practices on victim protection with other countries; and increase efforts to identify victims of domestic trafficking, specifically among children within the country who are vulnerable to forced labor and sex trafficking.

Prosecution

The government continued to vigorously investigate, prosecute, and convict trafficking offenders during the reporting period. Italy prohibits all forms of human trafficking though its 2003 Measures Against Trafficking in Persons law, which prescribes penalties of eight to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. Authorities investigated 2,471 suspects for trafficking in 2011—the most recent year for which law enforcement statistics were available—an increase from 2,333 in 2010. Italian prosecutors brought to trial 224 defendants in 2011, compared with 621 in 2010. Trial courts convicted 179 trafficking offenders in 2011; 174 were convicted in 2010. The average sentence imposed on convicted traffickers in 2011 was 6.5 years in prison; those convicted for exploitation of children in prostitution were sentenced to an average of 3.8 years' imprisonment and a fine, and those convicted of slavery were sentenced to an average of 1.5 years' imprisonment and a fine. The Government of Italy did not disaggregate data on convictions for sex trafficking and forced labor. In April 2012, authorities arrested a former *Carabinieri* police officer for recruiting and exploiting foreign women in prostitution; prosecution continued against this official at the end of the reporting period. Prosecution continued against former Prime Minister Berlusconi for the alleged commercial sexual exploitation of a Moroccan minor. The government continued to incorporate specialized training on victim identification and investigation of trafficking crimes in regular curriculum for law enforcement.

Protection

The government continued robust protection for victims of trafficking, but did not always proactively identify victims of trafficking among vulnerable migrants. The government and NGOs assisted 2,018 foreign victims of trafficking during the reporting period. About 70 percent of victims were women and one and a half percent were transgender. About 10 percent of victims were children. Forty percent of victims were subjected to labor trafficking. Observers reported that procedures for referring victims of trafficking to services—and the quality of services—varied by region; police did not consistently apply guidelines for victim identification and referral. NGOs reported that screening for trafficking was inadequate among the large number of refugees and migrants coming from Libya and Tunisia; it is possible authorities missed opportunities to identify victims of trafficking among these groups. There were reports of asylum seekers and unaccompanied children arriving to Italy's Adriatic ports via Greece who were summarily returned to Greece under the EU Dublin II regulation without proper screening for protection needs, trafficking victimization, or age and best interest determinations for children. In 2012, the government issued temporary residence permits to 466 victims of trafficking; 74 of these victims were subjected to labor exploitation. Victims were not required to cooperate with law enforcement to obtain a residence permit. The government provides victims with three to six months' assistance, shelter for an additional 12 months, and reintegration assistance. Victims may obtain a subsequent work or study permit, which can lead to permanent residency, if the victim finds employment or is enrolled in a training program through designated NGOs. Lack of specialized assistance for male victims of trafficking limited their access to these permits. Tightening of migration policies made it more difficult for victims of trafficking to obtain temporary residence permits and procedures on issuance of permits varied among provincial police headquarters. Despite dire economic circumstances and the Eurozone crisis, government funding for victim assistance remained stable at the equivalent of approximately $10.4 million in 2012.

Prevention

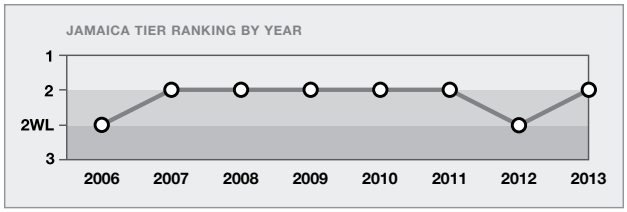
The government decreased anti-trafficking prevention efforts in 2012. The government reduced funding of public awareness programs in an effort to concentrate resources on victim assistance. NGOs funded by the government, and in cooperation with municipalities, police, and social services, carried out campaigns at the local level targeted to reduce demand for commercial sex acts. The government did not demonstrate efforts to reduce demand for forced labor. The government continued to operate an active hotline for victims of trafficking. In 2012, the government launched an initiative in Angola to prevent child trafficking and provide basic assistance to unaccompanied children. The Ministry for Equal Opportunity coordinates an anti-trafficking committee of relevant ministries and the national anti-mafia prosecution unit. The government did not publish a systematic evaluation of its anti-trafficking efforts. The government's first draft national anti-trafficking action plan remained pending approval with the Council of Ministers. The Italian armed forces continued to provide anti-trafficking training to civilians and military personnel before their deployment abroad on international peacekeeping missions.

JAMAICA (Tier 2)

Jamaica is a source, transit, and destination country for adults and children subjected to sex trafficking and forced labor. The exploitation of local children in the sex trade within Jamaica, a form of sex trafficking, remains a serious problem. Sex trafficking of children and adults likely occurs on the street, in night clubs, bars, and in private homes throughout Jamaica, including in resort towns. In addition, massage parlors in Jamaica reportedly often lure women into prostitution under the false pretense of employment as massage therapists and then withhold their wages and restrict their movement—key indicators of human trafficking. People living in Jamaica's poverty-stricken garrison communities, territories ruled by criminal "*dons*" effectively outside of the government's control, are especially at risk. NGOs also expressed concern that children from poor families sent to better-off families or local "*dons*" with the intent of a chance at a better life are highly vulnerable to prostitution and forced labor, including domestic servitude. Other at-risk children are those working in the informal sector, such as on farms, or in street vending, markets, and shops, as well as those engaging in begging. NGOs and the government remain alarmed at the high number of missing children and are concerned that some of these children are falling prey to forced labor or sex trafficking. There is evidence that foreign nationals are subjected to forced labor in Jamaica and aboard foreign-flagged fishing vessels operating in Jamaican waters. Numerous sources report that many Jamaican citizens have been subjected to sex trafficking or forced labor abroad, including throughout the Caribbean,

Canada, the United States, and the United Kingdom. Child sex tourism reportedly occurs in Jamaica.

The Government of Jamaica does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. For another year, the government did not convict trafficking offenders or officials complicit in human trafficking, but the government made efforts to raise awareness about human trafficking and demonstrated a proactive, victim-centered approach in identifying and assisting suspected forced labor victims aboard a fishing boat, which was an important accomplishment for the region as forced labor on fishing boats often occurs undetected. Few Jamaican trafficking victims were identified or received government assistance during the reporting period.



Recommendations for Jamaica: Vigorously prosecute, convict, and punish trafficking offenders, including officials complicit in forced labor or sex trafficking; ensure that prescribed penalties for human trafficking are commensurate with penalties for other serious crimes, such as forcible sexual assault; ensure officials are trained on the fundamental principles of international human trafficking law, including that movement of a victim is not necessary for trafficking to occur; implement standard operating procedures to guide police, labor inspectors, child welfare officials, and health workers in the proactive identification of local, as well as foreign, victims of forced labor and sex trafficking—including children under age 18 in prostitution in night clubs, bars, and massage parlors—and in their referral to adequate service providers; and use the government shelter in cooperation with NGOs to provide a safe and welcoming place for Jamaican children under 18 in prostitution and other trafficking victims that need protection.

Prosecution

The government initiated two new prosecutions, but serious concerns about impunity for perpetrators of human trafficking in Jamaica remained. The government prohibits all forms of trafficking through its comprehensive Trafficking Act of Jamaica, which went into effect in 2007. Punishments prescribed for human trafficking under the Act extend up to 10 years' imprisonment, which are sufficiently stringent but do not appear to be commensurate with penalties prescribed for other serious crimes, such as rape. The government reported initiating 205 sex trafficking investigations and at least one labor trafficking investigation during the reporting period. Authorities also reported four arrests on human trafficking charges. There were two new human trafficking prosecutions in 2012. The government remained active on only two out of 10 prosecutions of human trafficking offenses carried over from previous reporting periods. For another year, the government reported no convictions of trafficking offenders. While no government officials were investigated, prosecuted, or convicted for alleged complicity in trafficking-related offenses during the reporting period, allegations persisted from previous reporting periods that some Jamaican police officers were complicit in prostitution rings, some of whom were suspected of recruiting children under 18 and coercing adults into the sex trade, both of which are forms of sex trafficking.

The Jamaican Constabulary Force reported that it conducted 44 human trafficking awareness training sessions for over 749 police officers and over 1,000 school officials, students and members of the public. The government also provided in-kind support to IOM-led capacity building and technical skills training workshops for government officials.

Protection

The government made efforts in the protection of trafficking victims during the reporting period. Authorities identified 23 suspected victims of trafficking, including 21 Honduran children they rescued from forced labor on a fishing boat. Jamaican authorities involved in the fishing boat case demonstrated a strong commitment to the proactive identification of trafficking victims and implementation of victim protection principles. The government confirmed identifying only two Jamaican victims of trafficking during the reporting period; both were victims of sex trafficking. As part of a joint project with ILO, Jamaican authorities removed at least 130 children from child labor situations, some of whom were likely victims of trafficking, though the government did not confirm if any of the children were in forced labor. The small number of Jamaican trafficking victims identified, especially given the large number of investigations, raised concerns that some front-line responders, such as police, child protection officials, labor officials, and health workers, did not adhere to standard operating procedures for proactive identification of human trafficking and referral of suspected cases for assistance.

The government's shelter for trafficking victims remained vacant during the reporting period. Authorities referred the children from the fishing boat case to a church shelter and the two Jamaican victims to the Child Development Agency and the Victims Support Unit. The government reported spending the equivalent of more than approximately $131,000 on anti-trafficking measures and victim assistance and provided counseling, medical care, food, repatriation assistance, and translation services to the victims identified over the past year.

