, Siem

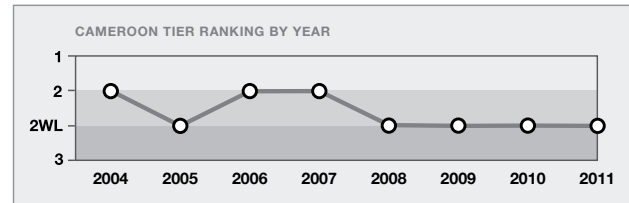
Reap, and Banteay Meanchey. The Ministry of Women's Affairs partnered with IOM to conduct safe migration campaigns in several provinces and participated in a radio talk show raising awareness of trafficking through marriage. While local demand accounts for the majority of demand for child trafficking, the government did not make efforts to reduce the local demand for commercial sex acts during the reporting period. The Ministry of Tourism continued efforts with NGOs to produce billboards, magazine advertisements, and handouts to reduce the demand for commercial sex acts, though these efforts were targeted at foreign sex tourists rather than local populations. Authorities convicted eight foreign child sex tourists during the year and initiated prosecutions against seven other foreigners. Cambodian military forces participating in peacekeeping initiatives abroad received training on trafficking in persons prior to deployment.

CAMEROON (Tier 2 Watch List)

Cameroon is a country of origin, transit, and destination for children subjected to forced labor, and a country of origin for women subjected to forced labor. Trafficking operations usually target two or three children, as when rural parents hand over their children to a middleman promising education or a better life in the city. Cameroonian children from the country's 10 regions involuntarily work in domestic servitude, street vending, mining, and agriculture, including on tea or cocoa plantations. Cameroonian children are also exploited in prostitution within the country. Traffickers are increasingly kidnapping their victims, as heightened public awareness is diminishing the number of children given to middlemen by their parents. Nigerian and Beninese children attempting to transit Cameroon *en route* to Gabon, Equatorial Guinea, or adjacent countries often fall victim to traffickers, including Nigerian syndicates, who force them to remain in the country to work. Children from the Central African Republic (CAR) may be trafficked to Cameroon, and there have been recent reports of trafficked Cameroonian children in the CAR and Mali. Cameroonian women are lured to Europe by fraudulent internet marriage proposals or offers of domestic work, and subsequently become victims of forced labor or forced prostitution in Switzerland and France, with smaller numbers of cases in Russia. During the year, Cameroonian trafficking victims were reported in the United Kingdom, Germany, Spain, Cyprus, Norway, and Senegal. This migration reportedly is facilitated by corrupt officials who accept bribes for the issuance of travel documents. Reports indicate the existence of hereditary slavery in northern chiefdoms. There were also allegations that after parents gave their children to Koranic teachers in Maroua and elsewhere in the Far North, some were kept in leg chains and subjected to forced labor.

The Government of Cameroon does not fully comply with the minimum standards for the elimination of trafficking and has been placed on Tier 2 Watch List for the fourth consecutive year. Cameroon was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the government has a written plan that, if implemented, would constitute making significant efforts to bring itself into compliance with the

minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. While the government modestly increased its efforts to prevent trafficking, including the creation of an inter-ministerial committee and a national action plan, it failed to convict or punish trafficking offenders, including complicit officials, under its child trafficking law, did not take steps to enact a 2006 draft law prohibiting the trafficking of adults, and did not exhibit significant efforts to protect victims of trafficking.



Recommendations for Cameroon: Increase efforts to prosecute and convict trafficking offenders, including complicit officials; continue to educate police, judges, lawyers, and social workers about the law against child trafficking; finalize and enact the draft law criminalizing the trafficking of adults; develop formal procedures to identify trafficking victims among vulnerable groups and refer them to care centers; and investigate reports of hereditary servitude in the northern regions.

Prosecution

The Government of Cameroon demonstrated weak anti-trafficking law enforcement efforts over the last year, failing to enact much-needed anti-trafficking legislation and failing to use existing laws to prosecute and punish trafficking offenders. Existing laws do not prohibit all forms of trafficking in persons, as the 2006 draft law against the trafficking of adults has yet to be passed and enacted; however, in 2010, the Ministry of Justice completed draft revisions to the penal code, including expansion of human trafficking provisions, which is yet to be tabled before the National Assembly. The 2005 law, "Relating to the Fight Against Child Trafficking and Slavery," prescribes a penalty of 20 years' imprisonment for these offenses – a punishment that is sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. Article 292 of the penal code prohibits forced labor, prescribing sufficiently stringent penalties of between one to five years' imprisonment or fines of \$20 to \$1000. Article 293 of the penal code prohibits slavery and engaging in trafficking in human beings, and an amendment to this article prohibits procuring a person for trafficking for prostitution, prescribing sufficiently stringent penalties of 10 to 20 years' imprisonment for the enslavement of another. These provisions could be used to address crimes involving the trafficking of adults. The government did not provide data on its current anti-trafficking law enforcement efforts. Police in Kumba arrested two offenders for the alleged trafficking of nine children to Bamenda for an unknown purpose; however, the case did not go to court. The government did not investigate traditional leaders in the northern regions suspected of keeping hereditary servants in conditions of involuntary servitude during the

reporting period; however, it was reported during the year that the government sentenced a traditional ruler to 20 years' imprisonment for false arrest in August 2009, in an alleged trafficking case.

There were reports of some officials' involvement in trafficking, though there were no prosecutions or convictions for such trafficking complicity. The government continued to take no action on a 2009 complaint against a police commissioner for complicity in child trafficking. Additionally, there were reports that law enforcement officials use their positions to solicit bribes from trafficking offenders. The National Commission on Human Rights and Freedoms, working with international and local NGOs, trained an unknown number of law enforcement officers and magistrates. During the year, the Office of the Prime Minister requested international assistance for training of law enforcement and raising awareness of trafficking. The government did not disseminate the 2005 child trafficking law, nor did it provide training to law enforcement officials on this law.

Protection

The Cameroonian government showed minimal efforts to ensure that victims of trafficking received access to necessary assistance during the year. The government provided some direct assistance to child victims, including temporary residency status, shelter, and medical care. Children rescued from trafficking situations were either cared for in centers sponsored by the Ministry of Social Affairs or referred in an *ad hoc*, cumbersome fashion to local NGO centers while the ministry conducted family tracing. Government personnel did not demonstrate systematic and proactive efforts to identify trafficking victims among vulnerable groups, such as street children, women in prostitution, and illegal migrants, or refer these victims to necessary care. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. The government's renovation of a number of the few care centers it maintains for abandoned children, street children, and child trafficking victims – started in late 2009 – was completed during the reporting period, though the government did not report the number of trafficking victims cared for in these centers. In 2010, the Ministry of Social Affairs, in partnership with UNICEF, finalized a guide instructing families how to serve as foster parents by providing shelter, food, health care, and education to vulnerable children; during the reporting period, an international NGO used the program to place 14 child trafficking victims with foster families. Victims were provided the opportunity to file civil suits against trafficking offenders, though in the case of child victims, adult family members needed to initiate proceedings. Although this opportunity serves as a vehicle for restitution, there are allegations that victims were unable to access these funds. Between July 2009 and September 2010, an NGO reported identification of 204 trafficking victims, mostly in the North West Region. During the reporting period, the government identified nine potential child trafficking victims, who were returned to their families by the Ministry of Social Affairs.

Prevention

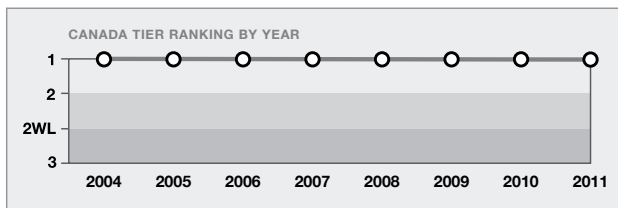
The Cameroonian government demonstrated modest progress in prevention efforts over the last year. In November 2010, the prime minister signed an executive order creating an Inter-Ministerial Committee, chaired by the secretary general of the Prime Minister's Office and charged with coordinating anti-trafficking efforts across the government. In December 2010, the government released "Cameroon's Strategy to Implement its Trafficking in Persons Action Plan." The plan commits the government to produce an annual progress report on its efforts to combat trafficking and, within one year, to train law enforcement to identify and investigate individuals engaged in hereditary slavery. Cameroon's 2011 budget, approved in December 2010, includes \$45,000 allocated to the Office of the Prime Minister for the Inter-Ministerial Committee's activities in the prevention of trafficking in persons. The Inter-Ministerial Committee is charged with implementation of the action plan. In February 2011, the Ministers of Social Affairs and Women's Empowerment, in collaboration with UNICEF, launched a nationwide sensitization campaign entitled "Campaign Against Sexual Exploitation and Traffic of Children" to build awareness and train on the identification of traffickers by visiting schools and distributing leaflets and posters. The government collaborated with an NGO to train prosecutors, magistrates, and law enforcement personnel in March 2011. In September and October 2010, the Ministry of Justice, in partnership with UNICEF, organized four separate regional seminars for stakeholders. The government reported no measures to reduce the demand for commercial sex acts within the country. The government provided members of the Cameroonian armed forces with training on human trafficking prior to their deployment abroad on international peacekeeping missions as part of an overall briefing on international humanitarian law.

CANADA (Tier 1)

Canada is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Canadian women and girls, particularly from aboriginal communities, are found in conditions of commercial sexual exploitation across the country. Foreign women and children, primarily from Asia and Eastern Europe, are subjected to sex trafficking; sex trafficking victims have come from China, Hong Kong, Fiji, Taiwan, South Korea, the Philippines, Romania, Ukraine, and Moldova, in addition to other countries and territories. Asian victims tend to be prevalent in Vancouver and Western Canada, while Eastern European victims are trafficked to Toronto, Montreal, and Eastern Canada. Law enforcement officials report the involvement of organized crime in sex trafficking. Most suspected labor trafficking victims are foreign workers who enter Canada legally, but then are subjected to forced labor in agriculture, sweatshops and processing plants, or as domestic servants. Suspected cases of forced labor continue to be more prevalent in Ontario and Alberta and have involved workers from Asia, Eastern Europe, and Latin America. In October 2010, Ontario authorities brought forward the country's first charges in a labor trafficking case, involving

10 defendants accused of subjecting 19 Hungarian Roma victims to forced labor in their construction business and stealing the victims' social assistance money. A considerable number of victims, particularly South Korean females, transit Canada *en route* to the United States. Canada is also a significant source country for child sex tourists, who travel abroad to engage in sex acts with children.

The Government of Canada fully complies with the minimum standards for the elimination of trafficking. During the past year, the Canadian government increased prosecutions of human trafficking crimes, passed legislation establishing a minimum sentence for child trafficking, and sustained victim protection and prevention efforts. However, some judges and prosecutors were reportedly hesitant to pursue trafficking charges. The government lacked a national strategy to combat trafficking, and limited coordination between the federal and provincial governments on anti-trafficking efforts continued to be a challenge.



Recommendations for Canada: Intensify efforts to investigate and prosecute trafficking offenses, and convict and sentence trafficking offenders using anti-trafficking laws; increase use of proactive law enforcement techniques to investigate trafficking cases, including allegations of forced labor among migrant workers; enhance specialized care services available to trafficking victims, in partnership with civil society; increase efforts to educate police, prosecutors, and judges about trafficking and how to effectively use Canadian anti-trafficking laws; increase investigations and prosecutions of Canadian child sex tourists abroad; establish formal mechanisms for officials to identify trafficking victims and refer them to protection services; continue efforts to improve trafficking data collection; and strengthen coordination among national and provincial governments on law enforcement and victim services, in part by adopting a national strategy to combat human trafficking.

Prosecution

The Government of Canada maintained law enforcement actions against trafficking offenders over the last year; a greater number of trafficking cases were prosecuted, and Parliament passed a law increasing the minimum sentence for child trafficking offenders. Section 279.01 of the Canadian Criminal Code prohibits all forms of human trafficking, prescribing a penalty of up to 14 years' imprisonment. Such penalties are sufficiently stringent and commensurate with those for other serious crimes, such as sexual assault. Section 279.02 of the Criminal Code additionally prohibits a defendant from receiving a financial or material benefit from trafficking, prescribing up to 10 years' imprisonment. Withholding or destroying

a victim's identification or travel documents to facilitate human trafficking is prohibited by Section 279.03 and is punishable by up to five years in prison. Section 279.04(a) defines "exploitation" for purposes of the trafficking offenses as engaging in conduct which causes a victim to provide a labor or service because they reasonably believe their safety, or the safety of a person known to them, is threatened. Some NGOs and law enforcement officers believe that this definition is restrictively narrow. Section 118 of Canada's Immigration and Refugee Protection Act, enacted in 2002, prohibits transnational human trafficking, prescribing a maximum penalty of life imprisonment and a \$1 million fine. A private member's bill on child trafficking was approved in June 2010, establishing a five year mandatory minimum sentence for trafficking of children and a maximum sentence of life imprisonment when the offense involves kidnapping, aggravated assault, or aggravated sexual assault. In September 2010 the Ontario Superior Court found three prostitution-related provisions often used to prosecute trafficking cases to be unconstitutional; the federal government has appealed. In addition to ongoing investigations, there were at least 46 human trafficking cases prosecuted by courts as of late February 2011, at least 23 of which were opened during the reporting period. These cases involved 68 accused trafficking offenders and 80 victims, and represent an increase in the number of prosecutions initiated and trafficking offenders identified from the previous reporting period. The government reported two convictions under trafficking-specific laws during the reporting period; the trafficking offenders received six-year prison sentences and received 30 months of credit for pre-trial custody. Prosecutors convicted at least seven trafficking offenders under other sections of the Criminal Code, including provisions against living off the proceeds of prostitution and sexual assault. Two of these convicted offenders were sentenced to 34 months' imprisonment, and the other sentences were not reported. Not all cases of human trafficking are identified as such, and some judges and prosecutors were reportedly reluctant or unwilling to pursue human trafficking charges. Although numerous cases of trafficking involving foreign victims have been investigated and prosecuted, none have resulted in convictions.

Canada's law enforcement efforts reportedly suffer from a lack of coordination between the national government and provincial and local authorities, which prosecute most human trafficking cases. Last year, the Royal Canadian Mounted Police (RCMP) continued extensive anti-trafficking training efforts for law enforcement officers, border service officers, and prosecutors, including the distribution of human trafficking tool kits to police services across Canada, as well as training sessions in Alberta and Ontario for labor inspectors on how to identify labor exploitation and trafficking. Officials in British Columbia continued to develop a standardized training program for officials and civil society actors on how to identify and assist trafficking victims. The Canadian government reported collaborating with foreign governments on several trafficking investigations and did not report investigating, prosecuting, convicting, or sentencing any public officials for complicity in human trafficking.

Protection

The government maintained protections for trafficking victims during the reporting period. Immigration officials have guidelines to assess whether foreign nationals are potential victims of trafficking, but there were no nationwide protocols for other government officials to proactively identify trafficking victims among vulnerable populations, such as women in prostitution or migrant workers. Victim support services in Canada are generally administered at the provincial level. There were no dedicated facilities or specialized programs for trafficking victims. While some law enforcement officials and NGOs indicated that this was problematic, some shelter administrators reported caring for female trafficking victims at shelters designed for victims of domestic violence. In some cases, shelters for homeless persons provided basic services to male trafficking victims, while other male victims were housed in apartments and safe houses during the year. While each province or territory provides services for crime victims, including trafficking victims, the range and quality of these services varied. However, most jurisdictions provided access to shelter services, short-term counseling, court assistance, and other services. NGOs also provided victim services, ranging from shelter care to employment and resettlement assistance, and many of them received government funding. There were no reported formal systems for referring trafficking victims to care institutions; rather, officials relied on *ad hoc* practices. Provinces and territories had primary responsibility for enforcing labor standards, but NGOs and the media reported that the provincial and territorial governments often lacked adequate resources and personnel to effectively monitor the labor conditions of increasing numbers of temporary foreign workers or to proactively identify human trafficking victims among such groups.

Undocumented foreign trafficking victims in Canada applied for a temporary resident permit (TRP) to remain in the country, and during the reporting period the government issued at least 49 TRPs to 45 foreign nationals, 21 of which were first-term permits and 28 of which were renewals. This is a significant increase from the previous year, when authorities granted TRPs to 15 foreign victims. During a 180-day reflection period, immigration officials determine whether to grant a longer residency period of up to three years, and victims have access to essential and emergency medical care, dental care, and trauma counseling. TRP holders may apply for fee-exempt work permits, and 40 foreign victims received these permits during the reporting period. Some officials and NGOs reported difficulties in getting TRPs for foreign victims due to disagreements between service providers, law enforcement officers, and immigration officials about whether or not an individual qualified as a trafficking victim. Identified victims are not penalized for crimes committed as a direct result of being trafficked. Canadian authorities encourage, but do not require, trafficking victims to participate in investigations and prosecutions of trafficking offenders. The government provides protections to victims who choose to testify, such as witness protection programs and the use of closed circuit television testimony. During the reporting period at least one victim participated in a human trafficking case in court.

Prevention

The Government of Canada demonstrated increased anti-trafficking prevention efforts over the reporting period. Federal level anti-trafficking efforts were coordinated by the Interdepartmental Working Group on Trafficking in Persons (IWGTIP), which met twice during the reporting period. NGOs and some government officials continued to call for the IWGTIP to create and implement a national strategy to combat trafficking, as mandated in 2004. Anti-trafficking efforts on the provincial and local level varied in effectiveness. Alberta funded an NGO coalition to coordinate the province's actions to combat trafficking, while British Columbia had the only provincial anti-trafficking office in the country and developed trafficking awareness materials which were delivered to 4,000 event attendees in 2010. NGOs and law enforcement officers criticized Ontario for a lack of coordination on anti-trafficking efforts, though in February 2011 Ontario authorities announced a multi-pronged initiative to fight human trafficking with \$2 million in funding over three years. The RCMP continued to conduct widespread awareness-raising activities and maintained six regional human trafficking awareness coordinators across the country to facilitate these initiatives. The federal government reported conducting trafficking awareness sessions for 8,000 government officials and members of civil society. The federal Department of Citizenship and Immigration provided pamphlets and information to temporary foreign workers, including live-in caregivers, to let them know where to seek assistance in case of exploitation or abuse, as well to inform them of their rights. Parliament reintroduced a bill to allow immigration officers discretion to refuse work visas if they judged the applicant to be at risk for exploitation, but NGOs had mixed reviews regarding the effectiveness of the proposed legislation.