In coordination with Jamaica's anti-trafficking law, the government provided formal guidance for immigration officials, advising them not to deport foreign victims, and it provided temporary immigration relief to the 21 foreign child victims identified during the reporting period. The government worked with IOM to provide safe repatriation for the foreign victims identified and funded a charter flight for their return home. Jamaican officials encouraged trafficking victims to participate in investigations and prosecutions of trafficking offenders, and the Trafficking Act of Jamaica guaranteed that trafficking victims were immune from prosecution for immigration or prostitution violations committed as a direct result of their being trafficked. There were no allegations of victims being punished for crimes committed as a direct result of being subjected to human trafficking during the reporting period.

Prevention

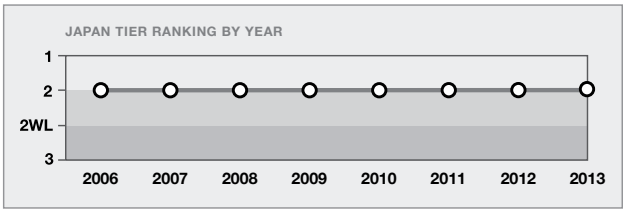
The government made efforts to prevent human trafficking during the reporting period. Officials organized a series of events to raise awareness about human trafficking, including appearances on television, a public forum in coordination with the Nurses Association of Jamaica, and a nationwide broadcast on one of Jamaica's most popular radio shows. Speakers at each of these events included representatives from Jamaica's anti-trafficking taskforce, the Ministry of National Security, the Ministry of Justice, and the Jamaica Constabulary Force. The campaign targeted potential victims and aimed to educate them on ways to identify and avoid potential traffickers. The Prime Minister expressed public commitment to address "modern-day slavery" in a speech to the UN General Assembly. Jamaica's anti-trafficking taskforce developed a national plan of action during the previous reporting period. A government-operated general crime victim hotline offered specialized assistance to persons reporting human trafficking. The government did not report any child sex tourism investigations or efforts to reduce the demand for commercial sex acts, child sex tourism, or forced labor.

JAPAN (Tier 2)

Japan is a destination, source, and transit country for men and women subjected to forced labor and sex trafficking, and for children subjected to sex trafficking. Male and female migrant workers from China, Indonesia, the Philippines, Vietnam, Poland, and other Asian countries are sometimes subject to conditions of forced labor in Japan. Some women and children from East Asia, Southeast Asia, South America, and, in previous years, Russia and Central America, who travel to Japan for employment or fraudulent marriage are forced into prostitution upon arrival. During the reporting period, Japanese nationals, particularly teenage girls and foreign-born children of Japanese citizens who acquired nationality, were also subjected to sex trafficking. In addition, traffickers continued to use fraudulent marriages between foreign women and Japanese men to facilitate the entry of these women into Japan for forced prostitution. Japanese organized crime syndicates (the *Yakuza*) are responsible for some trafficking in Japan, both directly and indirectly. In recent years, the emergence of small-scale traffickers, mainly Japanese nationals, has been reported. Traffickers strictly control the movement of victims, using debt bondage, threats of violence or deportation, blackmail, and other coercive psychological methods to control victims. Victims of forced prostitution sometimes face debts upon commencement of their contracts, and most are required to pay employers additional fees for living expenses, medical care, and other necessities, leaving them predisposed to debt bondage. "Fines" for misbehavior are added to victims' original debt, and the process brothel operators use to calculate these debts was not transparent. The phenomenon of *enjo kosai*, also known as "compensated dating," continues to facilitate the prostitution of Japanese children. NGOs report that sophisticated and organized networks target vulnerable Japanese women and girls by creating a false sense of intimacy to introduce them into prostitution. Japan is also a transit country for persons in trafficking situations traveling from East Asia to North America. Japanese men continue to be a significant source of demand for child sex tourism in Southeast Asia and, to a lesser extent, Mongolia.

The Government of Japan has not, through practices or policy, addressed the existence of forced labor within the Industrial Trainee and Technical Internship Program (TTIP), a government-run program that was originally designed to foster basic industrial skills and techniques among foreign workers but has instead become a guest worker program. The majority of technical interns are Chinese nationals, some of whom pay up to the equivalent of approximately $5,000 for their jobs and are employed under extortionate contracts that mandate forfeiture of the equivalent of thousands of dollars if workers try to leave. Although banned since 2010, fees, deposits, and "punishment" contracts continue to be reported, and some companies confiscated trainees' passports and other travel documents, and controlled the movements of the interns to prevent escape or communication.

The Government of Japan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite limited law enforcement gains during the year, the Japanese government did not develop or enact legislation that would fill key gaps in facilitating anti-trafficking prosecutions, as recommended by this Report for the last four consecutive years. The government also failed to develop trafficking-specific assistance measures, continuing instead to rely on inadequate prefectural-level domestic violence shelters. The TTIP continued to lack effective oversight or means to protect participants from abuse; despite some reforms, observers report recruitment practices and working conditions have not changed for interns. The government did not prosecute or convict forced labor perpetrators despite reports of labor trafficking in the TTIP. The number of identified victims, especially foreign trafficking victims, decreased, and no male victims of either forced labor or forced prostitution were identified.



Recommendations for Japan: Accede to the 2010 UN TIP Protocol; draft and enact a comprehensive anti-trafficking law prohibiting all forms of trafficking; significantly increase efforts to investigate and prosecute forced labor cases, and punish offenders with jail time; increase the enforcement of bans on deposits, punishment agreements, withholding of passports, and other practices that contribute to forced labor in the TTIP, and establish an oversight mechanism to ensure accountability; expand and implement formal victim identification procedures for front line officers to recognize both male and female victims in forced labor or prostitution situations and to ensure that victims are not detained for unlawful acts committed as a direct result of being trafficked; aggressively investigate, prosecute, and punish Japanese nationals who engage in child sex tourism.

Prosecution

The government of Japan demonstrated a limited increase in its law enforcement efforts during the reporting period. Japan's criminal code, as amended in 2004, only prohibits the "buying and selling of persons," an overly narrow definition that does

not conform to international standards. As a result, prosecutors must bring charges under statutes that do not capture all the elements of the trafficking crime. These laws, such as articles 226 and 227 of the Penal Code and the Prostitution Prevention Law, prescribe punishments ranging from one to 10 years' imprisonment, which are sufficiently stringent and generally commensurate with penalties prescribed for other serious crimes, such as rape. During this reporting period, the government did not report any prosecutions or convictions under its trafficking statutes. In 2012, the government reported 44 investigations for offenses related to human trafficking. The prosecutions resulted in convictions of 30 people, though these convictions were obtained using non-trafficking statutes, and so it was unclear if any involved proving elements of human trafficking offenses. Of the 30 convicted defendants, only two served prison sentences; six defendants received fines. In January 2013, Tokyo police investigated three individuals for violations of the Immigration Control Act, in connection with allegations of forced labor in the TTIP; this case remains pending in court at the end of this reporting period. The government investigated 695 individuals for child prostitution during this reporting period and referred 579 cases for prosecution. The police identified 471 victims of child prostitution.

The National Police Agency (NPA), Ministry of Justice, Bureau of Immigration, and the Public Prosecutor's office continued to conduct anti-trafficking training for senior investigators and police officers from prefectural and municipal police departments, prosecutors judges, and immigration bureau officers on identifying trafficking victims and investigating trafficking cases. The government did not report investigations, prosecutions, convictions, or jail sentences against any official for trafficking-related complicity during the reporting period.

Protection

Hampered by its overly narrow definition of human trafficking, the government of Japan sustained previous minimal efforts to protect victims during the reporting period. The government has not identified a forced labor victim in the TTIP, despite substantial evidence of debt bondage, passport confiscation, and confinement in the program. Only 27 adult female sex trafficking victims were identified in 2012, a decrease from 45 in 2011. Out of the 27, 11 were Japanese nationals, and the rest were foreign nationals. The government continued to provide general funding for Japan's Women's Consulting Center shelters (WCCs), which provide care for Japanese domestic violence victims but also served 17 foreign trafficking victims during the reporting period. Japanese national victims in WCC shelters are provided full medical expenses and psychological care, while foreign victims receive partial medical coverage. Although the 2009 action plan calls for male victim protection policies, Japan has no dedicated shelters or clear sheltering resources for male victims. No assistance to victims of forced labor or abused interns in TTIP was reported. Some victims were reluctant to seek government assistance due to the perception of a lack of protective services available to identified trafficking victims, though victims were successfully identified by law enforcement subsequent to arrest or detention. The government-funded Legal Support Center provided *pro bono* legal services to destitute victims of crime for both criminal and civil cases; it was unclear whether any trafficking victims applied for such services. While victims were encouraged to participate in the investigation and prosecution of their traffickers, they were not allowed to work during those processes. Because victims cannot work during that period unless they obtain a different visa status, only 27 victims provided limited assistance to police and most chose to repatriate before their trials began. No trafficking victims received long-term residency visas during the reporting period, although such immigration benefits were legally available to persons identified as trafficking victims who fear returning to their home country.