Canada is a source country for child sex tourists, and the country prohibits its nationals from engaging in child sex tourism through Section 7(4.1) of its Criminal Code. This law has extraterritorial application, and carries penalties up to 14 years in prison. In July 2010, the government convicted a Canadian child sex tourist who abused girls in Cambodia and Colombia; he was sentenced to 11 years' imprisonment. Canada's Department of Foreign Affairs continued to distribute a publication entitled "Bon Voyage, But..." to warn Canadians traveling abroad about penalties under Canada's child sex tourism law, and every new Canadian passport issued is accompanied by a copy of the booklet. The government showed substantial transparency in its anti-trafficking efforts; in 2010, the RCMP published a national threat assessment on human trafficking, analyzing over 275 trafficking-related cases, as well as a study on the domestic trafficking of children and youth in Canada. The government also published a report on the feasibility of developing a national data collection framework for trafficking, in addition to updates on government anti-trafficking efforts. During the year the government provided over \$2 million in funding for anti-trafficking initiatives around the world through the Canadian International Development Agency (CIDA) and the Department of Foreign Affairs. Media reports revealed that CIDA had received allegations of forced labor at a CIDA-funded project in Indonesia in 2008, but the independent investigation into the alleged exploitation was

not available to the public. Canadian authorities provided anti-trafficking information to Canadian military forces prior to their deployment on international peacekeeping missions. Canadian authorities continued to prosecute individuals who solicited commercial sex in a public place, and there were no known efforts to address demand for forced labor.

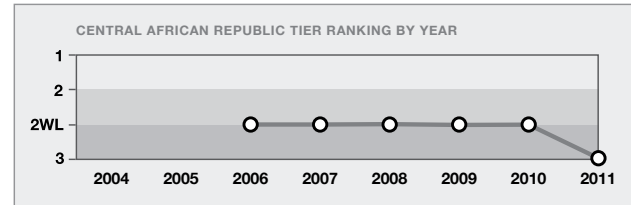
CENTRAL AFRICAN REPUBLIC (Tier 3)

The Central African Republic (CAR) is a source and destination country for children subjected to forced labor and sex trafficking. While the scope of the trafficking problem is unknown, observers report most victims are trafficked within the country, but a smaller number move back and forth from Cameroon, Chad, Nigeria, Republic of the Congo, Democratic Republic of the Congo (DRC), and Sudan. Trafficking offenders, including members of expatriate communities from Nigeria, Sudan, and Chad, as well as transient merchants and herders, subject children to domestic servitude, commercial sexual exploitation, or forced labor in agriculture, diamond mines, and street vending. Within the country, children are at risk of becoming victims of forced labor, *Ba'aka* (Pygmy) minorities are at risk of becoming victims of forced agricultural work, and girls are at risk of being exploited in the sex trade in urban centers. The Lord's Resistance Army (LRA), which operates in eastern regions of the CAR, continues to abduct and exploit enslaved Sudanese, Congolese, Central African, and Ugandan children for use as cooks, porters, concubines, and combatants; some of these children are also taken back and forth across borders into Sudan or the DRC.

Human rights observers reported that opposition militia groups in the north of the country continued to unlawfully use children in armed conflict, some of whom may be trafficking victims. They believe, however, that the two main rebel groups, the Union of Democratic Forces for Unity (UFDR) and the Army for the Restitution of Democracy (APRD), no longer recruit children, as a result of ongoing disarmament, demobilization, and reinsertion (DDR) activities initiated by the 2008 peace agreement signed with the government. Though the UFDR and APRD deny the presence of children in their ranks, some observers believe these groups, as well as the Convention of Patriots for Justice and Peace (CPJP), which is outside the country's peace process, still harbor children. Village self-defense units, which receive little, if any, support from the government, used children as combatants, lookouts, and porters during the year. UNICEF estimates that children comprise one-third of the self-defense units.

The Government of the Central African Republic does not fully comply with the minimum standards for the elimination of trafficking and has been placed on Tier 2 Watch List for the last six consecutive years. Therefore, pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, the CAR is deemed not to be making significant efforts to comply with the minimum standards and is placed on Tier 3. The government,

which has limited human and physical capital, did not investigate and prosecute trafficking offenses, identify or provide protective services to trafficking victims, or take steps to raise public awareness about the dangers of human trafficking. The revised Central African penal code, enacted in January 2010, outlaws all forms of trafficking in persons, but awareness of this statute remained low. The government, via the Prime Minister's Office, took steps to create an inter-ministerial committee to fight child exploitation, including child trafficking, though its formal establishment remains on hold pending review by the government's Economic and Social Council.



Recommendations for Central African Republic:

Ensure that the Economic and Social Council receives the budget allocation necessary to reconvene; submit the plan for the National Council for the Protection of Children to the Economic and Social Council for review; in collaboration with NGOs and the international community, train law enforcement officials and magistrates to use the penal code's trafficking provisions to investigate and prosecute these offenses; increase efforts to identify trafficking victims among vulnerable populations, such as females in prostitution, street children, and Pygmies; in collaboration with NGOs and the international community, provide care to children in commercial sexual exploitation and forced labor; and develop and implement a program to educate the public about the dangers of trafficking.

Prosecution

The Government of the Central African Republic made no discernible anti-trafficking law enforcement efforts during the reporting period. Article 151 of its penal code prohibits all forms of trafficking in persons, and prescribes penalties of five to 10 years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. If the offense involves a child victim, Article 151 prescribes the additional penalty of hard labor. If the offense involves a child victim of sex trafficking or forced labor similar to slavery, the prescribed penalty is life imprisonment with hard labor. Articles 7 and 8 of the January 2009 Labor Code prohibit forced and bonded labor and prescribe sufficiently stringent penalties of five to 10 years' imprisonment. Victims can file civil suits to seek damages from traffickers. These provisions, however, are not enforced and no cases of suspected human trafficking offenses were investigated or prosecuted during the reporting period. Traditional dispute resolution methods are widely practiced throughout the country, often to the exclusion of formal legal proceedings to punish criminal acts. Enforcement officials report that they are not provided the appropriate technical training and resources needed to identify and investigate trafficking cases, and

officials outside the capital may not have access to copies of the legal codes. During the year, the country's military conducted joint operations with the Ugandan People's Defense Force against the LRA, resulting in the release of 43 child trafficking victims.

Protection

The government did not make significant efforts to ensure that victims of trafficking receive access to protective services during the reporting period. Moreover, the CAR government did not increase efforts to identify trafficking victims among vulnerable populations, though the government's presence outside the capital remained limited, restricting its capacity to do so. The government maintained its partnership with UNICEF and NGO implementing partners for the protection and reintegration of demobilized child soldiers, some of whom had been subjected to unlawful conscription and use. It took no further action, however, to promote a policy against child soldiering, and an investigation into the use of child soldiers in self-defense militias that may be supported by the government – initiated by the deputy minister of Defense during the previous reporting year – did not yield any results. Justice officials claimed that trafficking victims were not penalized for unlawful acts committed as a direct result of being trafficked, though no victims were identified during the year. The government did not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution, and did not offer assistance to its own nationals who are repatriated as victims of trafficking.

Prevention

The government undertook few anti-trafficking prevention efforts during the reporting period. Under the auspices of the Prime Minister's Office, the government took steps to establish the National Council for the Protection of Children that will be composed of committees to address specific topics related to child exploitation, including types of child trafficking. The Prime Minister's Office, with UNICEF's assistance, conducted meetings about the establishment of the national council with relevant government ministries, NGOs, and international organizations and conducted a national workshop to formalize its structure in November 2010. Several of the Council's committees will address issues relevant to human trafficking, including the sexual exploitation of children, child soldiers, and child labor. However, the Council can formally enter into existence only after review by the Economic and Social Council, an advisory body to the National Assembly which did not meet during the year, and signature by the prime minister.

During the year, the government signed, with UNICEF, a 2011 Action Plan for the protection of children, which includes a radio awareness campaign in which government officials would deliver messages to the public on the dangers of human trafficking. The government did not take any measures to reduce the demand for commercial sex acts during the year, but a regional official reported traveling to diamond mining regions in the western part of the country

to speak to local leaders to discourage the use of forced child labor in diamond mines.

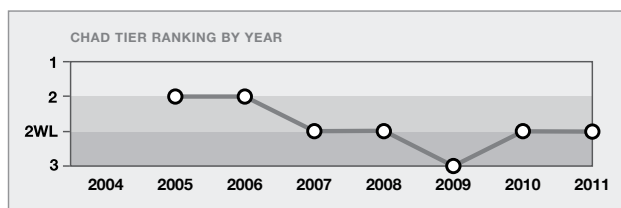
CHAD (Tier 2 Watch List)

Chad is a source and destination country for children subjected to conditions of forced labor and sex trafficking. The country's trafficking problem is primarily internal and frequently involves family members entrusting children to relatives or intermediaries in return for promises of education, apprenticeship, goods, or money. Selling or bartering children into forced domestic service or forced herding is used as a means of survival by families seeking to reduce the number of mouths they need to feed. Child trafficking victims are primarily subjected to forced labor as herders, domestic servants, agricultural laborers, or beggars. Some sources report that children in religious schools (*madrassahs*) are forced to beg for long hours for the benefit of their teachers and may be denied food or physically punished if they do not collect enough money. Child cattle herders – some of whom are victims of forced labor – follow traditional routes for grazing cattle and at times cross ill-defined international borders into Cameroon, the Central African Republic (CAR), and Nigeria. There continue to be reports of child herders being employed by military officials or local government officials. Underage Chadian girls travel to larger towns in search of work, where some are subsequently subjected to prostitution or are abused in domestic service. Some girls are compelled to marry against their will, only to be forced by their husbands into domestic service or agricultural labor.

In previous years, Chadian and Sudanese children were unlawfully conscripted, including from refugee camps, to engage in armed conflict, and used as combatants, guards, cooks, and look-outs. The government's conscription of children for military service, however, reportedly ceased during the reporting period, and a government-led, UNICEF-coordinated process to identify and demobilize remaining child soldiers in military installations and rebel camps continued. An unknown number of children may remain within the ranks of the Chadian National Army (ANT); UNICEF believes the number to be decreasing as recruitment has stopped and remaining children who might have been in the military in previous years would now be reaching adulthood. Sudanese children in refugee camps in eastern Chad were forcibly recruited by Sudanese rebel groups.

The Government of Chad does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite some improvements, the government did not show evidence of increasing efforts over the previous year; therefore, Chad is placed on Tier 2 Watch List. During the reporting period, the Government of Chad reportedly ended all child conscription into its national army and continued to engage in efforts to demobilize remaining child soldiers from rebel forces. The government also co-hosted a conference on child soldiers, at which Chad and five other countries signed a declaration committing to ending child soldiering in their countries. By the end

of the reporting period, the government and UNICEF had finalized a UN Children and Armed Conflict Action Plan with steps for Chad to take prior to being delisted from the UN state sponsors of child soldiers list. The government, however, made fewer efforts to address the forced labor of children in cattle herding, domestic service, and begging, or to combat the commercial sexual exploitation of Chadian children. The government did not enact legislation prohibiting trafficking in persons. The government undertook limited anti-trafficking law enforcement and victim protection activities. The country faces severe challenges including lack of communication and infrastructure and a rudimentary judicial system that relies largely on traditional forms of justice. Its resources are further constrained by the large numbers of refugees from neighboring states.



Recommendations for Chad: Pass and enact penal code revisions prohibiting child trafficking; consider drafting and enacting penal code provisions that would criminalize the trafficking of adults; increase efforts to enhance magistrates' understanding of and capability to prosecute and punish trafficking offenses under existing laws; demonstrate increased anti-trafficking law enforcement efforts, including the investigation and prosecution, where appropriate, of suspected trafficking offenders; continue taking steps to ensure the end of child conscription and the demobilization of any remaining child soldiers from the national army and rebel forces; continue collaborating with NGOs and international organizations to increase the provision of protective services to all types of trafficking victims, including children forced into cattle herding, domestic servitude, or prostitution; take steps to raise public awareness of trafficking issues, particularly at the local level among tribal leaders and other members of the traditional justice system; and draft a national plan of action to combat all forms of trafficking in Chad and identify resources to implement it.

Prosecution

Chad made limited law enforcement efforts against trafficking in persons during the reporting period, due largely to its weak judicial system. Existing laws do not specifically address human trafficking, though forced prostitution and many types of labor exploitation are prohibited. Title 5 of the Labor Code prohibits forced and bonded labor, prescribing fines of \$100 to \$1,000; these penalties fail to prescribe imprisonment and, as such, are not sufficiently stringent to deter trafficking crimes or reflect their serious nature. Penal code Articles 279 and 280 prohibit the prostitution of children, prescribing punishments of five to 10 years' imprisonment and fines up to \$2,000 – penalties that are sufficiently stringent, but not commensurate with penalties prescribed for

other serious crimes, such as rape. Pimping and owning brothels are also prohibited under Penal code Articles 281 and 282. The 1991 Chadian National Army Law prohibits recruitment of children below the age of 18; punishment for those who violate this provision is conducted at the discretion of military justice officials, rather than via civilian court processes. Draft revisions to the penal code to prohibit child trafficking and provide protection for victims have not yet been enacted, but are under active consideration by the Supreme Court. Chad does not currently have the capacity to collect or report arrests, prosecutions, convictions, or sentencing data for trafficking offenses during the reporting period. One international organization, however, reported that four people, including parents and intermediaries, in southern Chad were convicted and sentenced to six months' imprisonment for offenses related to child cattle herding. Throughout the reporting period, the Ministry of Justice, in partnership with UNICEF, conducted training for regional technical committees charged with overseeing the rights of children. In addition, in November 2010, Ministry of Social Action conducted training for 47 military officials around the country to sensitize them on issues of child soldiers. The government did not prosecute military officials for previous unlawful conscription or use of child soldiers or any other government official suspected of complicity in trafficking offenses, although some military officials reportedly were subject to military discipline.

Protection

Chad was unable to take adequate steps to ensure that all victims of trafficking received access to protection services during the reporting period, though local NGOs who implement government programs reported a significant increase in government referrals and citizen requests for services in 2010. The government, in partnership with international and non-governmental organizations, continued to assist demobilized child soldiers, identified within the country some of whom may have been forcibly conscripted. In July 2010, the government facilitated the release of 45 child soldiers by rebel groups into UNICEF's care, including 30 children from the northwestern Tibesti-based Movement pour la Democratie et Justice au Tchad (MDJT), with whom the government had recently signed a peace agreement, and an additional 15 presumed children affiliated with the Front Populaire pour la Renaissance Nationale (FPRN). Among these children were the first group of female child soldiers who entered the UNICEF-led rehabilitation and reintegration process. The Ministry of Social Action operated a transit center in Moussouro for demobilized child soldiers, where they received basic food and clothing before being transferred to longer-term, NGO-operated rehabilitation and reintegration centers. The government provided in-kind assistance to these NGO centers. Other victims of trafficking, however, received few protection services.

The government used local-level committees comprised of law enforcement, judicial, and social service officials to identify and refer trafficking victims to protection services where available. These committees – located in N'Djamena, Abeche, and southern towns – encourage victims to file charges against and assist in the investigation

and prosecution of their traffickers. Chadian authorities did not formally report any victims as being identified or referred to protection services during the reporting period, although government officials sometimes protected children personally. UNICEF, however, reported that as a result of awareness raising programs local communities recovered 227 child cattle herders and reunited them with their families, returned them to school, or provided them with vocational training. The government did not arrest or detain trafficking victims, or prosecute or otherwise penalize identified child victims for unlawful acts committed as a direct result of being trafficked. While the National Committee to Fight Trafficking drafted a "Guide for the Protection of Child Victims of Trafficking" that officials could use to promote the protection of children, due to weak state entities and a lack of capacity, the government could not allocate any resources, beyond salaries and time for attendance, of government officials, for training regarding the identification and treatment of trafficking victims during the reporting period.

Prevention

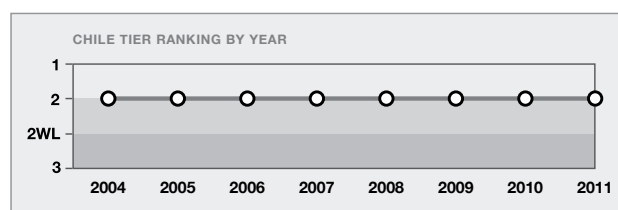
Chad made limited efforts to prevent human trafficking during the year, beyond those related to child soldiers. In June, Chad co-hosted with UNICEF a regional conference to eliminate the use of child soldiers in armed conflict; six countries – including Chad, Central African Republic, Cameroon, Niger, Nigeria, and Sudan – signed the N'Djamena Declaration, which committed governments to, *inter alia*, end unlawful recruitment and use of child soldiers, implement relevant regional and international instruments on child rights and child protection, cooperate with one another and international institutions, provide rehabilitation assistance to victims, develop a follow-on working group to implement their pledges, and harmonize national legislation with these commitments. In partnership with the UN, the government also developed an official action plan to end the use of child soldiers in Chad. The government served as a partner of UNICEF and UNFPA in its campaigns against forced labor of children. Chad's first lady, as the government's representative on public outreach programs related to children, traveled around the country, meeting with communities to instruct them on their rights and identify for them the various local government officials and UN agency representatives responsible for providing protection and assistance.

CHILE (Tier 2)

Chile is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Within the country, many victims are Chilean women and girls who respond to false job offers and subsequently are subjected to sex trafficking. To a limited extent, Chilean women and girls also are subjected to sex trafficking in neighboring countries such as Argentina, Peru, and Bolivia, as well as Spain. Women and girls from Argentina, Bolivia, Peru, Ecuador, Paraguay, and other Latin American countries are lured to Chile by fraudulent job offers and subsequently coerced into prostitution or forced domestic service. Foreign victims of labor trafficking, primarily from Bolivia, Peru, Colombia,

Ecuador, and China, have been identified in Chile's mining and agricultural sectors. There are reports that children are recruited against their will as drug mules along the borders with Bolivia and Peru.

The Government of Chile 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, Chilean authorities increased their overall law enforcement efforts against sex trafficking offenses. Chilean law enforcement efforts shifted compared to the previous reporting period; the number of investigations and convictions for promoting or facilitating child prostitution increased, while the number of investigations and convictions for transnational sex trafficking decreased. In a notable sign of progress, in March 2011 the Chilean congress passed comprehensive anti-trafficking legislation that had been pending in the Senate since 2007. However, Chilean officials did not proactively investigate labor trafficking during the reporting period. The government offered limited services to adult sex trafficking victims and victims of labor trafficking, but increased specialized services for children exploited in commercial sex.



Recommendations for Chile: Implement new comprehensive anti-trafficking legislation; intensify efforts to investigate and prosecute all forms of human trafficking offenses and convict and punish trafficking offenders; proactively investigate possible cases of forced labor; train police officers, immigration officials, social workers, and judicial officials on the new law and on how to identify and respond to cases of labor trafficking and internal sex trafficking of adults; strengthen victim protection efforts, particularly for adult victims of forced prostitution and for forced labor victims, and ensure victim access to shelters and comprehensive services through increased funding and referral protocols; enhance interagency coordination mechanisms; consider creating a national strategy or plan to combat trafficking; and increase public awareness about all forms of human trafficking.

Prosecution

The Government of Chile increased law enforcement efforts against sex trafficking offenders during the reporting period and passed a new comprehensive anti-trafficking law in March 2011. This law prohibits all forms of human trafficking, as well as human smuggling. The law prescribes penalties ranging from five years and a day to 15 years of imprisonment for trafficking offenses, penalties which are raised to a minimum of 10 years and a day if the victim is a child. Such penalties are sufficiently stringent and are commensurate with those for other serious crimes, such as rape. The new law also authorizes the use of undercover

agents and other enhanced investigative tools in human trafficking cases. Prior to this, Chilean law did not prohibit all forms of human trafficking, though it criminalized transnational movement of persons for purposes of prostitution under Article 367 of its penal code. Penalties prescribed under this statute ranged from three to 20 years of imprisonment, depending on whether aggravated circumstances existed. The increase in the minimum sentence for human trafficking, as established in the new law, is significant because sentences of less than five years are often suspended in Chile, and individuals convicted of trafficking under Article 367 often did not serve jail time for their offenses. In cases of internal trafficking of children for prostitution, prosecutors can use sections of Article 361 of the penal code which address sexual crimes against children and prescribe penalties ranging from 10 to 20 years.

During the reporting period, the government opened 128 trafficking-related investigations – 112 for promoting or facilitating child prostitution, and 16 for cross-border sex trafficking. Chilean courts obtained 39 convictions in 2010, of which 38 involved promoting or facilitating child prostitution, and one which involved cross-border sex trafficking. Sentences ranged from 541 days to six years' imprisonment. In comparison, Chilean authorities achieved 34 convictions during the previous year, eight for promoting or facilitating prostitution of children, and 26 for cross-border sex trafficking.

During the reporting period, the government sentenced four police officers for obtaining sexual services from persons between the ages of 14 and 18; one officer was sentenced to three years' time while the other three officers received sentences of 541 days each and were given immediate parole. Chilean authorities conducted joint trafficking investigations with the governments of Paraguay, Colombia, Peru, and Spain. Specialized training on trafficking was limited, but in partnership with an international organization, Chilean officials sponsored training workshops on identifying and preventing trafficking for 172 officials across the country. The Chilean public prosecutor's office provided training on human trafficking to 250 prosecutors in Uruguay, Panama, and Guatemala.

Protection

The Chilean government delivered comprehensive victim services to child sex trafficking victims, but provided limited services to adult sex trafficking victims and victims of forced labor. The government did not employ a formal system to proactively identify trafficking victims among vulnerable populations, such as migrant workers or women in prostitution, but some government-funded staff working with sexually-exploited youth received training to become trainers on victim identification. No comprehensive data was available regarding the number of trafficking victims identified in Chile during the reporting period. However, authorities reported assisting seven child trafficking victims in 2010, and an international organization assisted 11 victims from Bolivia, Chile, Paraguay, Peru, and Kenya, three of whom were male. The National Service for Minors (SENAME) provided services to child victims of

sex trafficking through its national network of 16 walk-in centers for children subjected to commercial sexual exploitation. SENAME had a budget of \$2.5 million in 2010 for these NGO-administered centers, which collectively had a capacity to serve 800 children, an increase from the capacity to serve 700 children reported during the previous year. SENAME also funded one residential shelter exclusively for child sex trafficking victims and provided child trafficking victims with legal services. Adult sex trafficking victims generally were referred to NGOs and international organizations, who also aided foreign victims with voluntary repatriation. The government did not operate any specialized shelters for adult trafficking victims. According to NGOs, it is difficult for adult female victims of trafficking to access services at one of 25 government-run domestic violence shelters. Authorities provided psychological and medical assistance to adult sex trafficking victims for cases under prosecution. As forced labor was not a crime in Chile until March 2011, there were no specialized services available to labor trafficking victims during the reporting period.

Chilean authorities encouraged victims to assist in the investigation and prosecution of their traffickers. The new comprehensive law includes provision of medical care, psychological counseling, and witness protection services to adult victims of trafficking who assist in trafficking investigations; no victims have yet received services under the new law's provisions. The new law formalizes victims' rights to request temporary residency for a minimum six-month period while they decide whether to participate in judicial proceedings. The law also establishes foreign victims' rights to take steps toward regularizing their legal status in Chile. Chilean authorities reported issuing humanitarian visas to foreign sex trafficking victims who wished to participate in the investigation of their traffickers during the year.

Prevention

The government sustained prevention efforts during the reporting period by continuing anti-trafficking education and outreach campaigns. Almost all of these efforts focused on the commercial sexual exploitation of children. In 2010, SENAME formed a working group on sexual exploitation of children which met nine times during the year. The separate Interagency Working Group on Trafficking in Persons did not meet in 2010. Transparency in the government's anti-trafficking efforts measures was limited; it reported trafficking prosecutions on government websites, but did not publish assessments of its own anti-trafficking policies or efforts during the year. SENAME continued to raise awareness about child prostitution through its "There is No Excuse" campaign, expanding efforts to the hotel sector. Immigration documents for travelers arriving in Chile include information about the penalties for the commercial sexual exploitation of children. The government forged partnerships with NGOs, international organizations, and foreign governments in implementing these prevention efforts. The government gave mandatory anti-trafficking and human rights training to Chilean troops prior to their deployment abroad for international peacekeeping missions. In an effort to reduce the demand for commercial sex, courts prosecuted

individuals for soliciting sexual services from children. No specific efforts to reduce demand for forced labor were reported.

CHINA (Tier 2 Watch List)

China is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Women and children from neighboring countries including Burma, Vietnam, Laos, Mongolia, Russia, and North Korea, and from locations as far as Romania and Zimbabwe are reportedly trafficked to China for commercial sexual exploitation and forced labor. While the majority of trafficking occurs within China's borders, there are reports in recent years that Chinese men, women, and children may be subjected to conditions of sex trafficking and forced labor in numerous countries and territories worldwide. Low- and medium-skilled Chinese workers migrate voluntarily to many countries for jobs, but in some countries subsequently may face conditions indicative of forced labor, such as withholding of passports and other restrictions on movements, nonpayment of wages, and threats. High recruitment fees, sometimes amounting to as much as \$70,000, compound Chinese migrants' vulnerability to debt bondage and other situations of trafficking.

Trafficking is most pronounced among China's internal migrant population, which is estimated to exceed 150 million people. Forced labor remains a notable problem, including in brick kilns, coal mines, and factories, some of which operate illegally and take advantage of lax supervision in the poorer regions of China. There were reports of forced labor, including forced begging, of children and adults during the reporting period, including in Hebei, Shanxi, and Sichuan Provinces. In Xinjiang, for example, media reports in December indicate a construction factory boss enslaved 11 mentally disabled workers who were regularly beaten and forced to work long hours. In Shanxi Province, one mentally disabled worker was lured with the promise of a job paying \$10 per day, but was then forced to work in a brick kiln where he was beaten and prevented from escaping. In recent years, workers participating in a government-sponsored program to transfer rural labor to jobs in the interior of China, including children, were allegedly coerced into the program through threats or fines for noncompliance; there were no official reports of this in 2010. Authorities in parts of Xinjiang province reportedly imposed mandatory labor of children for cotton-picking in at least three cases. Forced labor was a problem in some drug detention centers, according to NGO reporting; some detainees were forced to work up to 18 hours a day without pay for private companies working in partnership with Chinese authorities. Many prisoners and detainees in "reeducation through labor" facilities were required to work, often with no remuneration. Authorities held individuals in these institutions as a result of administrative decisions. NGO reports state that forced labor is also a problem in penal institutions. Some reports show working conditions in Chinese manufacturing factories that may indicate forced labor, including forced and unpaid overtime, excessive work hours, restrictions on movement and breaks, and

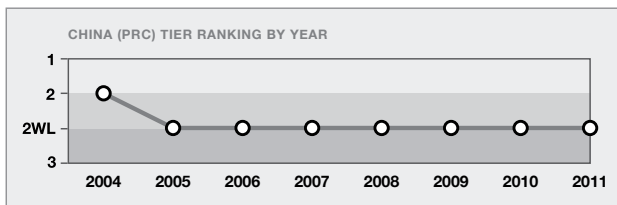
withholding of wages. Some children found in these conditions are particularly vulnerable to forced labor.

There continue to be reports that some Chinese children are forced into prostitution, and various forms of forced labor, including begging, stealing, and work in brick kilns and factories; in previous years, there were reports of children forced into flower selling. Some children in work-study programs supported by local governments have been reported to face conditions of forced labor in factories and farms. The children of migrants are particularly vulnerable to trafficking, although the government implemented programs to provide mentoring and support services to reduce their risk of neglect leading to trafficking. The overall extent of forced labor in China is unclear in part because the government releases only limited information on the subject.

Well-organized international criminal syndicates and local gangs play key roles in both internal and cross-border trafficking. The Ministry of Public Security reported in January 2011 that the number of Chinese women forced into prostitution overseas was rising as they fall prey to international criminal gangs. Experts and NGOs report that China's population planning policies, coupled with a cultural preference for sons, creates a skewed sex ratio in China, which may contribute to the trafficking of women and children from within China and from Mongolia, North Korea, Russia, Burma, Laos, and Vietnam for forced marriage.

The Government of the People's Republic of China does not fully comply with the minimum standards for the elimination of trafficking. The government did not demonstrate evidence of significant efforts to address all forms of trafficking or effectively protect victims; therefore, China is placed on Tier 2 Watch List for a seventh consecutive year. China was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, the government has a written plan that, if implemented, would constitute making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. China increased its attention to trafficking of women and children nationwide; continued inter-agency coordination on anti-trafficking initiatives; established nationwide and local hotlines to report trafficking cases; increased funding for labor inspections; significantly increased prosecutions for offenses the government labeled as trafficking, which includes cases that are not trafficking offenses; updated the criminal code to expand the prohibition on forced labor and increase the prescribed penalty; worked with foreign governments and INTERPOL to improve law enforcement coordination on trafficking; and trained shelter managers on victim protection. The government began drafting the 2012 National Plan of Action for anti-trafficking efforts, which should be released in December 2011, in consultation with international organizations; at the publication of this report, the details of the draft plan were not public. The government's crackdown on prostitution and child abduction reportedly included rescuing victims of trafficking and punishing trafficking offenders. Nonetheless, China continues to conflate

trafficking with child abduction for adoption, rendering the full extent of the government's anti-trafficking efforts unclear. Despite basic efforts to investigate some cases of forced labor that generated a high degree of media attention and the plans to hire thousands of labor inspectors, the impact of these measures on addressing the full extent of trafficking for forced labor throughout the country remains unclear. China continued to lack a formal, nationwide procedure to identify systematically victims of trafficking; however, the national police academies instituted anti-trafficking training for all new recruits, and a national directive instructed law enforcement officers to treat people in prostitution as victims of trafficking until proven otherwise. The government did not provide comprehensive victim protection services to both internal and foreign victims of trafficking throughout the country, but is beginning to train shelter managers and refer victims to protection services. Victims may be punished for unlawful acts that were a direct result of their being trafficked – for instance, violations of prostitution or immigration and emigration controls. Chinese authorities continue to detain and forcibly deport North Korean trafficking victims who face punishment upon their return to North Korea for unlawful acts that were sometimes a direct result of being trafficked. The government's inadequate data collection system continued to impede progress in recording and quantifying anti-trafficking efforts.



Recommendations for China: Continue revisions to the National Action Plan to address all forms of trafficking, including forced labor and trafficking of men; continue to update the legal framework to further refine the definitions of trafficking-related crimes; provide disaggregated data on efforts to criminally investigate and prosecute sex and child trafficking; provide data on the number of criminal investigations and prosecutions of cases identified as involving forced labor, including of recruiters and employers who facilitate forced labor and debt bondage, both within China and abroad; investigate, prosecute, and impose prison sentences on government officials who facilitate or are complicit in trafficking; continue to institute proactive, formal procedures to systematically identify victims of trafficking, including labor trafficking victims and Chinese trafficked abroad, and among vulnerable groups such as migrant workers and foreign and local women and children arrested for prostitution, to ensure that they are not punished for acts committed as a direct result of being trafficked; expand victim protection services, including comprehensive counseling, medical, reintegration, and other rehabilitative assistance, as well as assistance to male victims and victims of forced labor; cease the practice of detaining, punishing, and forcibly repatriating North Korean trafficking victims; provide legal alternatives to foreign victims' removal to countries

in which they would face hardship or retribution; expand protection services for Chinese trafficking victims abroad; expand upon existing campaigns to reduce the demand for forced labor and commercial sex acts; improve law enforcement data collection efforts for trafficking cases, consistent with the government's capacity to do so; and publish the findings of government-sponsored research on trafficking in persons in China and involving Chinese nationals.

Prosecution

The Government of the People's Republic of China reported progress on addressing sex trafficking of women; however, it reported significantly fewer prosecutions for forced labor than for other trafficking crimes. The Chinese government ratified the 2000 UN TIP Protocol in 2009 and continued to fill gaps which exist in its anti-trafficking legal structure; however, the legal definition of trafficking under Chinese law continued to include kidnapping for illegal adoption as a trafficking crime. Article 240 of China's Criminal Code prohibits "abducting and trafficking women or children," but does not adequately define these concepts. Article 358 prohibits forced prostitution, punishable by five to 10 years' imprisonment. Prescribed penalties under these statutes range from five years' imprisonment to death sentences, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, including rape. Article 244 of the Chinese Criminal Code prohibits "forcing workers to labor;" in February 2011, the government raised the prescribed penalty under Article 244 to three to 10 years' imprisonment and a fine, and expanded culpability to those who also recruit, transport, or assist in "forcing others to labor." This law changes the definition of forced labor to include workers in informal or illegal workplaces, who were not covered previously under the law. However, it remains unclear whether, under Chinese law, children under the age of 18 in prostitution are victims of trafficking regardless of whether force is involved. In addition, it remains unclear whether these Chinese laws prohibit the use of common non-physical forms of coercion, such as threats and debt bondage, as constituting a means of trafficking persons into prostitution or acts such as recruiting, providing, or obtaining persons for compelled prostitution. While trafficking crimes could perhaps be prosecuted under general statutes related to fraud and deprivation of liberty under Chinese law, authorities did not report using these provisions to prosecute and punish trafficking offenders.

Due to the government's expansive definition of "trafficking" and its continued conflation of human smuggling, child abduction, and fraudulent adoptions with trafficking offenses, it is unclear how many trafficking cases the government investigated and prosecuted during the reporting period. Based on the concept of *ren kou fan mai* (literally "the buying and selling of people") which includes non-trafficking offenses, the Supreme People's Court reported 1,990 cases prosecuted in 2010 resulting in the conviction of 3,138 offenders, an increase from 2009. Of those convicted, 2,216 received prison sentences of at least five years, an increase in the number of significant sentences reported in 2009. The Supreme People's Procuratorate reported a total of 4,422 suspects prosecuted

in 2010. These statistics include cases of kidnapping for illegal adoption. Eleven suspected traffickers were arrested for trafficking North Korean women for commercial sexual exploitation and forced marriage, four of whom were sentenced to three to 11 years' imprisonment, as reported by Chinese media. However, the Chinese government did not release statistics related to forced labor of men. Local contacts in Yunnan Province report that law enforcement officers are better able to obtain information on cross-province and cross-county trafficking, but local officials were still reportedly reluctant to allow investigations by NGOs and reported facing difficulty in dealing with police agencies from other provinces in China. According to Chinese law, criminal proceedings are closed in China and only the defendant, prosecution, and victim have a right to hear verdicts to protect rights and privacy of those involved. This made it difficult for outside observers to ascertain prosecution efforts in trafficking cases. Due to the government's continued conflation of child abduction and fraudulent adoptions with trafficking offenses, it is unclear how many actual child trafficking cases the government investigated and prosecuted during the reporting period. The Ministry of Public Security (MPS) continued with the anti-trafficking campaign started in April 2009, and in December 2010 called for all suspects wanted in human trafficking cases to surrender by March 2011 or face "severe punishment."

Chinese government authorities continue to focus heavily on trafficking of women and children for sexual purposes, but relatively less on the trafficking of men. The government did not disaggregate its law enforcement statistics by the number of investigations, prosecutions, convictions, and sentences for forced labor and sex trafficking, so it is unclear whether China improved on its efforts to pursue criminal investigations and prosecutions of cases specifically involving trafficking for forced labor. During the reporting period, there were several reports in Hebei, Shanxi, and Sichuan Provinces and in the Xinjiang Uighur Autonomous Region of Chinese men, some with disabilities, being subjected to forced labor. For example, in June 2010, police rescued 33 slave laborers and arrested 11 suspected traffickers from a brick kiln in Hebei Province where the workers were forced to work 14 to 18 hours per day in a brick kiln and beaten and given electric shocks if they attempted to escape. Throughout all of China, although police launched raids to rescue victims of forced labor, media reports show that 22 forced labor trafficking suspects were arrested. The status of their court cases is unknown.

The government undertook significant efforts to improve interagency and other internal coordination among those involved in combating trafficking throughout the country. The State Council's Inter-Ministerial Meeting Office against Human Trafficking held quarterly working-level meetings with the ministries and departments involved to gather information for research and analysis. This information was used to shape and guide next steps in the China's efforts to combat human trafficking. MPS also reported conducting an annual comprehensive assessment of anti-trafficking work in each area, using the findings to direct action carried out in the provinces, but did not publicly release this report. In April 2010, central government

authorities provided guidelines to local judicial and law enforcement officers and prosecutors on strengthening sentences for convicted traffickers and arranged training seminars to sensitize them to trafficking; these guidelines, however, continued to erroneously treat child abduction and fraudulent adoptions as trafficking crimes. In July 2010, the government organized a national anti-trafficking workshop for 140 government officials, including police, judges, and prosecutors, on implementing these guidelines. In addition, in June and July 2010, MPS convened video conferences with Public Security Bureaus (PSBs) nationwide to launch a campaign against the abduction and coercion of children for forced begging. The Ministry of Commerce approved approximately \$4.5 million to fund dedicated special investigators for labor inspections.

The government also increased cooperation with foreign governments on alien smuggling and trafficking, particularly with those bordering China, as well as with South Africa, the United Kingdom, France, and the DRC. French and Chinese law enforcement cooperated to dismantle a forced prostitution network which spread from Shanghai to Paris, rescuing 39 victims. China also cooperated with Thai law enforcement to address trafficking between the two countries. In August, China worked with Russian prosecutors to extradite a Russian national suspected of trafficking five women for forced prostitution into China. Some NGO sources report that cross-border police cooperation between China and Vietnam, Laos, and Burma has improved.

The amount and degree of complicity by government officials in trafficking offences remained difficult to ascertain. The government did not report efforts to combat trafficking facilitated by government authorities, but domestic media reported, and government officials confirmed, that in May a Chinese court upheld the death sentence for former director of the Chongqing Municipal Judicial Bureau for accepting bribes to allow prostitution of underage girls in Chongqing; another four police officers were sentenced to three to 15 years' imprisonment in connection with this case. In August, three police officers were sentenced to three years' imprisonment for accepting bribes to allow traffickers to prostitute trafficking victims in Beijing. In response to a forced labor case in Xinjiang, government officials responsible for workplace inspections were not criminally prosecuted, and received only administrative penalties for failure to carry out their assigned duties. The shelter manager and his son who trafficked the men were charged and were awaiting trial during the reporting period. There have been reports that some Chinese border guards worked in collusion with traffickers and North Korean border guards to procure young North Korean women for forced prostitution in Chinese brothels. However, increased security in the border area in 2010 may have caused a drop in the numbers of North Koreans able to cross illegally and make contact with would-be traffickers.