Prevention

The government of Japan demonstrated modest efforts to prevent trafficking in persons during the reporting period. The government negotiated memoranda of understanding on trafficking prevention with several Southeast Asian countries during the reporting period, leading to increased cooperation, including cooperation with Thailand that resulted in the arrest of Japanese and Thai trafficking offenders in Japan . The NPA and the Immigration Bureau updated information on multilingual emergency contact mechanisms and distributed the materials with a hotline number to local immigration offices and governments of source countries, conducted an online campaign and publicized trafficking arrests to raise awareness of trafficking. The Ministry of Foreign Affairs added a human trafficking curriculum to existing consular officer training. The government reported increasing outreach to TTIP employers and immigration and labor inspections at TTIP companies and requiring that copies of all contracts be provided to allow for closer scrutiny to ensure they did not include deposits or "punishment" clauses. Observers reported these efforts instead led to the emergence of an additional layer of brokers to circumvent the system. In an effort to reduce demand for commercial sex, the Cabinet Office distributed 33,000 posters and 54,000 leaflets nationwide to display warning messages to potential consumers of sexual services. Japan serves as a source of demand for child sex tourism, with Japanese men traveling and engaging in commercial sexual exploitation of children in other Asian countries—particularly Thailand, Indonesia, Cambodia, the Philippines, and, to a lesser extent, Mongolia; the government did not investigate or prosecute any potential offenders of child sex tourism. Japan is the only G-8 country that is not a party to the 2000 UN TIP Protocol.

JORDAN (Tier 2)

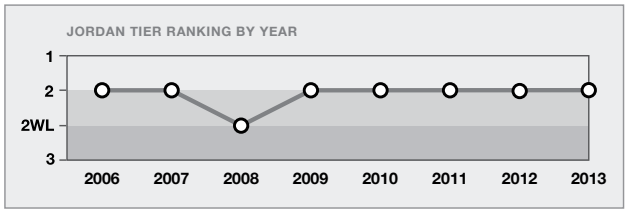
Jordan is a destination and transit country for adults and children subjected to forced labor and, to a lesser extent, sex trafficking. Women from Sri Lanka, Indonesia, and the Philippines voluntarily migrate to Jordan for employment as domestic workers; some are subjected to conditions of forced labor after arrival, including through unlawful withholding of passports, restrictions on movement, nonpayment of wages, threats of imprisonment, and physical or sexual abuse. Jordan's sponsorship system binds foreign workers to their designated employers without adequate access to legal recourse when they face abuse and without the ability to switch employers, thereby placing a significant amount of power in the hands of employers and recruitment agencies. Migrant workers are further vulnerable to forced labor due to indebtedness to recruiters, negative societal attitudes toward foreign workers, and legal requirements that foreign workers rely on employers to renew their work and residency permits. Sri Lankan, Indian, Chinese, Malagasy, Bangladeshi,

Burmese, Nepali, and Vietnamese men and women continue to migrate for work in factories in Jordan's garment industry; approximately 3,000 Burmese workers were recruited to work in the garment industry in 2012. Some of these workers encounter conditions indicative of forced labor, including unlawful withholding of passports, delayed payment of wages, forced overtime, unsanitary living conditions, and verbal and physical abuse; female factory workers are also vulnerable to sexual harassment. Workers in the garment sector continue to protest forced labor conditions. Egyptian migrant workers may experience forced labor in the construction and building maintenance sectors, while Egyptians and, to a lesser extent, Syrian workers also face conditions of forced labor in the agricultural sector.

Ongoing violence in Syria has caused thousands of Syrians, as well as third country nationals living in Syria, to flee to neighboring countries, including Jordan. An increased number of Syrian refugees, particularly women and children, are working in the Jordanian economy in undocumented status, making them vulnerable to trafficking. Anecdotal reporting suggests that Syrian refugee children in Za'atri refugee camp in Jordan peddle goods, and there are increasing numbers of Syrian refugee children begging in Jordanian cities. Additionally, unconfirmed media reports suggest that Syrian women and girls are forced into marriages with men from Jordan and the Gulf.

Moroccan, Tunisian, and Eastern European women are subjected to forced prostitution after migrating to Jordan to work in restaurants and night clubs. Moreover, some out-of-status Indonesian, Filipina, and Sri Lankan domestic workers are reportedly forced into prostitution. NGO reporting suggests that some Egyptian women receive marriage offers from Jordanian men as second wives, but are then subjected to conditions of forced labor, forced begging, or forced prostitution. Small numbers of Jordanian adults are subjected to forced labor as low-skilled workers in Qatar and Kuwait, while Jordanian children employed within the country as mechanics, agricultural laborers, and beggars may be exploited in situations of forced labor. Some Jordanian girls are forced to drop out of school to perform domestic service under conditions of forced labor; these "homebound girls" are confined to the home and denied their constitutionally protected right to complete their education. NGOs reported that administrators at several rehabilitation institutions for persons with disabilities allegedly forced disabled residents to work on farms or as domestic workers without compensation.

The Government of Jordan 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 did not convict any trafficking offenders, and its legal framework for addressing trafficking remained flawed. Police facilitated an international organization's repatriation of some victims and continued to identify and refer some trafficking victims to NGO-run shelter services. The government did not, however, fund or provide adequate shelter services for victims of trafficking despite a provision in the anti-trafficking law authorizing the establishment of shelters, and victims continued to face punishment.



Recommendations for Jordan: Amend the forced labor statute to increase prescribed penalties for forced labor offenses; increase efforts to prosecute, convict, and punish trafficking offenses with jail time using the anti-trafficking statute; strengthen efforts to proactively identify victims of forced labor and forced prostitution; enhance protective services for trafficking victims to include the availability of adequate shelter; ensure identified victims are not punished for unlawful acts committed as a direct result of being subjected to human trafficking; ensure that identified trafficking victims are promptly referred by law enforcement, social services, and labor officials to protection services using a standardized procedure; issue regulations governing work in the agricultural sector; and implement an awareness campaign to educate the general public and foreign migrant workers in all sectors on human trafficking, particularly forced labor and the proper treatment of domestic workers under Jordanian law.

Prosecution

The government made limited law enforcement efforts in responding to Jordan's multi-faceted human trafficking problem. The 2008 Anti-Human Trafficking Law prohibits all forms of trafficking and prescribes penalties of six months to 10 years' imprisonment for forced prostitution, child trafficking, and trafficking of women and girls; these penalties are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. Penalties prescribed for labor trafficking offenses against men that do not involve aggravating circumstances are limited to a minimum of six months' imprisonment and a fine—penalties that are not sufficiently stringent and do not reflect the heinous nature of this serious crime. Jordan's labor law assigns administrative penalties for labor violations committed against Jordanian or foreign workers, yet these penalties also are not sufficiently stringent to deter the crime of human trafficking. The government acknowledged that it had difficulty tracking human trafficking cases as they passed from the police and the labor inspectorate to the court system and social services. In 2012, the Public Security Directorate's (PSD) anti-trafficking unit reported two sex trafficking investigations and 19 forced labor investigations, three of which involved domestic servitude. The Ministry of Justice (MOJ) reported prosecuting eight cases of trafficking in 2012 under the anti-trafficking law; however, because the MOJ was unable to provide additional information on these prosecutions, it was unclear whether these cases involved sex or labor trafficking. The government did not report convicting any trafficking offenders in 2012, a decrease from the four convictions in the previous reporting period. In response to the allegations of forced labor of disabled residents by government rehabilitation institution administrators, the Ministry of Social Development replaced these administrators; the case remained under investigation at the end of the reporting period. There was no evidence that any employers in the garment sector were investigated or prosecuted. The government did not report

any investigations or prosecutions of government employees for alleged complicity in trafficking–related offenses during the reporting period.

In December 2012, the Higher Judicial Council authorized the creation of a committee of judges responsible for overseeing judicial activities related to human trafficking, including analyzing cases that have entered into the judicial system since the anti-trafficking law was enacted, amending training materials, and coordinating judicial trainings. The government did not fund anti-trafficking training for Jordanian officials in this reporting period, though the PSD anti-trafficking unit provided training to other regional governments, including Saudi Arabia, in cooperation with Prince Nayef University.

Protection

The government made insignificant progress in protecting victims of trafficking during the reporting period, and its lack of proactive protection provisions continued to be harmful to victims. It did not provide any specialized services to trafficking victims, nor did it adequately ensure that identified victims were not penalized for unlawful acts committed as a direct result of being trafficked. It continued, however, to identify and refer trafficking victims to donor-funded shelter services, and it helped an international organization repatriate hundreds of identified victims of trafficking sheltered within foreign embassies. The anti-trafficking unit identified and referred 30 potential female trafficking victims to a local NGO-operated shelter, a slight increase compared to the previous reporting period. Despite this, the inter-ministerial National Screening Team, which is responsible for identifying trafficking victims, was inactive for most of the reporting period and did not seek to interview potential victims among high-risk populations. While the anti-trafficking law contains a provision for the opening of shelters, the country continued to lack adequate shelter services for female or male victims of trafficking. Shelters run by foreign embassies continued to fill with female domestic workers who fled abusive employers and who, in the event that their employer did not keep their legal status current, cannot leave Jordan without an exit permit and the payment of overstay fees. In April 2012, the Cabinet approved bylaws under which the government could establish a shelter for victims of trafficking, but the government took no steps to either construct a government shelter or solicit NGO proposals to operate a trafficking shelter. The government paid for five male trafficking victims to reside at a hotel during the reporting period. The anti-trafficking unit's eight female officers performed limited duties for victims and did not conduct interviews for the purpose of an investigation. The government did not attempt to identify trafficking victims among detained foreign domestic workers and out-of-status migrant workers, even those who claimed abuse; domestic workers often sought refuge at their respective embassies.