Protection

The Chinese government made efforts to improve protection during the reporting period, but overall protection for victims of trafficking remained inadequate.

Authorities reported rescuing 10,385 women and 5,933 children from trafficking situations; however, these statistics included cases of kidnapping for illegal adoption. The government reported rescuing 109 victims of forced labor. The nationwide database of DNA samples could be used to reunite trafficked children and adults with their families; the government did not report, however, how many child victims of trafficking it reunited with their parents during the reporting period. The government did not institute proactive, formal procedures to systematically identify victims of all forms of trafficking, but began to provide training to law enforcement officers on identifying trafficking as part of mandatory training for new recruits. The Ministry of Public Security issued orders to police departments to treat all women arrested for prostitution as victims of trafficking. It was not clear during the reporting period to what extent local police units complied with the order. Police corruption in some cases and the lack of effective victim identification measures in China cause victims to be punished for crimes committed as a direct result of being trafficked. In response to two incidents where women caught in prostitution were publicly paraded, the Ministry of Public Security issued a circular to local Public Security Bureaus prohibiting this practice. There was no indication whether or not the women were screened to determine if they were victims of trafficking. The government established four nationwide hotlines to report suspected cases of human trafficking or access referral services for victims, including a trade union hotline for reporting labor abuses. Hotlines were also established at a provincial level to report human trafficking. The Ministry of Public Security translated and circulated anti-trafficking training materials from the IOM to train new police recruits. In June, 40 consular and immigration authorities received training on victim identification, which was reportedly replicated to additional officers. Nonetheless, under Chinese law, individuals found violating exit and entry law must be sent to a detention center pending an investigation. Procedures in place allow for persons found to be trafficked to be transferred to a transit center to await repatriation.

The quasi-governmental All-China Women's Federation (ACWF) allocated an unknown amount of funds to establish "Women's Homes" where women have access to referrals to legal aid and other support programs, can report human trafficking cases, and request assistance from trained social workers. Local police nationwide were also directed to work closely with the ACWF to refer victims of trafficking for assistance, but the government did not report how many victims were referred during the reporting period. Trafficking victims continued to only receive short-term assistance in just five dedicated shelters in the country, but also have access to basic care and referrals for a range of services at 1,400 shelters nationwide. Provincial governments in the southern border provinces, lacking resources, often relied upon NGOs to help provide services to victims. In Yunnan province, the ACWF, with the assistance of NGOs, provided some victims with medical care, counseling, and vocational training. Although shelter managers received training through IOM on victim care, independent sources were not able to visit these shelters to ascertain the quality of care they provide due to victim privacy concerns. Child trafficking

victims were placed in child welfare centers run by the Ministry of Civil Affairs which are linked with hospitals and professionals to provide specialized care. Male victims of trafficking and victims of forced labor – either male or female – did not receive regular protection services, but some were sent to hospitals for treatment of their medical needs and at least two victims received legal aid to gain financial compensation. The government did not report on its efforts to support legal assistance programs that assist both foreign and Chinese trafficking victims, but media reports indicate that legal assistance programs exist. Foreign victims were generally repatriated, sometimes involuntarily, since there is no mechanism by which to avoid deportation or repatriation of an identified trafficking victim, and were provided little access to rehabilitative, financial, or legal assistance before repatriation. The government did not provide foreign victims with legal alternatives to removal to their native countries, even if they might face hardship or retribution. NGOs along the southern border reported some improvements in Chinese official rescue and rehabilitation support to trafficking victims, particularly with the establishment of cross-border anti-trafficking liaison offices. The government improved efforts to protect Chinese victims of trafficking abroad; in December, Chinese authorities reported assisting 15 victims of trafficking for commercial exploitation in the DRC with medical aid, shelter, and counseling. However, most victims reportedly did not contact Chinese authorities abroad, limiting consular officials' ability to provide support services. Chinese diplomatic staff overseas did not intervene in labor disputes, some of which may involve trafficking. Government regulations stipulate that repatriated Chinese and foreign victims of trafficking no longer face fines or other punishments upon return and government officials report that no criminal penalties were assigned to the 15 victims identified in the DRC. The Government of the People's Republic of China's unwillingness to repatriate its nationals from destination countries may result in trafficking victims not being able to return home and receive protection services.

Chinese authorities continued to repatriate North Korean refugees forcibly, including those found to be trafficked. The government continued to treat North Korean trafficking victims solely as illegal economic migrants, detaining and deporting them to North Korea, where they may face severe punishment. The Chinese government did not provide North Korean trafficking victims with legal alternatives to repatriation. Chinese authorities prosecuted citizens who assist North Korean refugees and trafficking victims, as well as those who facilitate illegal border crossings. The government continued to bar UNHCR from access to North Koreans in northeast China. The lack of access to UNHCR assistance and the constant fear of forced repatriation by Chinese authorities leaves North Koreans vulnerable to human traffickers.

All of the government's victim protection efforts need to be strengthened and standardized nationwide, and increased funding for victim care should be allocated.

Prevention

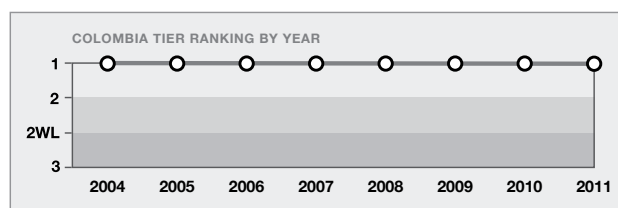
The Chinese government advanced efforts throughout China to prevent trafficking in persons, in some instances with assistance from international organizations and NGOs. China's highest-rated television channel ran 17 two-hour broadcasts raising awareness on human trafficking. The government continued to disseminate worker rights information and anti-trafficking messages in train and bus stations and through media such as cell phones, television, and the internet; these information campaigns included, among other issues, information on sexual harassment, workplace violence, and forced labor. The central government did not address the birth limitation policy, which may contribute to a gender imbalance that experts believe has led to trafficking of women into involuntary servitude through forced marriage in the Chinese population. In addition, the *hukou* household registration system may remain a factor contributing to the vulnerability of internal migrants to forced labor; it remains unclear, however, whether local government reforms to this system have addressed this concern. ACWF continued to work with the ILO to incorporate messages on avoiding human trafficking situations into school curricula. In February, ACWF announced a partnership with ILO to research the level of risk of trafficking of teenage girls and young women in eight provinces. The government instituted programs to address vulnerabilities within its intending migrant population. ACWF also reported working with the government to provide \$2.5 billion in microcredit loans with interest paid by the government to reduce vulnerability to trafficking for those at high risk. The Ministry of Public Security convened a meeting of the Inter-Ministerial Meeting Office against Human Trafficking (IMOAT) in March 2010 to coordinate the government's anti-trafficking efforts with the 31 government ministries and agencies involved. Chinese forces participating in peacekeeping initiatives abroad did not receive training on trafficking in persons prior to deployment. However, there have been no allegations of trafficking acts committed by Chinese peacekeepers.

COLOMBIA (Tier 1)

Colombia is a major source country for women and girls subjected to sex trafficking in Latin America, the Caribbean, Western Europe, Asia, and North America, including the United States, as well as a transit and destination country for men, women, and children subjected to forced labor. Within Colombia, some men and children are found in conditions of forced labor in mining and agriculture, and the sex trafficking of women and children from rural areas into urban areas remains a significant problem. Some women and children are subjected to domestic servitude, and NGOs reported that forced begging was a problem in urban areas. Groups at high risk for internal trafficking include displaced persons, poor women in rural areas, indigenous communities, and relatives of members of criminal organizations. Continued armed violence in Colombia has displaced many communities, making them vulnerable to human trafficking. Some Ecuadorian children, many of them indigenous, are subjected to forced labor and sex trafficking

in Colombia. Illegal armed groups forcibly recruit children to join their ranks; an international organization estimates that at least 10,000 children participate in illegal armed groups. Members of gangs and organized criminal networks force relatives, acquaintances, and displaced persons – typically women and children – into conditions of sex trafficking and forced labor, including in the illegal drug trade. Colombia is a destination for foreign child sex tourists from the United States and Europe, particularly to coastal cities such as Cartagena and Barranquilla. Migrants from South America, Africa, and China transit Colombia *en route* to the United States and Europe; some may fall victim to traffickers.

The Government of Colombia fully complies with the minimum standards for the elimination of trafficking in persons. During the reporting period, the government maintained law enforcement actions against transnational sex trafficking offenders, achieved its first conviction for forced labor, and continued robust prevention efforts. The government worked with NGOs and international organizations to provide adult trafficking victims with services; however, it did not fund specialized shelters or services for trafficking victims. Authorities did not utilize formalized procedures to proactively identify trafficking victims among vulnerable populations. The significant number of Colombians trafficked abroad as well as internally reflects the continued need for dedicated funding for comprehensive victim services.



Recommendations for Colombia: Ensure victim access to specialized services, including dedicated shelters for trafficking victims, in part through dedicated funding to administer these services; establish regulations for victim care to ensure victims are adequately protected during investigations and trials; create formal measures to identify trafficking victims among vulnerable populations; create formal referral mechanisms for victims to access care services; provide foreign victims with formal legal alternatives to deportation; continue efforts to identify and assist Colombian trafficking victims abroad through training and increased resources for diplomatic missions in other countries; offer anti-trafficking training for local police officers, immigration officials, prosecutors, and judges; and continue to raise public awareness about the dangers of human trafficking, particularly among young women seeking jobs abroad.

Prosecution

The Government of Colombia maintained law enforcement efforts in transnational human trafficking cases during the reporting period, and achieved its first labor trafficking conviction. Colombia prohibits all forms of trafficking through its anti-trafficking statute, Law 985, which

prohibits the capture, transfer, or receipt of a person within the country or overseas for the purposes of exploitation. Exploitation is defined as subjecting an individual to prostitution, forced labor, slavery, servitude, begging, servile marriage, organ extraction, sex tourism, or other exploitative activities, for economic or other gain. Law 985 prescribes minimum punishments of 13 to 23 years' imprisonment, which are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. The law's definition of human trafficking fails to include the element of force, fraud, or coercion.

In 2010, Colombian authorities reported investigating 144 trafficking cases involving 90 victims; the majority of the cases involved adult victims subjected to forced prostitution abroad. Authorities also investigated many cases of money laundering in relation to trafficking, identifying 46 individuals and eight organizations engaged in money laundering in connection with human trafficking offenses. To date, over 1,000 investigations of the unlawful recruitment and use of child soldiers are underway, some of which may have involved conscripted children. The government reported achieving 17 convictions overall in trafficking cases, sentencing trafficking offenders to periods of imprisonment ranging from seven to 23 years, and fines ranging from \$65,000 to \$338,000. In comparison, authorities reported 215 investigations and 14 convictions in trafficking cases for 2009. During the reporting period, the government achieved its first convictions for labor trafficking in one case involving a Colombian woman exploited within the country. A government-sponsored study released in 2010 found more than 50 fewer human trafficking convictions over the last decade than Colombian authorities have reported. The study noted that trafficking crimes are sometimes categorized under other statutes, such as those prohibiting pimping of minors or kidnapping, and most trafficking convictions and sentences in Colombia are for transnational cases of forced prostitution.

While the prosecutor general's human rights unit handles all transnational trafficking cases, there is no dedicated unit for internal cases. Rather, internal cases of trafficking are investigated by local sex crimes units. An NGO received reports that some police officers solicited bribes or sexual services in exchange for protecting brothels where trafficking victims were exploited, though many of these crimes were not reported. The government did not investigate, prosecute, or convict any officials for trafficking-related offenses. NGOs expressed concern that some government officials had a limited understanding of human trafficking, and could therefore not effectively identify and assist victims. In partnership with an international organization and a foreign government, public officials received training on how to investigate and prosecute trafficking cases, as well as how to assist trafficking victims. The government maintained partnerships with foreign governments to repatriate trafficking victims and investigate trafficking cases.

Protection

The Government of Colombia maintained an anti-trafficking operations center to refer victims to care providers, and the government could care for child victims through a network of centers for child victims of violence, but did not fund specialized services for adult victims. The Colombian government referred adult victims to NGOs and international organization partners, who provided the bulk of specialized victim care. The majority of victims identified by authorities were adults. The government did not report employing formal procedures to identify trafficking victims among vulnerable populations within the country, such as displaced persons or women in prostitution. A government-sponsored study released in 2010 noted a need to improve mechanisms for identifying victims of internal trafficking. In partnership with an international organization, authorities continued to operate COAT (Operational Anti-Trafficking in Persons Center), an interagency center which referred victims to providers of protective services, coordinated and tracked criminal investigations and prosecutions, and collected nationwide information and statistics about trafficking crimes. Authorities received reports of 42 suspected trafficking cases from COAT, mostly involving adult victims.

The government did not report funding any specialized services or shelters for trafficking victims nor funding civil society organizations to provide these services. However, it referred some victims to local NGOs for care services. Authorities began designing national assistance guidelines for trafficking victims in 2009 with an international organization, outlining which government agencies are responsible for ensuring various aspects of victim care. An NGO noted that the government had not yet published the decree, required by Law 985, which would formally assign responsibility for victim services to different government agencies. The government operated 34 centers that offered comprehensive services for child victims of sexual violence, although it is unclear if any child trafficking victims received services at these centers during the year. The government maintained a reintegration program for child soldiers and during the year 338 child soldiers were referred to the government's Family Welfare Institute for care services. Authorities reported providing medical and psychological care, access to financial and employment assistance, and information and legal support for judicial processes. Officials noted that the lack of legal guidelines for the care and protection of victims remained a significant challenge. The government identified 76 victims of transnational trafficking during 2010, consisting of nearly equal numbers of victims of forced labor and forced prostitution, in addition to 15 victims who were trafficked within Colombia. Authorities did not report how many of these victims received services, either from the Government of Colombia or from NGOs.

The government encouraged victims to assist in trafficking investigations and prosecutions, and provided housing to victims participating in these efforts through its program for protection of witnesses. However, most victims were reluctant to testify against their traffickers due to fear of reprisals or lack of awareness of their status as victims of a serious crime. The government did not indicate how

many victims participated in prosecutions during the reporting period. While there is a limited program to provide protections to victims who testify, few trafficking victims have elected to participate. There were no reports of victims being jailed or otherwise penalized for unlawful acts committed as a direct result of being trafficked. There was no specialized legal mechanism whereby the government offered a visa or temporary residence status to foreign trafficking victims. Authorities reported that they could provide foreign trafficking victims with temporary permission to remain in the country during the investigative process on a case-by-case basis; however, authorities did not report identifying or assisting any foreign trafficking victims in 2010. Furthermore, an NGO reported that Ecuadorian trafficking victims have allegedly been deported and not identified as victims. Colombian consular officials assisted 106 Colombians trafficked overseas during the reporting period; in comparison, Colombian consular officers abroad assisted 179 trafficking victims in 2009. The government contracted legal advisors and social workers to help support Colombians abroad in areas with large Colombian migrant populations.

Prevention

The government continued prevention efforts against human trafficking. The interagency anti-trafficking committee continued to coordinate efforts and to implement the national strategy to combat trafficking, and met 10 times during the reporting period. A separate interagency committee to prevent the recruitment of child soldiers continued to implement its national strategy targeting high-risk areas. During the reporting period, 11 departments set up anti-trafficking committees, for a total of 27 committees nationwide, and government authorities provided these committees with technical assistance. NGOs noted strengthened local-level government efforts in the departments of Risaralda, Nariño, Cundinamarca, and Santander. Authorities created a human trafficking information hotline that functioned from January to April 2010; however, in April 2010, the Colombian government transferred administration of the hotline to an international organization. In partnership with an international organization, the government sponsored a university to conduct research on the magnitude of trafficking, as well as underlying risk factors in Colombia. Despite a legal requirement, the government did not establish a national information system on human trafficking. In February 2011, the Government of Colombia signed a bilateral security agreement with the Government of Panama committing to increasing efforts against human trafficking, as well as human smuggling and other crimes. Authorities conducted a wide range of awareness-raising activities, including a nationwide multimedia campaign, and partnered with international organizations as well as beauty salons and modeling agencies. The government organized anti-trafficking workshops for displaced populations in which 194 women participated. Article 219 of the Colombian criminal code prohibits organizing or facilitating sexual tourism and provides penalties of three to eight years' imprisonment, and authorities developed an outreach campaign on trafficking directed at emerging tourist destinations within the country. There were no reported investigations, prosecutions, or convictions of

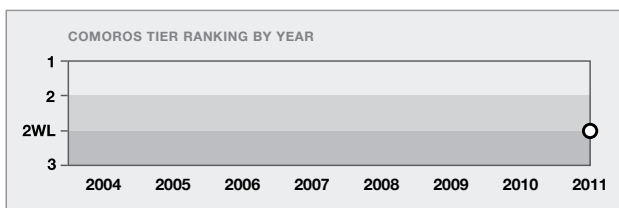
child sex tourists in Colombia. There were no reported efforts to reduce the demand for forced labor.

COMOROS (Tier 2 Watch List)

The Comoros is a source country for children subjected to forced labor and sex trafficking, and possibly for men and women for those same purposes. Comoran children are subjected to forced labor within the country in domestic service, roadside and market vending, baking, and agriculture. Many of these children are sent by family members to do this work and subsequently experience long working hours, wage nonpayment, and physical or sexual abuse – conditions indicative of forced labor. Children from Anjouan, one of the islands of the Comoros, are sent as domestic workers to the island of Mayotte, where some are subjected to forced labor. Children from Anjouan also are coerced into illegal activities, such as drug trafficking. Girls are exploited in prostitution on all three islands in rented houses, nightclubs, and hotels, often with the knowledge of their families and after being coerced by other young girls. There are reports that foreign tourists frequent these establishments. Many Comoran boys aged 3 to 14 studying at Koranic schools headed by unscrupulous *fundi*, or religious teachers, are exploited in forced labor as porters, market vendors, field workers, construction workers, or domestic servants. These Koranic students – including girls – also are subjected to physical and sexual abuse; the ILO reports more than 60 percent of children it surveyed in 2009 were victims of sexual abuse by their *fundi*. The Comoros may be particularly vulnerable to transnational human trafficking due to a lack of adequate border controls, endemic corruption within the administration, and the existence of local and international criminal networks involved in human smuggling and document forgery. For example, the government recently dismantled an illegal migrant network of Iraqis traveling to Europe through the Comoros with counterfeit passports. During the separatist crisis in 2007 and 2008, the Anjouan Gendarmerie Force (FGA), a local arm of the Comoran national army, conscripted and armed at least 200 child soldiers from the island of Anjouan to intimidate civilians. There are no longer child soldiers in the Anjouan Gendarmerie and during the reporting period the government began implementation of a National Disarmament, Demobilization, and Reintegration Plan through which former child soldiers received care. Trafficked Comoran children also have been identified in situations of domestic servitude in France.