Pursuant to a directive from the former prime minister in August 2012, the government granted a one-time amnesty for out-of-status domestic workers, waiving their overstay fines and granted exit permits for Sri Lankan, Indonesian, and Filipina women and girls—some stranded for at least eight months in their embassies—many of whom were domestic workers who fled abusive employers, and some were identified as trafficking victims. This directive allowed over 750 women to return to their country of origin during the reporting period. At the end of this reporting period, however, domestic workers continued to flee abusive employers and sought shelter at their embassies. Additionally, in January 2013, the government instructed the PSD to disregard flight notifications of those at border crossings, thus allowing for individuals to be repatriated at will without punishment. Per this directive, an international organization and some foreign governments repatriated 1,250 women at the end of this reporting period. In December 2012, the Ministry of Labor announced a short-term amnesty for third-country domestic workers whose immigration documents had expired, which granted them waivers of their accumulated overstay fines and new work permits. This amnesty program regularized the status of 6,000 domestic workers. However, observers noted that women whose employers had filed "flight notifications" with the government were not able to benefit from this program, as they were barred from leaving the country. It is unknown how many of these workers were trafficking victims, as there was no effort to identify and assist trafficking victims among this large group of domestic workers. The anti-trafficking unit also assisted NGOs to repatriate some Moroccan and Egyptian trafficking victims.

Victims continued to be vulnerable to arrest and detention—sometimes for extended periods of time—if found without valid residency documents, and some foreign domestic workers fleeing abusive employers were incarcerated after their employers filed false claims of theft against them. For example, in September 2012, the PSD anti-trafficking unit led an effort to round up Filipina women to check for valid residency and work permits; those who could not produce their legal documents were immediately detained until their sponsors could claim them. In so doing, the PSD made no effort to proactively identify trafficking victims among those they temporarily detained. NGOs reported that police forcibly returned potential labor trafficking victims to their employers during this reporting period. The fining of foreign workers without valid residency documents—including identified trafficking victims—served as a strong disincentive to remain in Jordan and pursue legal action against traffickers. The government did not actively encourage victims to participate in the investigation or prosecution of trafficking offenses committed against them. Labor regulations prevented the three-person labor inspectorate dedicated to addressing abuses against domestic workers from investigating abuses in private homes, which continued to isolate domestic workers and "homebound girls." Additionally, the government lacked specific regulations to govern the agriculture sector, which left labor abuses and trafficking victims in this sector largely undetected.

Prevention

The government's efforts to prevent trafficking stagnated during the reporting period. The government distributed anti-trafficking brochures to foreign migrants at border crossings, police stations, and in the garment sector. The anti-trafficking committee was required by law to meet quarterly, but it was unclear if it met during the reporting period. The government made minimal efforts to rectify weaknesses in the bylaws that provide standards for employing domestic workers. However, the labor inspectorate continued to enforce a directive that requires employers of domestic workers to deposit their salaries into bank accounts. In 2012, the labor inspectorate investigated the practices of 39 recruitment agencies, recommended closing six agencies, and effectively closed two. The Ministry of Labor (MOL) Inspection Department only had 120 labor inspectors for the entire country, which government officials and NGOs agreed was insufficient to fulfill its mandate. The

PSD signed a memorandum of understanding with the MOL to establish a joint unit focused on combating trafficking, which consisted of police officers, MOL officers, and labor inspectors. The MOL continued to operate a hotline to receive labor complaints, which included interpretation services available in some source-country languages; however, the hotline did not maintain complete records of calls received and it was only operational during daytime hours. The government did not undertake any discernible measures to reduce the demand for commercial sex acts or forced labor during the reporting period. The government provided an optional anti-trafficking training for its nationals being deployed abroad for peacekeeping operations.

KAZAKHSTAN (Tier 2)

Kazakhstan is a destination and, to a lesser extent, a source and transit country for men, women, and children subjected to sex trafficking and forced labor. There is also a large domestic trafficking problem. Kazakhstani women and girls are subjected to sex trafficking in the United Arab Emirates, Russia, and Turkey. Women and girls from Uzbekistan, Kyrgyzstan, Tajikistan, and rural areas in Kazakhstan, as well as Russia and Ukraine, are subjected to sex trafficking in Kazakhstan. Sex trafficking occurs in small hotels in big cities and resort areas, and in rented apartments and multi-business establishments (such as a single facility that operates as a restaurant, hotel, and gas station). Kazakhstani men, women, and children as well as men and children from Uzbekistan, Kyrgyzstan, Tajikistan, and Mongolia, are subjected to conditions of forced labor in domestic service, cattle breeding, and pasturing and in the harvest of some agricultural products in Kazakhstan. There is some forced labor on cotton farms and in brick kilns in southern Kazakhstan, as well as in multi-business establishments. In 2012, a civil society group reported two transit cases of trafficking from Uzbekistan, through Kazakhstan, to Turkey. Some children are forced to beg and others may be coerced into criminal behavior or pornography.

Traffickers commonly confiscated victims' identity documents, prohibited victims' freedom of movement, withheld their wages, and used blackmail, threats, inflated debts, physical violence, and isolation to compel the victims' service. Single, unemployed mothers, adolescents in orphanages or those who had parents with substance abuse problems, foreign migrant workers and their children, and homeless Kazakhstani citizens are vulnerable to human trafficking.

The Government of Kazakhstan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government maintained its prior level of law enforcement efforts against human trafficking and continued to protect identified victims and fund awareness campaigns. Government officials' complicity and involvement in trafficking, however, remained a serious but unaddressed problem. Furthermore, the government failed to proactively identify potential victims of trafficking, despite substantial law enforcement training. Although Kazakhstan is a destination country for foreign victims of forced labor, officials only identified one foreign victim of labor trafficking. The government did not use a victim-centered approach when investigating and prosecuting potential crimes.

Recommendations for Kazakhstan: Improve efforts to identify trafficking victims—particularly foreign forced labor victims—among vulnerable populations and refer these victims for assistance; increase efforts to vigorously investigate and prosecute suspected trafficking cases, respecting due process; investigate and prosecute police officers suspected of complicity in trafficking-related offenses; increase the number of dedicated anti-trafficking police; include victim identification and referral in the job description of the migration and other police units and, at the ministerial level, provide clear instructions to all police on victim identification and referral of victims to protective services; train police officers, prosecutors, and the judiciary on professional ethics in order to ensure effective assistance is provided to trafficking victims; improve training for the Labor Inspectorate to better identify victims of forced labor and report potential trafficking cases to the police; continue to increase the number of victims who receive government-funded assistance by funding additional trafficking shelters; promptly provide foreign trafficking victims and homeless Kazakhstani trafficking victims with their identity documents; maintain robust trafficking investigations with foreign law enforcement agencies once a victim has been repatriated from Kazakhstan; and strengthen the capacity of police, prosecutors, and judges to investigate trafficking cases.

Prosecution

The Government of Kazakhstan maintained progress in its anti-trafficking law enforcement efforts during the reporting period, but did not address the large problem of official complicity in trafficking and did not take a victim-centered approach. Kazakhstan prohibits trafficking in persons for both labor and sexual exploitation through Articles 128, 133, 125(3b), 126(3b), 270, and 132-1 of its penal code, which prescribe penalties of up to 15 years' imprisonment—penalties sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In December 2012, the Kazakhstan Supreme Court issued a decree to clarify and unify judicial interpretation of trafficking in persons under the law. Police investigated 89 trafficking cases in 2012, compared with 111 investigations in 2011. Authorities prosecuted 70 cases in 2012, a decrease from 82 cases prosecuted in 2011. A total of 37 trafficking offenders were convicted in 2012, compared with 30 offenders convicted the previous year. The government convicted 33 offenders for sex trafficking offenses and four individuals for forced labor offenses in 2012. The 33 convicted sex traffickers received sentences that ranged from 3.6 months' to 14 years' imprisonment; seven of them received suspended sentences. The four convicted labor trafficking offenders received sentences ranging from three to 13 years' imprisonment. The government extradited two alleged trafficking offenders to Uzbekistan.

The government continued to provide specialized training courses in the recognition, investigation, and prosecution

of trafficking crimes for police, prosecutors, and judges and funded police participation in anti-trafficking events in three countries. In the reporting period, the government expanded the types of police officers who received anti-trafficking training, although these other police units are not obligated to identify trafficking crimes. Police jointly investigated 10 trafficking cases with officials from four countries. Civil society groups emphasized that law enforcement officials do not take a victim-centered approach in investigating and prosecuting trafficking crimes and that, despite repeated training, officers do not structure investigations well or conduct investigations in a professional manner. Some trafficking victims have complained police officers did not take their assertions of being trafficked seriously.

Government officials' complicity in human trafficking remained a serious but unaddressed problem. Trafficking victims complained that some police officers protected traffickers, raped trafficking victims, and facilitated trafficking by transporting girls to brothels. Victims reported they regularly saw government officials visiting brothels in which they were being subjected to forced prostitution. Some local police are in close contact with employers who use forced labor, particularly when the employer is a family member of a local government leader. However, the government did not report any investigations or prosecutions of government employees for alleged complicity in trafficking—related offenses during the reporting period.

Protection

The Government of Kazakhstan maintained modest efforts in protecting trafficking victims, but did not proactively identify trafficking victims among vulnerable populations, including undocumented migrant workers, which led to the deportation and penalization of those unidentified victims. A recent report by an international organization highlighted the failure to systematically identify trafficking victims among vulnerable populations, noting the reluctance of victims to contact law enforcement due, in part, to distrust of police. Specialized anti-trafficking police screened for sex trafficking victims in brothel raids, conducting four such raids that resulted in the identification of approximately half the number of victims identified in 2012. However, these raids may have taken a narrow view of sex trafficking, excluding those who are registered as prostitutes with the government and those who are engaged in street prostitution, as potential sex trafficking victims. At borders or in work sites, enforcement operations of migration police focused on the irregular status of migrants rather than their potential for being victims of trafficking. The division of responsibilities among the Labor Inspectorate, anti-trafficking police, and migration police hampered victim identification. Civil society groups noted police do not understand more nuanced signs of trafficking—such as psychological coercion—and only identify forced labor cases where there are overt signs of force.

The December 2012 Supreme Court decree established that trafficking victims are to be exonerated when they have committed crimes as a direct result of being trafficked. Victims not identified by authorities were deported or prosecuted for immigration or other violations, and some child sex trafficking victims were placed in detention centers. When police had additional funds, they occasionally kept foreign trafficking victims in rented apartments during the course of an investigation instead of sending them to protective services; in these apartments, victims were not provided with services and reported feeling unable to leave due to the lack of formal immigration status. In 2012, the government reported that it had identified 84 victims of trafficking, including 17 victims of forced labor; in 2011, the government had identified 84 victims of trafficking, including 13 labor trafficking victims. Of those victims identified in 2012, 11 were foreign nationals—including one victim of forced labor. While the victim referral process was informal, the government provided at least the equivalent of approximately $53,000 in funding for the provision of food, shelter, clothing, transportation, and other services for all identified victims in 2012, an increase compared with 2011. In 2012, civil society groups and government-funded programs assisted a total of 153 trafficking victims, 79 of whom were victims of forced labor. The government continued to fund fully one NGO-run shelter for trafficking victims in Astana, which assisted 22 victims in 2012. The government did not, despite its stated intentions, establish additional trafficking shelters, due in large part to the lack of a policy on shelter standards, the promulgation of which has been under development since 2009. Shelters are open to all trafficking victims and provide legal, psychological, and medical assistance. However, some foreign victims of trafficking were unable to get access to medical assistance because they do not have identification documents, health insurance, or temporary residency permits. Adult trafficking victims were permitted to enter and leave the shelters freely. In 2012, the government allocated the equivalent of approximately $14,000 to an NGO to operate and advertise the Ministry of Internal Affairs' anti-trafficking hotline; 11 of the 1,125 phone calls were directly related to human trafficking, and two of these resulted in criminal cases. The government encouraged victims to participate in investigations and prosecutions by providing witness protection during court proceedings and access to pre-trial shelter services. Foreign victims who agreed to cooperate with law enforcement were requested to remain in Kazakhstan for the duration of the criminal investigation but were not permitted to work. The government did not provide any foreign victims temporary residence permits in 2012. The government did not offer legal alternatives to foreign victims' removal to countries where they faced retribution or hardship; all victims were forcibly repatriated, either after a short recuperation period or after their service as a prosecution witness was completed.

Prevention

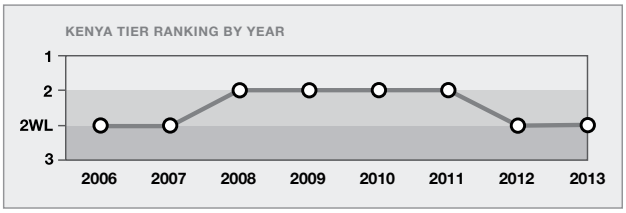
The government continued its prevention efforts during the reporting period. The Interagency Trafficking in Persons Working Group, chaired by the Minister of Justice, met quarterly; each responsible agency reported on its anti-trafficking activities assigned under the 2012-2013 Trafficking in Persons National Plan. The national government continued to support some anti-trafficking efforts, including information and educational campaigns, such as funding radio and television programs on trafficking. In particular, the government gave funding in the equivalent of approximately $17,000 to at least three NGOs for their implementation of prevention activities. The government also provided in-kind contributions to awareness-raising activities organized by NGOs. In August 2012, the Ministry of Education and Science issued Order Number 398 which allows the children of migrant workers, including seasonal workers, to attend educational institutions with the same rights as citizens of Kazakhstan; this will help prevent migrant laborers' children from being subjected to forced labor.

KENYA (Tier 2 Watch List)

Kenya is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Within the country, Kenyan children are forced to labor in domestic service, agriculture, fishing, cattle herding, street vending, and begging. Children are also exploited in prostitution throughout Kenya, including in the coastal sex tourism industry, in eastern khat cultivation areas, and near Nyanza's gold mines. Women, "beach boys," and sometimes a child's own parents push children into prostitution in coastal areas to receive payments from tourists. Kenyans voluntarily migrate to other East African nations, South Sudan, Europe, the United States, and the Middle East—particularly Saudi Arabia, but also to Qatar, Kuwait, the United Arab Emirates (UAE), Lebanon, and Oman in search of employment, where they are at times exploited in domestic servitude, massage parlors and brothels, or forced manual labor. Gay and bisexual Kenyan men are lured from universities with promises of overseas jobs, only to be forced into prostitution in Qatar and the UAE.

Children from Burundi, Ethiopia, South Sudan, Tanzania, and Uganda are subjected to forced labor and prostitution in Kenya. The security situation in Dadaab—Kenya's largest refugee camp complex that is host to hundreds of thousands of refugees and asylum seekers—did not allow for full humanitarian access, assistance, or protective services. Somali refugees living in the Dadaab complex have reported the presence of al-Shabaab recruiters; a 2012 survey by a local NGO found that fear of recruitment into this armed group, particularly among children, was a key concern in the camps. Some children in Kenya-based refugee camps, the majority of whom are Somali, may encounter exploitation in prostitution while others are taken outside the camps and forced to work on tobacco farms. Vehicles transporting *khat* to Somalia return carrying Somali girls and women, who often end up in brothels in Nairobi or Mombasa.

The Government of Kenya does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government's "children's officers"—social welfare officials who address children's issues—continued efforts to identify and protect child trafficking victims throughout the country. Kenya's Counter-Trafficking in Persons Act went into effect in October 2012; however, the government did not launch and implement its national plan of action, convene the Counter-Trafficking in Persons Advisory Committee, take tangible action against trafficking complicity among law enforcement officials, provide shelter and other protective services for adult victims, monitor the work of overseas labor recruitment agencies, or provide wide scale anti-trafficking training to its officials, including police, labor inspectors, and children's officers. It held few traffickers accountable for their crimes in comparison to the significant number of child trafficking victims identified. Therefore, Kenya is placed on Tier 2 Watch List for the second consecutive year as it did not demonstrate evidence of increased efforts to combat human trafficking. The government's efforts remained uncoordinated and lacked strong oversight, creating an environment conducive to trafficking.



Recommendations for Kenya: Use the anti-trafficking law to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including government officials suspected of complicity in human trafficking; continue to use the anti-trafficking law or Section 14 of the Sexual Offenses Act to prosecute and punish child sex tourists; provide additional training to all levels of the government, particularly law enforcement officials, on identifying and responding to trafficking crimes; establish an official process for law enforcement officials to refer trafficking victims for assistance; continue to increase oversight of and accountability for overseas recruitment agencies; increase protective services available to adult trafficking victims, particularly those identified in and returned from the Middle East; establish and convene the Counter-Trafficking in Persons Advisory Committee to coordinate the government's anti-trafficking efforts and oversee full implementation of the Counter-Trafficking in Persons Act of 2010; establish the board of trustees to oversee the National Assistance Trust Fund for Victims of Trafficking and allocate money to endow this fund; and launch and implement the national plan of action.

Prosecution

The government maintained its anti-trafficking law enforcement efforts during the reporting period, though corruption and lack of understanding of human trafficking issues among police and other public officials continued to prevent trafficking offenders from being brought to justice. Following the Minister of Gender, Children Affairs, and Social Development's signing of the Counter-Trafficking in Persons Act of 2010 and its publication in the Kenya Gazette in September 2012, the law can now be used to prosecute suspected trafficking offenses. Section 1 of the Counter-Trafficking in Persons Act prohibits all forms of trafficking and Section 3(5) prescribes a sufficiently stringent minimum punishment of 15 years' imprisonment, which is commensurate with those for other serious crimes, such as rape. Sections 14, 15, and 17 of the Sexual Offenses Act of 2006 prohibit the facilitation of child sex tourism, child prostitution, and forced prostitution, and prescribe penalties of six to 20 years' imprisonment—penalties that are sufficiently stringent and commensurate with those prescribed for other serious offenses. However, prosecutors do not widely use these sections.

The Kenyan Police Service's anti-trafficking unit did not provide information on its efforts to investigate trafficking crimes during the reporting period. The government reported initiating 15 child trafficking prosecutions in 2012, some of which are being prosecuted under the Counter-Trafficking in Persons Act in Mombasa, Kisii, Kajiado, Nairobi, and Kisumu, but it provided no additional information to substantiate that they involved human trafficking offenses rather than other types of crimes. According to press reports, corruption among law enforcement authorities and other public officials continued to stymie efforts to bring traffickers to justice; the

government made no efforts to investigate or prosecute such public officials. Although the government provided anti-trafficking training to 30 officers from the police, immigration, and relevant ministerial legal departments, this remained inadequate in light of Kenya's considerable human trafficking problem. Some corrupt Kenyan police officers sought to take advantage of the government directive for refugees to return to camps by threatening to arrest Somalis on false human trafficking charges in order to solicit bribes.