The Government of the Comoros 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, in partnership with international organizations, began implementation of a National Disarmament, Demobilization, and Reintegration Plan, through which 40 former child soldiers, some of whom were trafficking victims, received protective services. In addition, the government began implementation of a national action plan to address the worst forms of child labor, including forced child labor, reflecting the government's awareness of the seriousness of the child labor problem in the Comoros.

Despite these efforts, the Ministry of Labor itself made negligible efforts to prevent the use of forced child labor or investigate suspected cases. The government made no discernible efforts to investigate, prosecute, or convict trafficking offenders, including unscrupulous *fundis*, under existing legislation. Children in prostitution were sometimes beaten or harassed by authorities following arrest. Although former child soldiers received care, the government did not provide care to victims of sex or labor trafficking and prevention efforts were minimal. Although resource strapped, the government failed to find cost-effective ways to take law enforcement action against trafficking offenders, protect victims, and prevent these crimes from occurring. The Comoros, therefore, is placed on Tier 2 Watch List.



Recommendations for the Comoros: Draft and pass anti-trafficking legislation; investigate and prosecute trafficking offenses and convict and punish trafficking offenders under existing legislation; take action against unscrupulous *fundis* who exploit Koranic students; develop procedures, even informally, for the identification and referral of trafficking victims to care; establish services for the care of trafficking victims, possibly within facilities already in existence for victims of other crimes; and launch an anti-trafficking public awareness campaign on each of the islands.

Prosecution

The Government of the Comoros made minimal anti-trafficking law enforcement efforts during the reporting period. There is no law that comprehensively prohibits trafficking in persons in the Comoros. Existing laws, however, could be used to prosecute trafficking crimes, though the government did not report the investigation or prosecution of trafficking offenses. Article 323 of the penal code prohibits child prostitution, prescribing insufficiently stringent punishments of two to five years' imprisonment and fines of between \$462 and \$6,154, penalties that are not commensurate with those for other serious crimes, such as rape. Existing laws lack specific provisions concerning the forced prostitution of adults. Article 2 of the Labor Code prohibits forced and bonded labor, prescribing penalties of between three months to three years' imprisonment or fine of \$308 to \$1,538; these penalties are not sufficiently stringent. Trafficking offenses also could be tried under Article 333 of the penal code for illegal restraint, which prescribes penalties of 10 to 20 years' imprisonment. In most parts of the island nation, cases are settled out of court by village elders or religious leaders, with material or financial compensation paid to the victim; in some cases, settlements may include child marriage to preserve a family's honor. On the island of Anjouan, however, people reportedly did not hesitate to

report crimes involving abuse during the year, preferring legal proceeding to such settlements. The police reportedly conducted routine patrols throughout the islands and found underage girls in prostitution, though there were no apparent efforts to investigate these as human trafficking offenses. Following their arrest, these girls are often released without care and some are harassed and beaten by police. Corruption is endemic throughout the Comoros and hinders law enforcement efforts in many areas, including those to address trafficking, and may serve to facilitate the crime. The government did not take steps to investigate, prosecute, convict, or sentence public officials for complicity in human trafficking. The government has not provided training for law enforcement officials on human trafficking.

Protection

The government has limited resources for social programming, including for protecting victims of human trafficking, and it did not provide assistance to sex or labor trafficking victims during the year. It began to implement programs, however, that provided services to former child soldiers, some of whom were trafficking victims. In 2006, the government established one shelter for the protection of abused children on each of the three islands. These shelters offered care and counseling to a variety of children and could have provided care to child trafficking victims, though the government did not report that they did so during the reporting period. Child abuse victims also may be cared for by designated families and child protection officials if no care center is available. Observers reported, however, that the government did not take specific action to protect or promote children's welfare and did not enforce legal provisions that address the rights and welfare of children. There was no formal process for identifying trafficking victims or for referring them to the limited care available; as government officials lacked the ability to identify trafficking victims properly, some victims were most likely detained, jailed, and penalized for crimes committed as a result of being trafficked. In July 2010, the Ministries of Defense, Interior, Justice and Education – in cooperation with UNDP, ILO, UNFPA, and UN Women – began implementation of a National Disarmament, Demobilization, and Reintegration Plan; 40 former child soldiers were enrolled in this program where they received medical and psychological exams, counseling, and vocational training. In the Comoros, there were no separate jails for minors, thus children in conflict with the law were jailed in the same quarters as adults in Moheli and Anjouan, and in Grande Comore they were housed in the prison guards' barracks. Although there were no reported foreign victims, the government reported it does not force foreign nationals to return to countries where they may be subject to retribution.

Prevention

The Comoran government made minimal efforts to prevent trafficking. During the reporting period, the government did not conduct any public anti-trafficking campaigns and there was no national coordinating body to guide its efforts to combat trafficking. While it did not have an action plan to address trafficking in persons specifically,

the government, in partnership with an ILO project funded by a donor country, adopted the 2010-2015 National Action Plan for the Elimination of the Worst Forms of Child Labor, which includes activities to address child prostitution; child soldiering; child labor in the domestic, agricultural, and fishing sectors; and the use of children to traffic drugs. Together with a 2009 study on child labor in partnership with the ILO, the adoption of this plan reflects the government's increasing awareness of the seriousness of the child labor problem in the country. In March 2011, the government created a police-gendarme unit charged with the investigation of child labor cases, fulfilling one of the action items of the plan. Also in March 2011, the government organized a seminar for judges, law enforcement officials, teachers, and religious authorities on discouraging the use of child labor, the identification of child labor cases, and the management of cases once discovered. In 2010, the government conducted awareness raising activities related to the national action plan, which included a media campaign and the placement of billboards at strategic locations. The Ministry of Labor is responsible for enforcing child labor laws, but it did not actively or effectively do so, making no efforts to prevent child labor, conducting no inspections, and removing no children from exploitative labor situations during the year. There is one government labor inspector for each of the three Comoran islands who is responsible for all labor issues. This number is inadequate to seek out child labor violations, including forced child labor. The government does not monitor immigration and emigration patterns for evidence of trafficking. In an island nation like the Comoros this creates a particular vulnerability. The government has not made efforts to reduce the demand for commercial sex. The Comoros is not a party to the 2000 UN TIP Protocol.

CONGO, DEMOCRATIC REPUBLIC OF THE (Tier 3)

The Democratic Republic of the Congo (DRC) is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. The majority of this trafficking is internal, and while much of it is perpetrated by armed groups and rogue elements of government forces outside government control in the country's unstable eastern provinces, incidents of trafficking occur throughout all 11 provinces. A significant number of unlicensed Congolese artisanal miners – men and boys – are exploited in situations of debt bondage by businessmen and supply dealers from whom they acquire cash advances, tools, food, and other provisions at inflated prices, and to whom they must sell the mined minerals at prices below the market value. The miners are forced to continue to work to repay constantly accumulating debts that are virtually impossible to repay. Throughout the year, in North Kivu, South Kivu, and Katanga Provinces, armed groups – such as the Democratic Forces for the Liberation of Rwanda (FDLR) – and Congolese national army (FARDC) troops routinely used threats and coercion to force men and children to mine for minerals, turn over their mineral production, pay illegal “taxes,” or carry looted goods from mining villages. There were reports

that, following the government's September 2010 order attempting to suspend all mining activities in the three eastern provinces, the military's control of the mines intensified and that some FARDC elements increased their use of forced labor in the mines, though FARDC spokesmen repeatedly denied such allegations. In January 2011, for example, the UN Organization Stabilization Mission in the Congo (MONUSCO) reported that the Commander of the 21st Sector of the FARDC was using forced child labor in the mines located in Bisiye (North Kivu Province).

Congolese girls are forcibly prostituted in tent- or hut-based brothels or informal camps – including in markets and mining areas – by loosely organized networks, gangs, and brothel operators. Congolese women and children are exploited within the country in conditions of domestic servitude and migrate to Angola, South Africa, Republic of the Congo, as well as East African, Middle Eastern, and European nations, where some are exploited in forced prostitution, domestic servitude, and forced agricultural labor. Chinese women and girls in Kinshasa reportedly work in Chinese-owned massage centers, where some were likely subjected to forced prostitution; Congolese police identified 11 trafficked Chinese women in forced prostitution in a karaoke bar in Kinshasa during the reporting period. Some members of Batwa, or pygmy groups, are subjected to conditions of forced labor in agriculture, mining, and domestic service throughout the DRC.

Indigenous and foreign armed militia groups, notably the FDLR, *Patriotes Résistants Congolais* (PARECO), various local militia (Mai-Mai), the *Alliance des patriots pour un Congo libre et souverain* (APCLS), and the Lord's Resistance Army (LRA), continued to abduct and forcibly recruit Congolese men, women, and children to bolster their ranks and serve as laborers, porters, domestics, combatants, and sex slaves. For example, between July 30 and August 2, 2010, a coalition of the FDLR, Mai Mai Cheka, and combatants lead by Colonel Emmanuel Nsengiyumva, a former member of both the National Congress for the Defense of the People (CNDP) – a former Congolese rebel group – and the FARDC, abducted 116 civilians from 13 villages in Walikale area and subjected them to forced labor. Between January and September 2010, the LRA violently abducted more than 279 Congolese citizens, including 184 children, in and near Orientale Province; some of these abductees were later taken to southern Sudan or Central African Republic. Likewise, abducted Sudanese and Central African citizens experienced conditions of forced labor and sexual servitude at the hands of the LRA after being forcibly taken to the DRC.

In 2010, the FARDC actively recruited, at times through force, men and children for use as combatants, escorts, and porters. From September to December 2010, for example, there were 121 confirmed cases of unlawful child soldier recruitment attributed to loosely integrated ex-CNDP elements of the FARDC, particularly those commanded by Bosco Ntaganda, Colonel Innocent Zimurinda, and Colonel Baudouin Ngaruye. In mid-2010, ex-CNDP elements under the control of these FARDC commanders recruited school children in Masisi and Rutshuru territories (North Kivu) with offers of \$50; these forces reportedly

demanded that teachers and headmasters provide them with lists of children formerly associated with armed groups who had been reunified with their families. An unspecified number of children recruited by the CNDP prior to its incorporation into the Congolese military remain within integrated FARDC units and have not been demobilized. In December 2010, the UN Security Council imposed travel bans and asset freezes on FARDC Colonel Innocent Zimurinda for grave violations against children, including recruitment and use of child soldiers, arbitrary executions of child soldiers, refusal to release child soldiers, and denial of humanitarian access for a screening of his troops to remove children from his ranks; MONUSCO documented two cases of unlawful child recruitment by officers reporting to Colonel Zimurinda in August and September 2010.

In addition, FARDC elements pressed hundreds of civilians – men, women, and children, including internally displaced persons and prisoners – into forced labor to carry ammunition, supplies, and looted goods, to fetch water and firewood, to serve as guides and domestic laborers, to mine for minerals, or to construct military facilities and temporary huts. Those who resisted were sometimes killed; others died under the weight of heavy loads. There were unconfirmed reports that policemen and members of other security forces in eastern DRC arrested people arbitrarily in order to extort money from them; those who could not pay were forced to work until they had “earned” their freedom.

The Government of the Democratic Republic of the Congo does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. However, it did demonstrate increased willingness to engage with the international community on certain types of human trafficking occurring within the country. Elements of the national army increasingly perpetrated severe human trafficking abuses during the year, including forcibly recruiting children and using local populations to perform forced labor; some army commanders actively blocked – with complete impunity – efforts to monitor and remove children from their units, obstruction which has persisted for nearly two years. Furthermore, a number of FARDC commanders accused of child soldiering and forced labor abuses in previous reporting periods remained in leadership positions within the army and were not investigated, disciplined in any way, or brought to trial. The FARDC lacked sufficient command and control to compel many commanders to comply with standing orders to release children serving under them or adequately prevent the trafficking violations committed by members of its forces, and ongoing military operations in the eastern part of the country limited the government’s attention to human trafficking.

The government did not show evidence of progress in punishing labor or sex trafficking offenders among members of its own armed forces, but took initial steps investigating three suspected sex and labor trafficking cases. Other advances were noted in demobilizing children from fighting factions, including some from the national army. The government failed, however, to provide protective services for the vast majority of trafficking victims or to raise public awareness of human trafficking.

The government continued to lack sufficient financial, technical, and human resources to effectively address trafficking crimes and provide basic levels of security and social services in most parts of the country. The country’s criminal and military justice systems, including the police, courts, and prisons, were challenged by the shortage of human, material, and financial resources; there were few functioning courts or secure prisons in the country.



Recommendations for the Democratic Republic of the Congo: Investigate and prosecute military and other law enforcement personnel – irrespective of their rank – accused of unlawfully conscripting child soldiers or using local populations to perform forced labor, including in the mining of minerals, and punish convicted offenders; increase efforts to prosecute and punish, as appropriate, non-military trafficking offenders, who utilize forced labor or control women and children in prostitution; cease the FARDC’s tolerance and use of child soldiers, including those forcibly recruited, and demobilize all children from its ranks; allow UN child protection staff unimpeded access to all military sites and *regroupement* centers to identify and remove children; as was the case with the recent integration of the Federal Republican Forces (FRF), continue to ensure that armed groups integrated into the FARDC are vetted for the presence of child soldiers and all associated children removed and demobilized; adopt an action plan to end the recruitment and use of children by the FARDC, including by newly integrated elements; develop a legislative proposal to comprehensively address all forms of human trafficking, including labor trafficking; in partnership with NGOs or religious entities, ensure the provision of short-term protective services to child trafficking victims; and take steps to raise awareness about human trafficking among the general population.

Prosecution

The government made modest progress in investigating suspected trafficking offenses during the reporting period, but failed to convict and punish trafficking offenders. The government’s judicial writ did not cover many areas of the country in which human trafficking occurs, and it remained hamstrung by a critical shortage of magistrates, clerks, and lawyers. The Ministry of Justice was hampered in its overall judicial efforts, including the prosecution of trafficking cases, due to its very small budget of \$67 million – slightly less than one percent of the national budget – for 2010-2011. Corrupt officials allegedly embezzled meager financial resources from government agencies, further complicating the government’s efforts to combat human trafficking through law enforcement training, capacity building, or victim assistance. Existing laws do not prohibit all forms of labor trafficking; however, the July 2006 sexual violence statute, Law 6/018, specifically

prohibits sexual slavery, sex trafficking, child and forced prostitution, and pimping, prescribing penalties for these offenses of three months' to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government has not applied this law to suspected trafficking cases. The Child Protection Code (Law 09/001) also prohibits and prescribes penalties of 10 to 20 years' imprisonment for sexual slavery, child trafficking, child commercial sexual exploitation, and the enlistment of children into the armed forces; it cannot be fully implemented, however, due to the continued absence of necessary decrees from several ministries and a lack of a funding allotment issued by the Ministry of Finance. In July 2010, the government appointed 1,000 of the 2,000 new magistrates that were recruited during the previous reporting period; most began hearing cases, but worked under difficult conditions with few resources. In an effort to further protect children, in January 2011, the prime minister signed a bylaw implementing the creation of juvenile courts specifically focused on children who have suffered violence and abuse or are in conflict with the law. The first such court, opened in Lubumbashi in March 2010, heard 82 cases of children victimized by violence and abuse in its first six months of operation; it is unknown whether any of these cases constituted child trafficking. Additional courts were established in Kinshasa and Bandundu in early 2011.

The government investigated at least three cases of transnational trafficking during the year and apprehended two suspected traffickers. In August 2010, police in Kamako (Kasai Occidental Province) arrested a Congolese man on suspicion of trafficking 35 girls over a 12-month period from DRC to Angola, where he sold each to policemen for amounts between \$80 and \$100. Though police transferred the suspect to the court at Tshikapa for prosecution, he subsequently escaped from prison and is suspected to have returned to Angola. In February 2011, police arrested a second alleged child trafficker in Kamako as he prepared to transport two 12-year-old girls to Angola. During an initial hearing in Tshikapa, he admitted both to his participation in a child trafficking network in Kamako and to previously selling two other girls in Angola for \$600 each; it is unknown whether judicial proceedings transpired in this case. In November 2010, the Congolese National Police (PNC) responded in partnership with Chinese officials in an operation that attempted the rescue of 11 Chinese women allegedly forced into prostitution in a karaoke bar in Kinshasa after being promised jobs in Paris; two Chinese nationals suspected of human trafficking were reportedly detained during the operation and subsequently deported. Bedi Mubuli Engangela (a.k.a. Colonel 106), a former Mai-Mai commander suspected of insurrection and war crimes, including the conscription of children, remains in detention at Malaka Prison in Kinshasa; as in the previous reporting period, the court continues to await the conclusion of the investigation before setting a trial date. The Congolese woman accused of child sex trafficking, whose case was transferred to a Bukavu court for prosecution in February 2010, escaped from the court before her case came to trial.

Impunity for the commission of trafficking crimes by the security forces remained acute; the government made no efforts to hold suspected trafficking offenders within its security forces accountable for the use of civilians for forced labor or the unlawful recruitment and use of child soldiers. There was no evidence of disciplinary, investigative, or legal action taken by authorities, either during the reporting period or in recent years, following the commission of such abuses. Lieutenant Colonel Jean-Pierre Biyoyo, formerly of the Mudundu-40 armed group and the first person convicted by Congolese courts of conscripting children, has not been re-apprehended since his escape from prison in June 2006 and is currently serving as the Commander of FARDC's Sector 31 of the *Amani Leo* campaign in Walungu, South Kivu. "Captain Gaston," an armed group commander allegedly responsible for the mid-2006 murder of an NGO child protection advocate attempting to identify and remove child soldiers, remained at large in Kitchanga, North Kivu during the reporting period; his January 2007 arrest warrant has not been executed and, after being promoted by the FARDC to the rank of major, he is leading a FARDC battalion between Ngungu and Karuba.

Protection

Elements of the governmental security forces continued to victimize, rather than protect, local populations during the reporting period. Although the government assisted in the identification and demobilization of child soldiers, it offered minimal protection to other types of trafficking victims; NGOs provided nearly all of the limited shelter, legal, medical, and psychological services available to trafficking victims. It is unknown whether the government provided any services to the child victims identified in Kamako in 2010. The government lacked procedures for proactively identifying victims of trafficking among vulnerable groups or referring victims to protective services. Although the national government did not address forced labor in the mining sector, provincial Ministries of Education in Orientale, Kasai-Oriental, and Katanga coordinated with two international NGOs during the first half of the reporting period to reintegrate children working in mines into the formal education system. Katanga's provincial Ministry of Interior continued to provide funding for the two *Kasapa* residential "welcome centers" in Lubumbashi to provide 206 street children, including trafficking victims, with protective services and educational programming; the center for girls provided care to an unknown number of children engaged in street prostitution in 2010. Though government officials recognized the growing problem of child prostitution in the country, they took no concrete action against it. The government did not show evidence of encouraging victims to assist in investigations against their traffickers. It offered no legal alternatives to the removal of foreign victims to countries in which they may face hardship or retribution; there were, however, few foreign trafficking victims identified within the DRC in 2010 and the government has consistently allowed for the safe repatriation of foreign child soldiers in cooperation with MONUSCO.