Protection

The government's efforts to identify and protect child trafficking victims continued during the year, but commensurate protection for adults was unavailable, including for the increasing number of victims in the overseas migrant worker population. Neither the Ministry of Gender nor any other ministry received a specific budget allocation for anti-trafficking activities. As guidelines for implementing the victim protection provisions of the anti-trafficking statute have yet to be developed, the government continued to lack a formal mechanism for identifying victims of trafficking among vulnerable populations. Government officials reported the identification of and provision of services to 413 child trafficking victims. The Ministry of Gender, Children, and Social Development's children's officers rescued child trafficking victims, provided them with counseling and referrals to service providers, and participated in investigations.

The Ministry of Gender and a local NGO continued to operate jointly a national 24-hour toll-free hotline for reporting cases of child trafficking, labor, and abuse, which received nearly 164,000 calls over the course of the year. The hotline's main call center is located in a government-owned building in Nairobi and staffed, in part, by three children's officers who facilitated rescues and made referrals to appropriate district officials and health and legal aid organizations in other provinces. During the reporting period, the hotline received 59 reports of child trafficking, 21 reports of child prostitution, and 646 reports of child labor. The hotline's local call centers in Eldoret and Garissa connected children with locally available services in western and eastern Kenya, respectively. The Ministry of Gender's Children's Department continued to operate four drop-in referral centers in Eldoret, Garissa, Malindi, and Mombasa that provided counseling, guidance, and referrals to other centers for victimized children who could not be returned home. This department also funded and operated rescue centers in Garissa, Malindi, Thika, and Machakos where child victims of violence could stay for three months before returning home or being referred to NGO facilities. The government did not provide data on how many trafficking victims were afforded such services during the year.

While efforts to assist and care for child trafficking victims remained strong, the government provided relatively few services to trafficked adults identified within the country or abroad. Although new diplomats received anti-trafficking in persons training from the Kenya Police Service and IOM before being posted overseas, most of Kenya's diplomatic missions failed to provide adequate assistance to trafficked Kenyan nationals. The Kenyan embassy in Riyadh repatriated 708 Kenyans during 2012 but lacked adequate shelter and other assistance for the number of Kenyans who sought help. The Kenyan media reported that Kenyan nationals waiting to be repatriated slept on the floor of the embassy or in a shipping container and were provided inadequate food. The government publicly called for a draft labor agreement between Saudi Arabia and Kenya to require binding contracts stipulating working hours, time off, remuneration, and the expectations of both employees and employers as a means of addressing the numerous complaints by domestic workers in Saudi Arabia; it is unclear if these additions were made to the draft agreement. Following several high profile cases of abuse, the National Assembly held multiple hearings during 2012 on cases involving the mistreatment of Kenyan domestic workers in Saudi Arabia.

While the government reported that it encouraged Kenyan victims' cooperation in the investigation and prosecution of trafficking crimes during the reporting period, it did not provide information on such instances. There were no reports that the government inappropriately incarcerated or otherwise penalized Kenyan victims for unlawful acts committed as a direct result of being trafficked. Under the 2010 anti-trafficking law, the Minister of Gender may grant permission for foreign trafficking victims to remain indefinitely in Kenya if it is believed they would face hardship or retribution upon repatriation; the government did not use this provision during the year.

Prevention

The government demonstrated modest efforts in preventing human trafficking. The National Steering Committee to Combat Human Trafficking, chaired by the Minister of Gender, only met once during the reporting period. The five-year national plan of action on human trafficking—drafted, finalized, and printed in previous reporting periods—remained unused as it had not been officially launched. In October 2012, the government announced the establishment of the Secretariat of the Counter-Trafficking in Persons Advisory Committee but has yet to convene the committee itself or set up the National Assistance Trust Fund for Victims of Trafficking as mandated by the anti-trafficking act. In June 2012, the Ministry of Foreign Affairs (MFA) banned labor recruitment agencies from sending domestic workers to the Middle East until all agencies could be vetted; the ban was still in place at the end of the reporting period. The Kenyan government intended the ban to prevent Kenyans from experiencing abuse in the Middle East; however, it resulted in an increase in unscrupulous agencies circumventing the ban by recruiting Kenyan girls directly from villages and sending them to Saudi Arabia and other countries in the Middle East through Tanzania and Uganda. Following the implementation of the ban, the MFA must approve the travel of any person seeking employment of any kind in a Middle Eastern country. The Ministry of Labor (MOL), which is required by law to monitor the operations of labor recruitment agencies and attest to employment contracts, continued to fail to fulfill these roles; since the MOL ceased its yearly renewal of recruitment agencies' accreditation certificates in 2011 without explanation, all agencies have been operating without valid licenses. This has led to agencies sending workers overseas without governmental attestation and vetting of workers' foreign contracts, leaving them increasingly vulnerable to trafficking. Bribery of government officials by recruitment agencies reportedly hindered efforts to stop fraudulent recruitment.

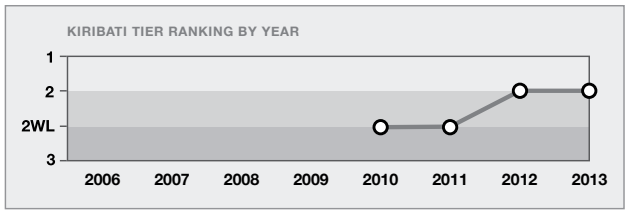
The government initiated three prosecutions against alleged foreign child sex tourists in 2012, which remained ongoing at the close of the reporting period. Out of court settlements were common, with tourists paying girls' families to avoid

legal action. It is unclear whether the government made efforts to reduce the demand for commercial sex acts; the city of Nairobi's taskforce to address the growing sex trade did not publicly report its actions. The Ministry of Labor's 95 labor officers conducted 120 child labor inspections but did not provide any information regarding their outcomes or whether they identified any victims of forced child labor. The Kenyan government's training for troops prior to their deployment abroad on international peacekeeping missions included a module on human rights that addressed human trafficking.

KIRIBATI (Tier 2)

Kiribati is a source country for girls subjected to sex trafficking within the country. Crew members on foreign fishing vessels in Kiribati or in its territorial waters around Tarawa and Kiritimati Island allegedly exploit prostituted children, some reportedly as young as 14, in local hotels and aboard their vessels. Local I-Kiribati, sometimes family members of potential victims, but also hotel and bar workers or owners of small boats, may facilitate trafficking by transporting underage girls to the boats for the purpose of prostitution or by failing to intervene in such situations of child prostitution. The girls generally received cash, food, alcohol, or goods in exchange for sexual services. Women and underage girls in prostitution at bars and on foreign fishing vessels are collectively referred to by the term *ainen matawa* and are stigmatized in I-Kiribati society.

The Government of Kiribati does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, government officials acknowledged the existence and gravity of human trafficking, especially child sexual exploitation, and expressed their commitment to combating the crime. The government, however, failed to employ policies to proactively identify trafficking victims among the women and underage girls in prostitution or prosecute potential offenders. The government's purported anti-trafficking activities were organized around thwarting the activities of women and underage girls in prostitution, but did not adequately protect and identify victims, or prosecute and punish those who exploit or facilitate the commercial sexual exploitation of children.



Recommendations for Kiribati: Investigate, prosecute, and punish foreign crewmen for the commercial sexual exploitation of children; develop procedures for law enforcement officers and social service providers to interview those in vulnerable groups, such as those intercepted *en route* or aboard international vessels by law enforcement officers, for evidence of trafficking; establish formal procedures to identify and refer trafficking victims to protective services; train front-line officers in victim identification techniques and procedures for referral to domestic violence and sexual violence officers; proactively identify and assist victims of trafficking, prioritizing establishment of a safe environment for victims and trust between victims and officers; hold parents accountable, as appropriate under I-Kiribati law, for the commercial sexual exploitation of their children; and expand efforts to raise awareness about the dangers of human trafficking, with a specific focus on increasing public recognition that children in the commercial sex trade are victims rather than juvenile delinquents.

Prosecution

The Government of Kiribati demonstrated no discernible progress in anti-trafficking law enforcement efforts during the reporting period. Kiribati's 2005 Measures to Combat Terrorism and Transnational Organised Crime Act, as amended in 2008, criminalizes trafficking and prescribes penalties of up to 15 years' imprisonment for the trafficking of adults, and 20 years' imprisonment for the trafficking of children. These penalties are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. The law's focus is limited to the international movement of people for exploitation, a form of trafficking not known to occur in Kiribati. Government officials claimed that domestic trafficking could be prosecuted under this law, though there is no example to date to support this claim. The law's victim protection provisions shield victims from prosecution for immigration crimes committed as a direct result of being trafficked.

During the reporting period, the government reported identifying a few cases in which unauthorized I-Kiribati persons—some of whom may have been trafficking victims—were discovered on foreign fishing vessels, but lacked procedures to proactively identify victims among this vulnerable population. The government did not confirm cases of trafficking or conduct any investigations or prosecutions for trafficking offenses during the year. In February 2012, the government detained one fishing vessel for illegally harboring females and fined the boat approximately the equivalent of $29,000. In July 2012, two additional vessels were found to have unauthorized persons on board, and 16 females were removed. In the February and July cases, the females were returned to shore without being interviewed in detail to determine if any were victims of sex trafficking. The government also reported intercepting several other small boats that may have been transporting females to fishing vessels, though authorities only gave warnings to the boat owners and did not question females found on board. The government did not provide any anti-trafficking training to law enforcement on identifying trafficking victims and prosecuting trafficking offenders. The government did not report any investigations or prosecutions of government officials for alleged complicity in trafficking-related offenses, though no reports of such allegations surfaced during the reporting period.