Under the National Disarmament, Demobilization, and Reintegration Plan, all ex-combatants, including child soldiers, pass through a common process during which

they disarm and receive information about military and civilian reintegration options. During this process, the National Demobilization Agency (UEPN-DDR), in cooperation with MONUSCO and UNICEF, separated and transported any identified children to NGO-run centers for temporary housing and vocational training; according to MONUSCO, 1,656 child soldiers, some of whom may have been trafficking victims, were rescued from armed groups through this process in 2010, including 130 from the FARDC. All reintegrated child soldiers remain highly vulnerable to re-recruitment. In a positive development, FARDC commanders proactively requested assistance in February 2010 from MONUSCO's Child Protection Section in demobilizing children associated with the FRF – estimated to comprise 40 percent of the armed group – prior to the group's integration into the FARDC.

While the FARDC high command was generally supportive of MONUSCO's efforts to remove children from its forces during the reporting period, it lacked sufficient command and control to compel many FARDC commanders to comply with standing orders to release their child soldiers, or to prevent ground troops from recruiting additional children or subjecting local populations to forced labor. Certain FARDC commanders actively blocked efforts by MONUSCO to separate children from their ranks and some FARDC elements continued to harass, arrest, and physically mistreat children formerly associated with armed groups. For example, Colonel Gwigwi Busogi, commander of the FARDC's 24th Sector in Kalehe (South Kivu) for the first half of the reporting period, continued to use children and systematically obstructed verification and separation efforts, including by hiding associated children; between May and August 2010, MONUSCO's Child Protection Section documented 15 cases of children used as soldiers by senior officers under Gwigwi's command. In the framework of *Amani Leo* operations, UN staff conducted over 50 screenings in 2010 to identify child soldiers among FARDC troops, resulting in only five children being separated. In spite of senior officers' willingness for the screenings, only a small percentage of units were made available by the immediate commanders for screening, highlighting the lack of control and command present in the FARDC. During the reporting period, the FARDC occasionally detained demobilized child soldiers on charges of membership in illegal armed groups and interrogated them for information.

Prevention

The government made no significant efforts to prevent human trafficking during the reporting period. While the country has an inter-ministerial body focused on human rights, there is a lack of coordination of anti-trafficking efforts at the national level. Although the National Ministry of Labor remained responsible for inspecting worksites for child labor and it employed 160 inspectors nationwide, including 10 in the mining region of Katanga Province, the ministry neither conducted any forced child labor investigations nor identified any cases of forced child labor in 2010 and had no system to track child labor complaints; inspectors often lacked means of transportation or resources to carry out their work. In July 2010, the Minister of Labor issued a decree nominating

members to serve on the Permanent Secretariat of the National Committee Against the Worst Forms of Child Labor, which would oversee the committee's work; neither body took any known action against child labor during the reporting period. Provincial Worst Forms of Child Labor Committees – comprised of staff from various provincial ministries and community members – were established in Katanga, Kasai-Oriental, and Orientale (Ituri District) Provinces. While these committees reportedly developed annual work plans for 2010, it is unknown what action they took, if any, to implement these plans. In the first half of the reporting period, the Provincial Ministries of Education in Orientale, Kasai-Oriental, and Katanga worked closely with two international NGOs in implementing projects to reinsert over 13,000 children working in mines into the formal education system. The government did not take any known measures during the reporting period to reduce the demand for forced labor or commercial sex acts.

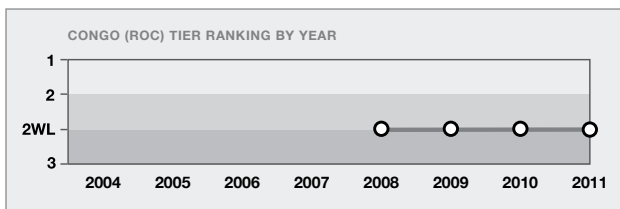
During the year, the Ministry of Defense publicly maintained its adherence to its "zero tolerance" policy regarding the recruitment of children and refused to engage in discussion regarding children used by government forces, claiming that rebel groups were the sole perpetrators of these crimes. While the government took no formal action committing to a UN-sponsored action plan to end the recruitment and use of child soldiers during the reporting period, many levels of the government were engaged in discussions about the UN plan. In December 2010, the FARDC published a new Code of Conduct to guide the actions of its forces; several articles in the code prohibit soldiers' perpetration of human trafficking crimes. In March 2011, FARDC staff held a three-day seminar to raise awareness of 50 army officers regarding the new code of conduct.

CONGO, REPUBLIC OF THE (Tier 2 Watch List)

The Republic of the Congo (ROC) is a source, transit, and destination country primarily for children, and possibly men and women, subjected to forced labor and, to a lesser extent, sex trafficking. Most child trafficking victims are from Benin, though Togo, Mali, Guinea, Cameroon, Senegal, and the Democratic Republic of the Congo are also sources of victims subjected to forced domestic labor, market vending, and fishing, as well as commercial sexual exploitation. UNICEF reports the majority of child trafficking victims are exploited as vendors in traditional local markets, while approximately 23 percent of victims are forced into prostitution; the average age of child sex trafficking victims is 9. Child victims experience harsh treatment, long work hours, and have almost no access to education or health services; they receive little or no remuneration for their work. The majority of internally trafficked children migrate from the Pool Region to Pointe Noire and Brazzaville to serve as domestic laborers for relatives.

The Government of the Republic of the Congo does not fully comply with the minimum standards for the elimination of trafficking. The government did not

demonstrate evidence of significant efforts to investigate and prosecute trafficking offenses or to convict and punish trafficking offenders; therefore, the Republic of the Congo is placed on Tier 2 Watch List for a fourth consecutive year. The Republic of the Congo was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the government has a written plan that, if implemented, would constitute making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, and the government is devoting sufficient resources to implement that plan. The government enacted the Child Protection Code in June 2010, informally referred victims to foster care, and continued implementation of its 2009-2010 National Action Plan. A lack of trained law enforcement personnel and adequate, consistent funding for prevention efforts seriously limited the government's ability to address trafficking and assist victims.



Recommendations for the Republic of the Congo:

Greatly increase efforts to investigate and prosecute trafficking offenses and to convict and punish trafficking offenders under the 2010 Child Protection Code; ratify the 2000 UN TIP Protocol; amend the country's penal code to include an adequate definition of human trafficking, including the enactment of provisions prohibiting the trafficking of adults; develop formal procedures to identify trafficking victims among child laborers, illegal immigrants, and women and girls in prostitution; provide care to trafficking victims via government-funded programs, including medical, psychological, and legal services, and develop a formal mechanism to refer victims to such care; train additional law enforcement officials, immigration officials, and social workers in the use of identification and referral procedures; and continue anti-trafficking awareness campaigns.

Prosecution

The Congolese government demonstrated minimal law enforcement efforts during the reporting period. It neither prosecuted trafficking offenses nor convicted trafficking offenders in 2010. The Child Protection Law, which prohibits and prescribes punishments for child trafficking, was passed by the senate in August 2009 and enacted by presidential signature in June 2010. This is the first statute to explicitly prohibit and punish child trafficking in the ROC. Chapter 2, Article 60 prohibits the trafficking, sale, trading, and exploitation of children and Article 115 prescribes penalties of forced work for an undefined period and fines of between \$2,151 and \$21,511 for these crimes. Article 68, a non-trafficking statute, also prohibits the worst forms of child labor, including the forced labor and prostitution of children, prescribing penalties, under Article 122, of three months' to one

year's imprisonment or fines of between \$108 and \$1,076. Article 4 of the Congolese Labor Code prohibits forced or compulsory labor, imposing fines of between \$1,290 to \$1,936 for first time offenders, under Article 257. The Penal Code, which prohibits forced prostitution, may be used to prosecute trafficking offenses involving adults. None of these penalties are sufficiently stringent and the penalties for sex trafficking are not commensurate with penalties prescribed for other serious crimes, such as rape. The government did not investigate any suspected cases of human trafficking during the reporting period. Two prosecutions based on child trafficking charges filed several years ago reportedly remained pending while six prosecutions were settled out of court last year, and none resulted in a conviction or acquittal in 2010. The Ministry of Labor did not report investigating or otherwise addressing any cases of forced child labor in 2010. A lack of awareness of the child trafficking law among law enforcement officials, including labor inspectors, combined with insufficient capacity to prosecute offenders in the ROC's slow judicial system, inhibits the government from effectively addressing trafficking crimes. Moreover, the government made little effort during the reporting period to provide anti-trafficking training to law enforcement officials. The government did not provide data on the investigation, prosecution, or punishment of government officials complicit in human trafficking.

Protection

The Congolese government provided minimal protection services to trafficking victims during the reporting period, though it did identify victims and informally refer them to government-subsidized foster families. The Ministry of Social Affairs, specifically the *Direction Departementale des Affaires Sociales* (DDAS), provided victim care by collaborating with NGOs, partially funding selected foster families, and working with other government agencies to repatriate victims. DDAS and NGOs identified 32 child trafficking victims during the reporting period and the Ministry of Social Affairs utilized an informal referral system to provide accommodation for all 32 victims in foster families funded by the ministry; eventually, 26 were repatriated to their countries of origin, two were locally reinserted permanently, and four remain in foster families, while waiting to be reinserted locally. This foster care system, created in July 2009, ensures trafficking victims remain safe while the government and NGOs conduct family tracing. The government provided foster families \$10 per child per day to ensure the victim's basic needs are met. The government also provided medical care on a case-by-case basis, including medical exams and treatment, in case of illness or hospitalization, by partnering with local hospitals, and subsidized these costs. NGOs provided either a portion or the majority of the funding for all other victim assistance programs; no government funding was provided directly to these NGOs during the reporting period. The government funded a local reinsertion program that consisted of trainings received by some of the identified child victims in local vocational schools, but the government did not specify the amount of funding or the number of children involved in this program. The government offered foreign trafficking victims temporary residency status prior to repatriation and provided them

the same access to accommodation in foster families. In 2010, in cooperation with NGOs and UNICEF, DDAS approved a guide for the identification and repatriation of victims, as well as the Procedural Manual for the Support and Care of Child Trafficking Victims. Published in January 2011 by UNICEF, the manual provides best practices on monitoring trafficked children and standard measures to best serve the victims. Law enforcement, immigration, and social services personnel did not have a formal system to guide them in the proactive identification of victims among vulnerable groups. However, throughout 2010, the government provided specialized anti-trafficking training for 32 individuals from the Ministry of Social Affairs, Border Police, National Police, and community and faith-based groups on techniques for identifying child trafficking victims. The Ministry of Social Affairs, in partnership with UNICEF, trained government-employed social workers on listening and counseling techniques for the psychological care of child trafficking victims in June 2010. Trafficking victims were not jailed or otherwise penalized for unlawful acts committed as a direct result of being trafficked. The government encouraged victims to assist in the investigation and prosecution of their traffickers.

Prevention

The government maintained modest efforts to prevent trafficking during the year. DDAS, in cooperation with UNICEF, led and funded the implementation of the 2009-2010 Action Plan to Fight Child Trafficking; the government provided \$60,500 and UNICEF contributed \$140,000. DDAS continued to lead an anti-trafficking task force, charged with implementing the action plan, which included representatives from the Ministry of Social Affairs, the National Police, the Border Patrol, and other government agencies, as well as NGOs, community leaders, and faith-based organizations. The 2011-2013 National Action Plan is nearly finalized. The government budgeted \$100,000 for DDAS's anti-trafficking work in the 2011 budget, the first anti-trafficking budget item in the ROC; this funding has not yet been allocated. In April and October 2010, DDAS partnered with an NGO, the mayor's office, media outlets, community leaders, religious leaders, and a fishing community organization on trafficking awareness campaigns in Pointe Noire, utilizing radio and television announcements, door-to-door visits, religious gatherings, market radio, and theater productions. The government also partnered with UNICEF to raise awareness about the existence of trafficking in the ROC; these campaigns reportedly reached over 29,000 people. The government did not take measures to reduce the demand for commercial sex acts during the reporting period. The ROC is not a party to the 2000 UN TIP Protocol.

COSTA RICA (Tier 2 Watch List)

Costa Rica is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Costa Rican women and children are subjected to sex trafficking within the country, and residents of the north and central Pacific coast zones are particularly vulnerable to internal trafficking. Women and girls from Nicaragua, the Dominican Republic, and

other Latin American countries have been identified in Costa Rica as victims of sex trafficking and forced domestic service. Child sex tourism is a serious problem, particularly in the provinces of Guanacaste, Limon, Puntarenas, and San Jose. Child sex tourists arrive mostly from the United States, Germany, Sweden, and Italy. Costa Rica is increasingly a destination for men from other Central American countries and from Asian countries subjected to conditions of forced labor, particularly in the agriculture, construction, and fishing sectors. During the reporting period, more than 40 men from Indonesia, the Philippines, China, and Vietnam were found in conditions of forced labor in the fishing industry, and authorities identified three men from El Salvador who were subjected to forced labor on a farm. Costa Rica serves as a transit point for migrants *en route* to the United States, some of whom may fall victim to human trafficking.

The Government of Costa Rica does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. These significant efforts included the government's implementation of procedures to identify and assist trafficking victims, increased staffing of the anti-trafficking police unit, and the creation of a special team to identify potential trafficking victims among migrants. Authorities, however, failed to convict or sentence any trafficking offenders, did not maintain specialized services or shelters for trafficking victims, and made limited efforts to raise public awareness about human trafficking. The government did not demonstrate evidence of overall increasing efforts over the previous reporting period; therefore, Costa Rica is placed on Tier 2 Watch List.



Recommendations for Costa Rica: Intensify efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; strengthen prosecutorial efforts, perhaps through creating a dedicated unit for trafficking or through increased training and focus on trafficking cases; amend trafficking legislation to include human trafficking cases not involving movement; increase funding for specialized services for trafficking victims, particularly adults, possibly through the establishment of a shelter specifically for trafficking victims or through funding NGOs to provide services; continue to offer training to police officers, immigration officials, prosecutors, and judges on how to identify and respond to trafficking cases; increase funding for dedicated anti-trafficking units and for anti-trafficking awareness efforts; and improve data collection for trafficking prosecutions and convictions.

Prosecution

The Government of Costa Rica investigated and prosecuted several trafficking cases involving both foreign and domestic victims during the reporting period, but failed to achieve any convictions. Article 172 of the penal code, which was amended in April 2009, prescribes penalties of six to 10 years' imprisonment for the movement of persons both across borders and within the country for the purposes of prostitution, sexual or labor servitude, slavery, forced work or services, servile marriage, forced begging, or other forms of compelled service. This statute also prohibits illegal adoption, a crime separate from human trafficking. Sentences may be increased to eight to 16 years' imprisonment under aggravated circumstances, such as the victimization of a child or a trafficker's use of deception, violence, intimidation, or coercion. The penalties set forth in amended Article 172 are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. There have been no reported successful prosecutions under this law. Articles 376 and 377 of the penal code additionally prohibit child sex trafficking, prescribing penalties of two to four years' imprisonment. Law 8754 authorizes the use of extensive investigative measures such as wiretapping in human trafficking cases, and law enforcement officials used these tactics during 2010. Lack of familiarity with the new legislation impeded the enforcement of these laws. A draft law currently before the Congress contains robust victim protections and detailed descriptions of government responsibilities and interagency cooperation mechanisms. The definition of trafficking in the draft law, however, does not require force, fraud, or coercion as an element of the crime and requires movement for a crime to be considering trafficking.

The law enforcement anti-trafficking unit of eight investigators was strengthened during the year and reported conducting at least 20 investigations. Several law enforcement operations were conducted in partnership with NGO staff. These efforts, however, did not lead to any successful prosecutions. Some NGOs and officials noted that prosecutors lagged in their understanding of the crime. There was no specialized prosecutorial unit for trafficking crimes; rather, prosecutors from the sex crimes unit, the organized crimes unit and the "various crimes" unit all handled trafficking cases. During 2009, the latest period for which official statistics are available, authorities prosecuted 41 trafficking cases and six cases of child trafficking under Article 172. There were no reported convictions for trafficking in persons crimes in 2009, compared with five convictions achieved in 2008. The Government of Costa Rica worked closely with foreign governments on several cases during the year, including the governments of China, Panama, Vietnam, and the United States. The government-run national coalition provided training to 207 public officials on human trafficking. The government did not report any investigations, prosecutions, convictions, or sentences of public officials complicit in human trafficking.

Protection

The Costa Rican government improved its efforts to identify and assist trafficking victims and identified a record number of foreign victims, but again did not fund specialized services or shelters, relying on NGOs and

international organizations to provide most specialized victim care. The government continued to implement its "immediate attention" protocol, which defined the steps for different government institutions to take in identifying, protecting, and providing integrated assistance to victims. During the year, officials created a team to detect humanitarian issues, including human trafficking, among migrants. Authorities provided members of the national anti-trafficking coalition with a model of integrated attention for trafficking victims and trained member institutions on implementing the model, although an NGO noted that the majority of working-level officials and NGO staff were unaware of the model and that implementation was weak. There were no government-funded shelter services dedicated to human trafficking victims. Authorities maintained short-term government shelters for female victims of domestic violence and for at-risk youth, and authorities reported that some child trafficking victims received services at these shelters during the reporting period. The government often relied on NGOs and religious organizations to provide specialized care for trafficking victims and did not provide funding to these institutions. It did maintain, however, a formalized referral process. All foreign male trafficking victims identified during the year were housed in hostels with funding and support from an international organization.

All 60 of the trafficking victims that the coalition reported identifying during the reporting period were foreign citizens, despite NGOs and law enforcement officials identifying several Costa Rican victims. Foreign victims were eligible for the same services as Costa Rican citizens. The government provided legal, psychological, and basic health assistance, though NGOs noted the need for greater government efforts to reintegrate Costa Rican victims into their communities. The government generally did not penalize identified victims for unlawful acts committed as a direct result of being trafficked. The government granted special visas or temporary residency status to several victims during the reporting period, though most victims preferred to return to their home countries. Costa Rican authorities encouraged victims to assist with the investigation and prosecution of trafficking offenders, and some victims did so during the reporting period. An NGO reported that some victims, however, were unwilling to file police reports or to collaborate with investigations due to lack of confidence in the judicial system. Funding for witness protection increased but remained limited.