Protection

The Government of Kiribati demonstrated no discernible progress in identifying or protecting trafficking victims during the reporting period. Police reported identifying, aboard international fishing vessels, several females who may have been trafficking victims, but their ages and status were not confirmed and the government did not provide them with any protective services. Law enforcement and social services personnel did not develop or implement

systematic procedures for proactively identifying victims of trafficking among vulnerable persons with whom they came in contact. The government reported victims could be referred to religious organizations to access medical and psychological services on an *ad hoc* basis. Law enforcement efforts to combat prostitution potentially resulted in some trafficking victims being treated as law violators; individuals detained for related crimes were not screened to determine whether they were trafficking victims, and their ages were not verified. The government has not developed or implemented a referral process to transfer potential victims who are detained, arrested, or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care.

Prevention

The government demonstrated moderate efforts to prevent human trafficking during the year. The Ministry of Internal and Social Affairs, in partnership with an international organization, continued to produce a weekly radio show on child protection issues, including the commercial sexual exploitation of children. The same ministry, with support from an international organization, conducted workshops for community leaders and in schools on issues of child protection and the sexual exploitation of children. The Police Department's Domestic Violence and Sexual Offenses unit promoted and operated two 24-hour phone-line services aimed at preventing exploitation and abuse, though no known allegations of human trafficking were reported to the hotlines. The government continued to patrol its maritime territory with its one patrol boat and, during the year, in an effort to decrease the demand for commercial sex acts, it continued to enforce the foreign fishing license regulations that hold ship captains accountable for unauthorized persons, such as girls and women, discovered on their vessels. The Ministry of Labor claimed to review the contracts of all I-Kiribati going overseas and conduct pre-departure briefings to ensure that workers are aware of their rights and can protect themselves from potential forced labor exploitation.

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

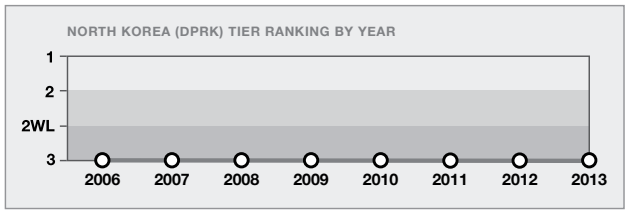
The Democratic People's Republic of Korea (DPRK or North Korea) is a source country for men, women, and children who are subjected to forced labor, forced marriage, and sex trafficking. Within North Korea, forced labor is part of an established system of political repression. The North Korean government is directly involved in subjecting its nationals to forced labor in prison camps. North Koreans do not have a choice in the work the government assigns them and are not free to change jobs at will. North Korea is estimated to hold between 100,000 and 200,000 prisoners in political prison camps in remote areas of the country. Many of these prisoners were not actually convicted of a criminal offense. In prison camps, all prisoners, including children, are subject to forced labor, including logging, mining, and farming for long hours under harsh conditions. Reports indicate that political prisoners endure severe conditions, including little food or medical care, and brutal punishments; many are not expected to survive. Many prisoners fall ill or die due to harsh labor conditions, inadequate food, beatings, lack of medical care, and unhygienic conditions.

The North Korean government sent laborers to work abroad under bilateral contracts with foreign governments, including in Russia, Africa, Central and Eastern Europe, East and Southeast Asia, especially Mongolia, and the Middle East. Credible reports showed many North Korean workers sent abroad under these contracts were subjected to forced labor, with their movement and communications constantly under surveillance and restricted by North Korean government "minders." In February 2013, five North Korean workers at a Russian construction site died because they could not escape the carbon monoxide-filled room where they were being confined; the door was locked from outside. There were also credible reports that these workers faced threats of government reprisals against them or their relatives in North Korea if they attempted to escape or complain to outside parties. Workers' salaries are deposited into accounts controlled by the North Korean government, which keeps most of the money, claiming fees for various "voluntary" contributions to government endeavors. Workers reportedly received only a fraction of the money paid to the North Korean government for their work. Between 10,000 and 15,000 North Korean workers are estimated to be employed in logging camps in Russia's Far East, where they reportedly have only two days of rest per year and face punishments if they fail to meet production targets. Wages of some North Korean workers employed in Russia reportedly were withheld until the laborers returned home.

NGOs and researchers estimate that between 10,000-20,000 North Koreans currently live in China, and as many as 70 percent of them are women. There is no reliable information on how many of these North Koreans have been trafficked, but their status in China as illegal economic migrants who may be deported to North Korea makes them particularly vulnerable to trafficking. Since the death of Kim Jong-il in December 2011, reports indicate that border security has increased significantly, reducing the number of individuals able to leave the DPRK. In the recent past, many North Korean women and girls migrated illegally to China, often with the help of a facilitator, seeking food, work, freedom, and better life prospects, but were subsequently forced into marriage, prostitution, or labor. Some North Korean women were reportedly lured, drugged, or kidnapped by traffickers upon arrival. Others were offered jobs, but were subsequently compelled into domestic service through forced marriages to Chinese men, often of Korean ethnicity, or were forced into prostitution in brothels or through Internet sex sites. Some were forced to serve as hostesses in nightclubs and karaoke bars. Trafficking networks of Korean-Chinese and North Koreans (usually men) operated along the China-North Korea border, reportedly working with border guards from both countries to recruit women for marriage or prostitution in China. If found by Chinese authorities, victims are deported to North Korea where they are subject to harsh punishment, including forced labor in DPRK labor camps.

The North Korean government does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore, North Korea is placed on Tier 3. The government did not demonstrate any efforts to address human trafficking through prosecution, protection, or prevention measures. The government contributed to the human trafficking problem through its ban on emigration, its contracts with foreign government through which it provides forced labor, its failure to address its poor economic and food situation, and through its forced labor

camps, where North Koreans live in conditions of servitude, receiving little food and little, if any, medical care.



Recommendations for the Democratic People's Republic of Korea: Recognize human trafficking as a problem in North Korea, and one that is distinct from human smuggling; work with the international community to improve the social, political, economic, and human rights conditions that render North Koreans vulnerable to trafficking; work with the international community to close forced labor camps; provide assistance to trafficking victims and forge partnerships with international organizations and NGOs to aid in this effort; and work with the international community to allow North Koreans to receive fair wages and choose their form of work and leave their employment at will.

Prosecution

The North Korean government made no discernible law enforcement efforts to combat trafficking in persons during the reporting period. The government continued to deny that human trafficking was a problem. Article 7 of the 1946 Law on Equality of the Sexes forbids trafficking in women. Article 289 of the penal code prohibits the abduction of children and Article 290 prohibits the abduction of individuals or groups, prescribing penalties of three to 10 years of "labor correction." None of these statutes prohibits trafficking in persons *per se*. However, fair trials did not occur in North Korea and the government was not transparent with law enforcement data, so it remained unclear under what provisions of the law, if any, traffickers were prosecuted. During the reporting period, there were no known investigations, prosecutions, or convictions of trafficking offenders or public officials complicit in forced labor or forced prostitution. The government did not report whether it provided any anti-trafficking training to its officials. Reports indicate that repatriated North Koreans, some of whom may have been trafficking victims, were subjected to harsh punishments during the reporting period. North Korean defectors reported instances of the government punishing traffickers, including by execution. The government did not report any investigations or prosecutions of government officials for alleged complicity in trafficking-related offenses.

Protection

The North Korean government was not known to have made any attempts to protect trafficking victims during the reporting period. The government reported no efforts to identify or assist trafficking victims. Government authorities provided no discernible protection services to trafficking victims, nor did it permit indigenous NGOs to operate freely in North Korea; the few international NGOs allowed into the DPRK were not permitted to assist trafficking victims. The government provided no assurances to victims they would be exempt from being penalized for unlawful acts committed as a direct result of their being trafficked and there is no screening of illegal immigrants for trafficking. To the contrary, Article 233 of the penal code criminalizes border crossing and border guards risk prosecution as accessories if they help those trying to escape the country – a violation that is subject to a penalty of up to two to five years of forced labor. North Koreans forcibly repatriated by Chinese authorities, including women believed to be trafficking victims, were sent to prison camps, where they may have been subjected to forced labor, torture, sexual abuse by prison guards, or other severe punishment. Repatriated victims who were suspected of having become pregnant with a child of possible Chinese paternity may be subject to forced abortions and infanticide and reports indicate that infants born to repatriated victims while in prison would be killed.

Prevention

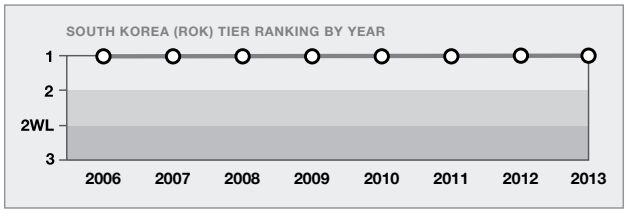
North Korean authorities made no discernible efforts to prevent human trafficking during the reporting period. While internal conditions in the DPRK have prompted many North Koreans to flee the country in the past, which has made them vulnerable to human trafficking, border security increased during the reporting period, which led to a decrease in the rate of refugees resettled in the Republic of Korea. Nevertheless, there was no evidence that the DPRK government attempted to prevent human trafficking by screening migrants along the border. DPRK authorities made no discernible efforts to reduce the demand for commercial sex acts. North Korea is not a party to the 2000 UN TIP Protocol.