Prevention

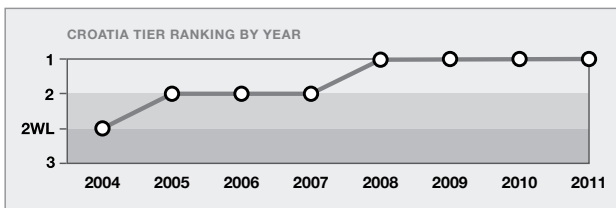
The Government of Costa Rica sustained limited prevention efforts during the reporting year. Authorities continued to partner with civil society on awareness efforts, but did not fund any information or education campaigns. The government's anti-trafficking directorate, which coordinated the national anti-trafficking coalition, was moved to the Migration Office during the year and continued to lead government efforts, though anti-trafficking actors noted that the coalition rarely met rarely during the year. The coalition, however, did conduct an extensive assessment of the government's anti-trafficking efforts and created an action plan for 2011, though these documents were not publicly distributed. The

National Commission to Combat the Commercial Sexual Exploitation of Children and Adolescents continued to implement its national plan. NGOs reported that some officials continued to conflate trafficking with smuggling or only understand trafficking as a transnational crime. Authorities prosecuted a U.S. citizen for alleged commercial sexual exploitation of a child, though there were no reported convictions of child sex tourists during the reporting period. The government reported no other efforts to reduce the demand for commercial sex or forced labor during the reporting period.

CROATIA (Tier 1)

Croatia is a destination, source, and transit country for men, women, and children subjected to conditions of sex trafficking and forced labor. Croatian women and girls fall victim to sex trafficking within the country, and women and girls from Serbia, Bosnia and Herzegovina, and other parts of Eastern Europe are subjected to sex trafficking in Croatia. Some Croatian women and girls are subjected to sex trafficking in Western European countries. Women and men reportedly have been subjected to forced labor in agricultural sectors, and children, including Roma, are subjected to forced begging, theft, labor, and sexual exploitation.

The Government of Croatia fully complies with the minimum standards for the elimination of trafficking. During the reporting period, the government sustained its anti-trafficking law enforcement efforts, though it showed mixed efforts in victim protection this year. Although the number of victims identified and cared for increased during the reporting period, the funding to care for those victims decreased. Of concern, the government failed to identify children in prostitution as victims of trafficking, instead prosecuting them for prostitution. The government's efforts on prevention, however, did improve; it focused research and outreach efforts on understanding and combating labor trafficking.



Recommendations for Croatia: Intensify efforts to identify trafficking victims proactively among vulnerable populations, particularly women and children in prostitution, children engaged in begging, and migrant men in the agricultural sector; ensure that identified trafficking victims are not punished for committing unlawful acts as a direct result of being trafficked; strengthen partnerships with NGOs to enlist their help in identifying victims during authorities' initial contact with potential victims among women and children detained for prostitution offenses; ensure that trafficking offenders are punished with sentences commensurate with the gravity of the crime committed; intensify investigations of trafficking

crimes in high tourism sectors and other areas with prostitution; expand awareness efforts to educate clients of the sex trade about the demand for commercial sex acts and forced labor; and educate the public about prostitution and its links to trafficking.

Prosecution

The Government of Croatia increased the number of trafficking offenders investigated and prosecuted for trafficking during the year, though its number of trafficking convictions diminished. Sentences for trafficking were also lower in 2010. Croatia prohibits both forced labor and sex trafficking through Criminal Provision 175 of its penal code. Provision 175 prescribes penalties of one to 10 years' imprisonment, or higher sentences if the offense is aggravated; these penalties are sufficiently stringent and are commensurate with those prescribed for rape. During the reporting period, the Government of Croatia investigated 19 suspected trafficking offenders, an increase from 13 investigated in 2009. The Croatian authorities prosecuted 10 alleged trafficking offenders and convicted three in 2010; this compares with six suspected offenders prosecuted and six convicted in 2009. There were no convictions of labor trafficking offenders reported. The sex trafficking offenders received prison sentences ranging from one year to one year and six months. These sentences were lower than those imposed in 2009, during which trafficking offenders received sentences of two to eight years' imprisonment. During the reporting period, the Ministry of Interior trained 930 border police and 110 traffic police on combating human trafficking. The government did not report the investigation, prosecution, conviction, or sentencing of any public officials complicit in human trafficking.

Protection

The government demonstrated adequate efforts to protect trafficking victims in 2010, despite penalizing children in prostitution. The government funded two NGO trafficking shelters, one for adults and one for women and minors. The Croatian government provided \$68,759 to sustain the shelters this year, a decrease from \$96,461 in funding provided in 2009. Foreign victims were offered the same standard of care as domestic victims, including medical care. Adult victims of trafficking were not detained in the shelters; they were allowed to leave shelters at will. The government reported identifying 12 victims of trafficking during the reporting period, an increase from the eight victims identified in 2009. This year, eight victims of trafficking were cared for in the government-funded shelters, an increase from four victims cared for in shelters in the prior year. The government continued employing a national referral mechanism to identify and care for victims, deploying mobile teams with NGO participation to identify and refer trafficking victims for assistance. There were continuing reports, however, that police officers misidentified cases of trafficking at the initial identification stage, before mobile teams were summoned, and NGOs urged the government to use the referral mechanism for all potential cases of trafficking. There was at least one case in which the national referral mechanism failed to identify or care for victims of trafficking. The Croatian government

prosecuted two children in prostitution and failed to identify them as trafficking victims.

The Government of Croatia made efforts to improve its identification of labor trafficking victims. The government collaborated with the International Center for Migration Policy Development to assess labor trafficking trends and prepare handbooks and guidelines for its officials on labor exploitation. From March through September 2010, the Government of Croatia held eight training sessions, for approximately 240 officials, to educate law enforcement, labor inspectors, and prosecutors on identifying and protecting victims of labor trafficking. The government provided legal alternatives to removal to victims of trafficking facing hardship or retribution at home through its temporary residence permits for victims, initially from six months to one year, which the government could extend based on a subsequent needs assessment. The government of Croatia encouraged victims of trafficking to participate in the criminal investigation of the offense; all victims participated this year in the investigative phase and two victims participated in the prosecution of the trafficking offenders.

Prevention

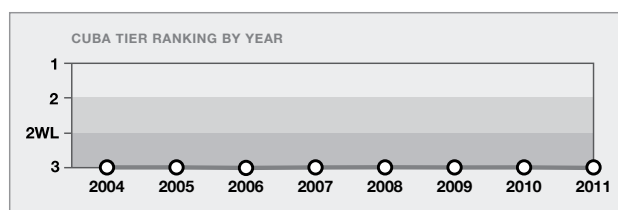
The Croatian government continued its strong efforts to prevent trafficking in persons during the year. The government monitored anti-trafficking efforts through its Anti-Trafficking Coordinator and its National Committee for the Suppression of Trafficking. The government published an annual report on its trafficking activities that it made available on its website. The government gathered data on its anti-trafficking activities, though not in a centralized or systematic method. It provided \$45,454 to an NGO for work on trafficking prevention, including the support of a trafficking hotline. The government engaged in diverse trafficking training activities throughout the year. The Ministry of Interior delivered seminars for over 1,000 high school students on combating trafficking. In November, the Government Office for Human Rights and the Ministry of Tourism organized training on identifying trafficking victims for 50 tourist workers in the resort town Opatija. In May, the Office for Human Rights trained 40 students at the Croatian Diplomatic Academy on the national and international legal framework for combating trafficking. Croatian authorities provided training on human trafficking for both military and police personnel prior to their deployment abroad on international peacekeeping missions. The government's public awareness campaign addressed the demand for exploitation, including sex trafficking, but did not take specific measures to educate potential consumers of prostitution about the dangers inherent in the process. The government also funded NGOs that encouraged women to leave prostitution.

CUBA (Tier 3)

Cuba is a source country for adults and some children subjected to forced labor and sex trafficking. Some Cuban medical professionals assigned to work abroad have claimed that their passports were retained as a means of keeping them in a state of exploitation, thus

preventing them from traveling freely. Prostitution of children reportedly occurs in Cuba as prostitution is not criminalized for anyone above 16 years old. The scope of trafficking within Cuba is particularly difficult to gauge due to the closed nature of the government and sparse non-governmental or independent reporting.

The Government of Cuba does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government did not publicize information about government measures to address human trafficking through prosecution, protection, or prevention efforts during the reporting period.



Recommendations for Cuba: Investigate reports of involuntary labor of Cuban citizens; in partnership with trafficking victim specialists, ensure adults and children have access to specialized trafficking victim protection and assistance; take measures to ensure identified sex and labor trafficking victims are not punished for unlawful acts committed as a direct result of being trafficked; and publicize measures to address human trafficking through prosecution, protection, or prevention efforts.

Prosecution

The Government of Cuba did not report discernible progress on investigating or prosecuting trafficking offenses or convicting and punishing trafficking offenders during the reporting period. Cuba appears to prohibit most forms of trafficking activity through various provisions of its penal code; however, the use of these provisions could not be verified, and prostitution of children over the age of 16 is legal, leaving children over 16 particularly vulnerable to commercial sexual exploitation. The government did not share official data relating to Cuban investigations, prosecutions, and convictions of trafficking offenders, including any officials complicit in human trafficking, in 2010 or any other year. The government did not report any anti-trafficking training provided to officials.

Protection

The government did not publicize official data on protection of trafficking victims during the reporting period. The government did not report any procedures in place to guide officials in proactively identifying trafficking victims in vulnerable groups (such as people in prostitution) and referring them to available services. The government operates at least two well-regarded facilities for the treatment of children who have been sexually and physically abused. In addition, the government operates a nationwide network of shelters for victims of domestic violence or child abuse, but the government did not

verify if trafficking victims received treatment in these centers. Adult victims reportedly reside in these shelters voluntarily. The government provided no evidence that it encouraged trafficking victims to assist in the investigation and prosecution of trafficking offenders. The government did not report on the existence of any procedures to ensure identified trafficking victims were not punished for crimes committed as a direct result of being trafficked.

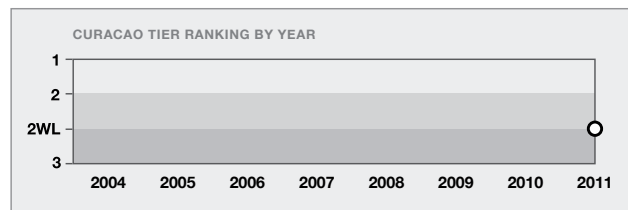
Prevention

To date, the government has made limited anti-trafficking prevention efforts. The government did not implement any known public awareness campaigns to prevent forced labor or forced prostitution. The government did not report the existence of an anti-trafficking task force, monitoring mechanism, or anti-trafficking action plan. Transparency was lacking in the government's trafficking-related policies and activities; it did not report publicly on its efforts. The government made no known efforts to reduce the demand for commercial sex. The government has not reported identification of a child sex tourism problem involving its nationals or within Cuba. Cuba is not a party to the 2000 UN TIP Protocol.

CURACAO (Tier 2 Watch List)*

Curacao is a source, transit, and destination area for women, children, and men who are subjected to sex trafficking and forced labor. There are indications that child prostitution may be a problem in Curacao and that some of the hundreds of migrant women in Curacao's regulated and illegal prostitution are victims of forced prostitution. Local authorities believe that migrant workers have also been subjected to forced domestic service and forced labor in construction, landscaping, and shops. Some migrants in restaurants and local businesses may be vulnerable to debt bondage. Foreign trafficking victims originate in Colombia, the Dominican Republic, Haiti, and Asia.

The Government of Curacao does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government has not shown evidence of increasing efforts over the previous year; therefore Curacao is placed on Tier 2 Watch List. Curacaoan authorities identified at least four potential victims of forced labor during the year. This accomplishment, however, was overshadowed by the lack of progress in enacting comprehensive legislation – which remained stalled in parliament – that would prohibit all forms of human trafficking and weak victim protections, as well as the lack of identification of victims of forced or child prostitution, despite a large population of people that are vulnerable to sex trafficking.



Recommendations for Curacao: Enact legislation prohibiting all forms of human trafficking and prescribing punishments commensurate with other serious crimes such as rape; implement formal victim protection measures to guide officials, including health workers, on how to identify victims and how to assist victims of both forced labor and sex trafficking; make a robust and transparent effort to identify and assist potential victims of sex trafficking and forced labor in Curacao.

Prosecution

The government of Curacao demonstrated minimal efforts in the prosecution of trafficking offenders. Curacao's laws do not appear to cover all forms of human trafficking and prescribed penalties under Curacao's trafficking-related laws do not appear to be commensurate with those penalties prescribed under separate laws for other serious crimes, such as rape. For another year, comprehensive legislation prohibiting all forms of trafficking remained pending; this greatly hindered officials' efforts to combat sex trafficking and forced labor in Curacao. The government reported at least two investigations of alleged trafficking offenses, but no prosecutions or convictions of sex or labor trafficking offenders. The government did not fund any anti-trafficking training for government officials during the reporting period, but a government official reportedly distributed a trafficking awareness handbook to law enforcement officials and public prosecutors.

Protection

The government's victim protection measures were weak. The lack of identification of sex trafficking victims in Curacao, despite the very large vulnerable population of foreign women and girls in prostitution in Curacao's sex trade, highlights the ineffectiveness of the government's victim identification measures. In a positive development, law enforcement proactively identified at least four potential victims of forced labor during the reporting period, but it did not identify any victims of sex trafficking. The government reported its use of a formal mechanism to refer identified victims to available services. The government operated multi-purpose shelter facilities and provided health care for victims of trafficking during the reporting period. The identified victims in Curacao declined assistance; however, the government reportedly provided quality assistance to several sex trafficking victims identified in Aruba under the partnership forged through the Kingdom of the Netherlands' anti-trafficking memorandum of understanding. The government

* Curacao is a semi-autonomous entity within the Kingdom of the Netherlands. The Kingdom Charter divides responsibility among the co-equal parts of the Kingdom based on jurisdiction. For the purpose of this report, Curacao is not a "country" to which the minimum standards for the elimination of trafficking in the Trafficking Victims Protection Act apply. This narrative reflects how Curacao would be assessed if it were a separate, independent country.

reported encouraging trafficking victims to participate in investigations and prosecutions of trafficking offenders, though no victims chose to participate in prosecutions during the reporting period. The government did not grant temporary or longer-term residency status to any foreign victims of trafficking during the year. The government did not have a policy to protect identified victims from being punished for crimes committed as a direct result of being trafficked.

Prevention

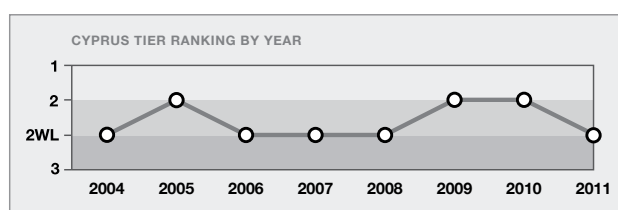
The government did not implement any campaigns to raise public awareness about forced labor and forced prostitution, or aimed at reducing the demand for commercial sex acts. The government did not employ a formal mechanism to monitor its anti-trafficking efforts. The Curacaoan government maintained a multidisciplinary trafficking in persons working group. The government has not identified a child sex tourism problem involving Curacao.

CYPRUS (Tier 2 Watch List)

Cyprus is a destination country for men and women who are subjected to forced labor and forced prostitution. NGOs report that trafficking victims in Cyprus originate from Russia, Moldova, Ukraine, Hungary, Bulgaria, Romania, Belarus, the Philippines, Morocco, China, Vietnam, Uzbekistan, Greece, the United Kingdom, Colombia and the Dominican Republic. During the reporting period, the government identified victims from Vietnam, China, the Philippines, Egypt, Romania, Bulgaria, India, Nepal, Cameroon, Ukraine, and Estonia. Sex trafficking occurs within commercial sex industry outlets in Cyprus, including cabarets, bars, pubs, and massage parlors disguised as private apartments. Groups vulnerable to forced labor include domestic workers from Vietnam, as well as asylum seekers, foreign migrants, and EU citizens from Romania and Bulgaria working in the construction and agricultural sectors. NGOs continue to report that Roma children, as well as children of migrants and asylum seekers, remain especially vulnerable to prostitution and other forms of trafficking. Local authorities and NGOs noted an increase in street prostitution in the country involving women from Romania, China, Vietnam and the Philippines in 2010; these women are vulnerable to trafficking given the debts incurred by migrating to Cyprus.

The Government of Cyprus does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Some observers allege that trafficking-related complicity significantly hampered the government's anti-trafficking efforts though the government took some initial steps to address it. The government also initiated implementation of its April 2010 National Action Plan (NAP) during the reporting period. Despite these efforts, however, the government failed to demonstrate evidence of increasing efforts to address human trafficking over the previous reporting period; therefore, Cyprus is placed on Tier 2 Watch List. The government failed to vigorously prosecute or convict trafficking offenders; very few prosecutions

resulted in traffickers being held accountable in 2010. Further, the government did not convict or sentence any officials complicit in trafficking in Cyprus, which observers allege continued to be a significant problem. Although the government dedicated significant resources to its NAP, implementation of the plan was slow. The government made few improvements in the protection of victims; it did not ensure procedures for the safe repatriation of foreign victims. The *artiste* visa that was of grave concern in previous reporting periods was replaced with other visa or work permit categories which traffickers have managed to exploit to import women into the commercial sex industry, a major locus of human trafficking. The government has yet to implement a nationwide campaign to specifically address demand within the context of Cyprus, in order to educate clients about the realities of forced prostitution inherent to the island's sex industry.



Recommendations for Cyprus: Undertake greater measures to prosecute, convict, and sentence trafficking offenders; impose punishments of imprisonment that are commensurate with punishments imposed on other serious criminal offenders; aggressively prosecute and seek convictions of any officials complicit in trafficking; implement a guide for all front-line responders – not only for police – outlining identification, referral, and protection procedures for potential trafficking victims; improve partnerships with NGOs in protecting and assisting victims; ensure that victims are offered legal alternatives to their removal to countries where they may face possible retribution and hardship; proactively implement the National Action Plan on trafficking; and launch a demand reduction campaign specifically aimed at Cypriot clients of prostitution to educate them about the link between prostitution and trafficking.

Prosecution

The Government of Cyprus maintained its efforts in the prosecution of suspected traffickers, but convictions and punishment of trafficking offenders in 2010 were inadequate. Cyprus prohibits both sex and labor trafficking through its Law 87 (I) of 2007, which also contains protection measures for victims. Although penalties of up to 20 years' imprisonment are prescribed for sex trafficking, these penalties are not commensurate with those prescribed for other serious crimes, such as rape, for which the maximum sentence is life in prison. During the reporting period, the government investigated 29 suspected cases of trafficking, an increase from 17 suspected trafficking cases in 2009. Although there were 41 ongoing trafficking prosecutions at the end of 2009, the government secured convictions in only three cases, convicting three trafficking offenders in 2010 and one in 2011. Punishments for these offenders were woefully inadequate: one offender

was sentenced to six months' imprisonment with the suspension of an additional three years' imprisonment, one was convicted to 12 months in prison, and the two others each received a nine-month sentence. These few convictions represent a significant decline from the previous reporting period, when the government convicted 10 traffickers. Furthermore, the government did not demonstrate adequate follow-up on a large forced labor case from November 2009, when police arrested and charged three suspects for subjecting 95 Romanians to forced labor, mostly in the construction sector; the ringleader reportedly used debt bondage and hired enforcers to control the victims who were forced to live in converted shipping containers in an isolated industrial area near Nicosia. The government has yet to begin prosecution in this case; all suspects continue to be free on bail. Despite a significant anti-trafficking budget, the government failed to fulfill its pledges to devote additional resources to its five-member specialized anti-trafficking unit.

The government took some initial steps to address alleged trafficking complicity of public officials during the reporting period. In March 2011, police arrested the assistant chief of the Aliens and Immigration Unit for his suspected involvement in trafficking. This unit has direct responsibility for the oversight and inspection of all bars, cabarets, and other commercial sex establishments in Cyprus. NGOs had repeatedly reported concerns about this officer and asked for his transfer. This official, however, was released on bail a short time after his arrest. An NGO issued a statement expressing satisfaction with the arrest, citing the "inter-connections, corruption and participation of members of the police in trafficking" and urging the government to "extend their inquiries so as to include an administrative and penal investigation particularly of the Civil Registry and Migration Department in order to reveal the breadth and scope of the involvement of officers of the Department in the said crime." Also during the reporting period, the government reported it prosecuted a member of the police force for involvement in trafficking-related corruption. However the government has yet to produce a conviction or criminal punishment of an official complicit in trafficking.

Protection

The Government of Cyprus made inadequate efforts to improve the protection for trafficking victims during the reporting period. Over the year, the government identified 17 victims of forced labor, 24 sex trafficking victims, and two victims subjected to both labor and commercial sexual exploitation. Twenty-four victims of sex trafficking were identified during the reporting period, in comparison with 21 such victims identified in 2009 and 41 in 2008. While the government produced a manual to guide its police in identifying victims, it has yet to fully implement its commitment to institute proactive victim identification procedures for use by all front-line responders in the country. The government should forge more effective partnerships with NGOs to improve protection of trafficking victims in Cyprus. A recent statement signed by several anti-trafficking NGOs calling for increased cooperation with the government cited the problem of "unsatisfactory victims shelter" among other improvements

sought. The government continued to fund its shelter, allocating \$278,000 for its operation in 2010. Victims were allowed to leave the shelter unchaperoned and at will, provided they first met with the police and social services officers to be informed of potential risks. The government cared for a total of 26 trafficking victims in the shelter in 2010, compared with 47 sheltered in 2009. The government provided rent subsidy and a monthly allowance to other victims who chose to stay in private apartments or hotels. According to NGOs, the majority of trafficking victims in Cyprus received only basic support measures, as most are not fully informed about services accessible to them.

The government continued to fail to employ procedures for the safe repatriation and return of trafficking victims in 2010, according to a local expert. Cypriot authorities did not conduct a risk assessment before victims were repatriated and there were no formal procedures or protocols in place to ensure victims' safe return. The government encouraged victims to participate in investigations of trafficking cases and reported that the majority of identified trafficking victims cooperated with law enforcement in 2010. However, cabaret owners and agents reportedly used attorneys to bribe potential witnesses and pressured women to withdraw complaints or cease cooperation with law enforcement officials.

During the reporting period, NGOs alleged that the Aliens and Immigration Unit, acting under an order by the attorney general, attempted to remove and deport an Indian national after she was identified as a trafficking victim. The government denied these allegations. This victim reportedly had been subjected to gang rape, forced prostitution, and forced labor and subsequently became pregnant in 2010.

Prevention

The government demonstrated modest efforts to prevent trafficking in Cyprus in 2010. NGOs continued to report that the government's revised policy on the former *artiste* permit had little actual impact on reducing sex trafficking in Cyprus. Local experts assert that the high demand for commercial sex acts on the island continues to create a market for traffickers and that the majority of clients of the sex industry are Greek Cypriot men. The government has yet to implement any campaigns to raise awareness among these clients about how forced prostitution is a serious crime and human rights abuse. The government-approved 2010-2012 National Action Plan called for a demand-focused public awareness campaign. The government did implement other awareness raising activities, however. During the reporting period, the government and a multidisciplinary coordinating group (MCG) oversaw the publication and distribution by the police of 5,000 comic books containing stories about trafficking victims. In cooperation with the Ministry of Education, it provided anti-trafficking awareness training to teachers, featuring presentations by an NGO and a local media group involved in awareness-raising. It also began work with one NGO on an awareness program in schools. In collaboration with an NGO, the government printed and began issuing 40,000 information cards to potential trafficking victims arriving at the airport in the fall of 2010; immigration

officials ceased distributing the cards during the year, but began re-issuing them again in February 2011. An NGO was permitted to present an awareness program to some 300 soldiers. The MCG printed and began to distribute 55,000 brochures in a variety of languages addressed to potential victims. These public awareness efforts have not yet resulted in any measurable law enforcement or victim protection outcomes.

The government reported it screened applications for foreign “performing artists,” the work permit category that replaced the previous *artiste* visa, and reported issuances of such “performing artists” permits dropped to 460, compared with 1225 in 2009. It reported it issued 323 “barmaid” and “barman” work permits in 2010, compared with 467 in the previous year. According to a local NGO, however, traffickers continued to utilize these and other work permits to recruit victims into the commercial sex industry in Cyprus. Further, experts report that the abolishment of the *artiste* visa made little actual impact in Cyprus, instead shifting the problem elsewhere to bars and massage parlors.

Area Administered by Turkish Cypriots

The northern area of Cyprus is administered by Turkish Cypriots; the area has declared itself the “Turkish Republic of Northern Cyprus” (“TRNC”). The United States does not recognize the “TRNC,” nor does any other country except Turkey. The area administered by Turkish Cypriots is a destination for women originating from Eastern European countries and subjected to conditions of forced prostitution. Men and women are also reportedly subjected to conditions of forced labor. According to local authorities, women working in nightclubs and pubs who received “hostess” or “barmaid” work permits in 2010 came overwhelmingly from Moldova, followed by Ukraine.

Turkish Cypriot authorities continue to deny that trafficking is a significant problem in the area, posing a serious challenge to assuring any protection for women from trafficking or the prosecution of their traffickers. Local observers continue to report a significant trafficking problem with foreign women being deprived of their freedom in nightclubs. Despite this, Turkish Cypriot authorities identified no trafficking victims during the reporting period.

Although the area administered by Turkish Cypriots drafted an anti-trafficking “bill” in 2007, it has yet to make any progress on this “legislation.” Turkish Cypriot authorities provided no specialized training on trafficking and continued to confuse trafficking with prostitution and smuggling. Trafficking crimes can potentially be prosecuted on charges of “living off the earnings of prostitution” or “encouraging prostitution.” Persons convicted under these “laws” can receive up to two years’ imprisonment. These penalties are not commensurate with those prescribed for other serious crimes in the area administered by Turkish Cypriots, such as rape. NGOs report that organized crime elements are behind the ownership and management of some of the nightclubs in the north. Further, local observers report that local “police” are complicit with traffickers and are directly involved in the trafficking.

Authorities hold the travel documents of foreign women working in nightclubs in the “TRNC.”

Authorities do not have specialized procedures in place to identify trafficking victims among vulnerable groups or refer victims to service providers, nor do they allocate any funding to anti-trafficking efforts or provide any specialized care or shelter for victims. Deportation is the most common form of “rescue” the authorities use for women who complain about their employment at nightclubs and ask for help from the local police. Although prostitution is illegal in the “TRNC,” nightclub employees are required to submit to weekly health checks for sexually-transmitted infection screening, suggesting tacit approval by the authorities of the prostitution industry. If arrested on prostitution charges, a victim is usually deported within 24 hours. Likely trafficking victims arrested for engaging in prostitution were also sometimes detained before their deportation. The “TRNC” issued 977 “hostess” work permits and 16 “barmaid” work permits in 2010. Authorities in 2009 reported issuing 961 “hostess” work permits, including renewals, and 14 “barmaid” permits during the previous reporting period. Turkish Cypriot authorities did not conduct any anti-trafficking awareness campaigns during the reporting period.

The “TRNC” does not fully comply with the minimum standards for the elimination of trafficking, and does not appear to be making significant efforts to do so. If the “TRNC” were assigned a formal ranking in this report, it would likely be Tier 3.

Recommendations for Turkish Cypriot authorities: Pass “legislation” specifically prohibiting all forms of human trafficking; provide training for police and other front-line responders on victim identification techniques; establish specialized protection and assistance services and a shelter; and educate clients and the larger public about trafficking that generally takes place within nightclubs.

CZECH REPUBLIC (Tier 2)

The Czech Republic is a source, transit, and destination country for women who are subjected to forced prostitution, and a source, transit, and destination country for men and women subjected to forced labor. Women from the Czech Republic, Slovakia, Ukraine, Russia, Romania, Bulgaria, Vietnam, Mongolia, Nigeria, Honduras, and Brazil are subjected to forced prostitution in the Czech Republic and also travel through the Czech Republic *en route* to other European countries, including Austria, Germany, Switzerland, Greece, Finland, and the Netherlands, where they are subjected to forced prostitution. NGOs reported that Roma individuals were more vulnerable to trafficking within the country than other Czech citizens. In the past year, men and women from Russia, Ukraine, Kazakhstan, Kyrgyzstan, Uzbekistan, Bulgaria, Romania, Vietnam, China, India, Mongolia, Georgia, and Belarus are subjected to forced labor in the construction, forestry, agricultural, manufacturing, and service sectors in the Czech Republic. Independent contractors, operating under a weak regulatory structure, recruited hundreds of foreign workers for labor in state

forests and for seasonal employment in manufacturing; the contractors often confiscated the workers' passports, forced them to live in substandard conditions, and withheld pay, indicators of potential forced labor. Foreign workers, particularly those from Vietnam, are heavily indebted to labor agencies in their home countries leaving them vulnerable to trafficking; while the workers are in the Czech Republic, the agencies threaten the workers and their families back in Vietnam if the workers attempt to leave or complain about conditions in the Czech Republic. A small number of men and women from the Czech Republic are subjected to conditions of forced labor in the United Kingdom.

The Government of the Czech Republic does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Two high profile cases of labor trafficking in 2010 revealed serious problems in the government's response to labor trafficking. Through its failure to adequately control or regulate employment agencies recruiting low-skilled laborers for work in the Czech Republic, the government has tolerated an enabling environment for the exploitation and forced labor of migrants, including on state land. NGOs reported that Czech authorities failed to implement victim identification procedures sufficiently to identify victims of labor trafficking. Nevertheless, the government continued to offer identified victims of trafficking a generously funded assistance program. The Ministry of Interior continued to produce excellent analysis and reports on trafficking in persons. Efforts by multiple parts of the government resulted in the successful prosecution of perpetrators and protection of victims of sex trafficking.



Recommendations for the Czech Republic: Monitor, regulate, and – as appropriate – investigate and prosecute labor agencies to ensure that they do not exploit foreign workers through debt bondage or forced labor using deceptive labor agreements, or the use of force or threat of force; control registration requirements for employment agencies and labor cooperatives to restrict their ability to subject vulnerable populations to forced labor; modify existing trafficking identification criteria used by law enforcement authorities to clearly incorporate indicators for forced labor; train first responders, including labor inspectors, police, and state contracting officers, on these labor trafficking identification criteria; ensure that victim care, including adequate shelter, is offered equally to victims of labor trafficking, and ensure that presumed victims of trafficking are referred promptly to care; vigorously investigate and prosecute labor trafficking cases; continue to increase the number of trafficking offenders serving time in prison; collect prosecution data for Section 168 of the criminal code; consider increasing the participation of minority groups in consultation with

the Inter-ministerial Coordination Group for Combating Trafficking in Human Beings; consider socially inclusive social work in Romani communities to reduce vulnerability to trafficking; and increase the number of victims referred for assistance by law enforcement personnel.

Prosecution

The Czech government demonstrated mixed law enforcement efforts during the reporting period, investigating and prosecuting fewer trafficking cases, but increasing the percentage of trafficking offenders sentenced to prison. The Government of the Czech Republic prohibited all forms of trafficking in persons under new Section 168 of its criminal code, prescribing punishments of up to 16 years imprisonment. These punishments are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government continued to prosecute some trafficking cases investigated as human trafficking before January 2010 under Sections 232a and 204 of the criminal code. During the reporting period, the police conducted 24 investigations of 35 offenders under Section 168, a decrease from 47 investigations conducted under older trafficking statutes in 2009. In 2010, Czech authorities prosecuted 26 trafficking offenders previously investigated under Section 232a; the authorities did not collect prosecution data for Section 168 this year. This was a significant decrease from 2009, in which the Czech government prosecuted 115 trafficking offenders. The government convicted 60 trafficking offenders in 2010: three offenders under Section 168, seven offenders under Section 232a, and 50 offenders under Section 204. This was a decrease from 2009, in which the government convicted 83 trafficking offenders. The percentage of convicted trafficking offenders sentenced to time in prison, however, increased. In 2010, 26 offenders – approximately 43 percent – were sentenced to time in prison. In 2009, only 23 percent of convicted trafficking offenders received time in prison. In 2010, 16 trafficking offenders were sentenced to between one and five years' imprisonment, and 10 offenders received prison sentences greater than five years. The highest sentence awarded to a trafficking offender was 7.5 years. Czech authorities achieved their first labor trafficking conviction in a case in which an employment agency had procured seasonal laborers for a meat factory and agricultural work. In September 2010, the specialized anti-trafficking unit of the police organized a seminar in Prague on trafficking for experts from Ukraine, Romania, and Slovakia. The specialized police unit also offered two methodological training sessions for regional police officers. The Czech government did not report the investigation, prosecution, conviction, or sentencing of any government officials complicit in trafficking.

Protection

The government demonstrated mixed victim protection efforts this year; although the national protection program was an effective tool to protect victims of sex trafficking, its ability to identify and assist victims of labor trafficking was weak. The government continued to fund its comprehensive Program of Support and Protection of Victims of Trafficking in Human Beings,

which was available for both foreign and Czech victims and provided for both short-term and longer-term assistance. Government-funded NGOs provided shelter and care to 58 victims of trafficking in 2010, of whom at least 25 were new victims. The Czech government provided over \$397,000 to NGOs for the provision of care to trafficking victims. This was a significant increase from 2009, during which the government allocated \$213,000 to NGOs for victim care. The government has adopted formal victim identification procedures and a victim referral mechanism, though these do not seem to adequately include labor trafficking indicators. In 2010, the government identified and referred seven new trafficking victims for care in the program, including four victims of labor trafficking and three victims of sex trafficking. This was a decrease from 2009, during which authorities identified and referred 13 victims – eight victims of forced labor and five victims of forced prostitution. Police reported identifying an additional 76 victims of trafficking who were not referred to the program. NGOs reported that police referred fewer victims to their care than in previous years, attributing the decrease, in part, to an assessment that police did not always understand how to identify or question victims of trafficking in practice. There were reports that the police investigated cases involving hundreds of potential victims of labor trafficking, but referred only minimal numbers of victims for care in the program. In one high-profile case, authorities assisted the return of approximately 150 potential victims of labor trafficking to their home countries without adequate time or support to determine whether they were trafficking victims. The government did not penalize victims who entered the program for unlawful acts committed as a direct result of their being trafficked, though victims not admitted to the program were potentially vulnerable to such penalties. Foreign victims who cooperated with investigators after the initial 60-day reflection period were granted temporary residence and work visas for the duration of the relevant legal proceedings. Upon conclusion of the court proceedings, qualifying victims had the opportunity to apply for permanent residency, though no victims applied for this residency provision in 2010. The government reported that there was no residency permit otherwise available to victims of trafficking facing hardship or retribution in their home countries. The government encouraged victims of trafficking to participate in prosecutions, including by providing witness protection during trial; however, the witness safety provisions have been used only rarely in connection with trafficking cases.

Prevention

The government demonstrated weak prevention efforts against labor trafficking during the reporting period, though efforts to prevent sex trafficking were stronger. Critically, the government made insufficient efforts to prevent trafficking committed by labor agencies in the Czech Republic. It awarded contracts for labor on state land to labor agencies that confiscated workers' passports and threatened workers. It permitted the registration of labor agencies under minimal controls. Although the government collaborated with NGOs on outreach to schools and migrant centers, it did not provide specific funding for any outreach efforts this year. The government

did produce a brochure explaining Czech labor law. NGO experts advocated for the government to conduct an awareness-raising campaign on trafficking in persons, particularly labor trafficking, because there was low public awareness of labor trafficking. The government organized its anti-trafficking efforts through the Ministry of Interior and through the Inter-ministerial Coordination Group for Combating Trafficking in Human Beings. The National Rapporteur's office at the Ministry of Interior prepared a comprehensive annual report on anti-trafficking patterns and programs, which it released publicly. The government funded a hotline to identify victims of trafficking. The government took no formal steps to reduce demand for commercial sex acts. The government delivered anti-trafficking training to Czech soldiers prior to their deployment abroad on international peacekeeping missions.

DENMARK (Tier 1)

Denmark is primarily a destination and transit country for women and children from Nigeria, Eastern and Central Europe, the Baltic countries, Thailand, Southeast Asia, and South America subjected to sex trafficking. The government did not report any cases of forced labor in 2010, though authorities reported that the agriculture sector in Denmark may include elements of forced labor and highlighted that workers in domestic service, restaurants, hotels, and factories may also be vulnerable to forced labor. There were unconfirmed reports of foreign children being forced to engage in organized street crime. As a result of a 2010 inquiry, the government concluded that *au pair* organizations in Denmark were not being used as front companies for human trafficking; however, the report also noted that *au pairs* in the region are vulnerable to trafficking or other forms of exploitation, and recommended the creation of a non-profit recruitment organization to safeguard their rights. According to NGO experts, the majority of *au pairs* in Denmark come from the Philippines. According to NGOs, there has been a significant increase in women from Africa engaged in prostitution in Denmark, most of whom are controlled by pimps. According to local observers, these women are highly vulnerable to trafficking. The hundreds of unaccompanied foreign children who arrive in Denmark every year are also vulnerable to human trafficking. According to a 2010 ECPAT report, NGOs and police believe there are trafficked children in Denmark who remain undetected, as their traffickers keep them under close watch and are less likely to exploit them in street prostitution.

The Government of Denmark fully complies with the minimum standards for the elimination of trafficking. During the reporting period, the government successfully prosecuted its largest sex trafficking case to date, and it strengthened the severity of some of the sentences imposed on traffickers in 2010. However, the government's emphasis on returning most foreign trafficking victims to their countries of origin may provide a disincentive for victims to cooperate with law enforcement and places victims at risk of retribution and hardship upon their return. While the government reported the possibility for trafficking victims to obtain long-term residency in Denmark via asylum, on