KOREA, REPUBLIC OF (Tier 1)

The Republic of Korea (ROK or South Korea) is a source, transit, and destination country for men and women subjected to forced prostitution and forced labor. Some men and women from Russia, Pakistan, Kyrgyzstan, Uzbekistan, Kazakhstan, Morocco, Colombia, Mongolia, China, the Philippines, Thailand, Cambodia, the Democratic People's Republic of Korea (North Korea), Vietnam, Japan, and other Southeast Asian countries are subjected to forced labor, and some women are subjected to forced prostitution. Despite increased regulations on the E-6 entertainment visas, some foreign women who enter the country on this visa are forced into prostitution. Some women from less-developed countries recruited for marriage with South Korean men through international marriage brokers are subjected to forced prostitution or forced labor subsequent to their arrival in the ROK. South Korean women are subjected to forced prostitution domestically and abroad in destinations including the United States, Canada, Japan, and Australia. Some are coerced by traffickers to whom they owe debts. Commercial sexual exploitation of South Korean teenagers in the country remains a problem.

Migrant workers who travel to the ROK for employment can incur thousands of dollars in debts, contributing to their vulnerability to debt bondage. There are approximately 500,000 low-skilled migrant workers in the ROK from other countries, many of whom are working under the government's Employment Permit System (EPS). While both South Korea and origin countries consider the EPS a positive example of a guest worker program, non-EPS workers and some EPS workers still face conditions indicative of forced labor, including nonpayment of wages and work upon arrival in the ROK that differs from the job description offered to them in their country of origin.

The Government of the Republic of Korea fully complies with the minimum standards for the elimination of trafficking. The government enacted an amended criminal code in March 2013 that defines trafficking in persons as a distinct crime and prohibits all of its forms. The government reported an increased number of sex and labor trafficking convictions during the reporting period. The government also increased its diplomatic efforts in combating trafficking, and re-opened an investigation into alleged forced labor aboard South Korean-flagged fishing vessels operating in New Zealand waters. The government, however, still lacks comprehensive victim identification and referral procedures.



Recommendations for the Republic of Korea: Demonstrate efforts to investigate, prosecute, and convict trafficking offenders under the newly amended criminal code; take steps to increase awareness of child sex tourism and increase law enforcement efforts to investigate and prosecute South Koreans engaging in such acts; decrease the rate of suspended sentences and out-of-court financial settlements in sex and labor trafficking cases; develop and implement formal victim identification procedures to identify proactively trafficking victims among vulnerable populations, including women arrested for prostitution, migrant workers in the EPS, and illegal immigrants; investigate and prosecute offenders on South Korean-flagged fishing vessels; assist male labor trafficking victims; implement a new data collection system for prosecutions and convictions that aligns with the newly amended criminal code; and conduct a comprehensive study or survey on the scope of labor trafficking in South Korea.

Prosecution

The ROK government took active steps to increase its law enforcement efforts during the reporting period. In March 2013, the National Assembly unanimously passed legislation that brings chapter 31 of the criminal code into conformance with the trafficking definitions of the UN Palermo Protocol. With this important step, South Korea now prohibits all forms of trafficking. The revised statute prescribes up to 15 years' imprisonment; these penalties are sufficiently stringent and commensurate with those prescribed penalties for other serious crimes, such as rape. Prior to the amendment of the criminal code, the government used its 2004 Act on the Punishment of Acts of Arranging Sexual Traffic and its Labor Standards Act to prosecute and punish most trafficking offenses. During the reporting period, under the law before it was amended, government authorities obtained convictions in 30 sex trafficking cases, compared with 11 from the previous reporting period, and obtained convictions in 19 labor trafficking cases, compared with three in the previous reporting period. Convicted sex trafficking offenders received sentences ranging from three to five years; some of the convicted labor trafficking offenders received suspended sentences, raising concerns that penalties are insufficient for this serious crime. During the reporting period, media and NGOs continued to highlight allegations of forced labor conditions aboard South Korean-flagged fishing vessels in New Zealand waters, including non-payment and underpayment of wages, and called for action by South Korean fishing companies. The National Human Rights Commission of South Korea issued a report stating the urgent need to protect the rights of foreign sailors hired by Korean deep-sea fishing companies. In 2012, prosecutors in Busan City dismissed criminal indictments against alleged offenders in one set of cases of labor abuses on ROK-flagged fishing vessels. In January 2013, the government reported that these cases had been reopened and there would be further investigations of 12 ROK-flagged fishing vessels. Despite reports of South Korean men engaging in child sex tourism in Southeast Asian countries, there have been no reported prosecutions or convictions for such crimes in the past six years.

During the reporting period, the government funded training for 410 local government officials, teachers, and police officers on investigating sex trafficking crimes against women and children. The Ministry of Justice also hosted three separate events to train prosecutors and investigators on sex trafficking crimes. The government did not report any investigations or prosecutions of government employees for trafficking-related offenses during the reporting period.

Protection

The ROK government sustained strong efforts to protect trafficking victims during the reporting period. The government provided financial support to NGOs that offer shelter, counseling, medical and legal assistance, vocational training, educational programs, and rehabilitation services to a variety of persons in need, including sex and labor trafficking victims. The Ministry of Gender Equality and Family (MOGEF) operated 18 shelters for victims of sex trafficking, sexual assault, and domestic violence. The Ministry of Employment and Labor (MOEL) operated 34 Foreign Workforce Centers for Migrant Workers and one foreign workforce counseling center; 14 centers have lodging facilities where foreign workers can stay up to three months, with extensions possible. The government continued to operate one specialized shelter for foreign victims of sex trafficking, assisting 35 victims during the first half of 2012. The government also maintained an extensive network of support centers for foreign-born spouses and runaway teenagers, two groups vulnerable to trafficking in South Korea. The National Police Agency (NPA), in partnership with MOGEF, instituted a program in which social welfare counselors accompany police officers when arresting women involved in prostitution to identify potential victims of trafficking and provide assistance. The government offered foreign victims of trafficking legal alternatives to their removal to countries in which they may face hardship or retribution. The government's G-1 visa system allowed foreign workers to remain and work in South Korea for up to one year to participate in investigations against their employers. At least one of the 251 G-1 visa holders in 2012 was a victim of sex trafficking. Three victims of trafficking also received work permits during the reporting period. Victims of trafficking are not punished for crimes committed as a direct result of being in a trafficking situation. The government lacked systematic victim identification and referral procedures, though it reported it was in the process of drafting such procedures during the year.

Prevention

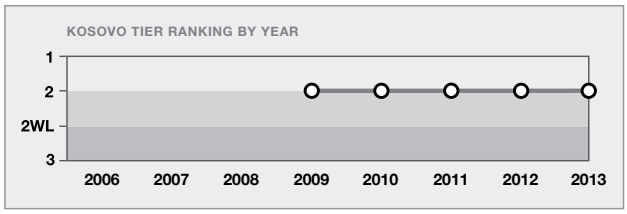
The ROK government increased its efforts to prevent human trafficking during the reporting period. The government continued to conduct a wide variety of campaigns to raise awareness of sex trafficking in South Korea. A new law passed in August 2012 required places of entertainment to post signs stating that debt bondage is illegal and to publicize the MOGEF trafficking hotline. MOGEF and local governments began joint inspections for compliance with the law and fined 18 businesses for noncompliance. MOGEF also operated hotlines in 14 different languages. In January 2013, the Ministry of Land, Transportation, and Maritime Affairs stated it had established a hotline for foreign crew members on vessels that is dedicated to assisting and rescuing potential victims of trafficking. South Korean embassies around the world provided educational materials to local NGOs and more than 5,000 foreign spouses emigrating to Korea. The NPA increased law enforcement efforts to target owners of large entertainment businesses that encourage commercial sex and arrested people who produced and distributed prostitution-related pamphlets. MOEL surveyed foreign workers about issues related to labor law violations and conducted inspections for violations of labor trafficking. South Korean authorities continued to train law enforcement and other government officials about trafficking and used a standardized training program on how to prevent forced prostitution. MOGEF dispatched civil experts to help and support Korean trafficking victims in Australia.

South Korean men remain a source of demand for child sex tourism in Southeast Asia and the Pacific Islands. The Korea Institute of Criminology in January 2013 published a report about child sex tourism by Korean nationals in Southeast Asia. The report recommended the government undertake a more robust public campaign outlining the repercussions of child sex tourism, greater cooperation with the travel industry to reduce demand, and increased law enforcement efforts to punish Korean nationals who engage in child sex tourism. The government posted child sex tourism warnings and information at airport and railroad stations, as well as on the websites for South Korean embassies in Southeast Asian countries. The government reported confiscating some passports from South Korean nationals allegedly engaged in sex trafficking abroad, but could not confirm their involvement with child sex tourism. The ROK government continued to provide anti-trafficking training to troops prior to their deployment abroad on international peacekeeping missions.

KOSOVO (Tier 2)

Kosovo is a source and destination country for women and children subjected to sex trafficking and forced labor. The lack of visa requirements for most travelers makes it a vulnerable transit country. Most sex trafficking victims in Kosovo are female citizens, though women from Moldova, Slovakia, Albania, Serbia, and Poland also face forced prostitution in Kosovo. Children from Kosovo and neighboring countries were subjected to forced begging. Traffickers subject Kosovo citizens to forced prostitution and forced labor throughout Europe.

The Government of Kosovo does not fully comply with the minimum standards for the elimination trafficking; however, it is making significant efforts to do so. The government adopted a new criminal code during the reporting period that increased prescribed penalties for trafficking offenders. It updated standard operating procedures for identification and assistance for victims of trafficking, funded shelters for victims, and conducted a trafficking prevention campaign. While courts made progress in reducing a backlog of cases, the government struggled to hold trafficking offenders accountable. The government did not convict any government officials alleged to be complicit in trafficking and did not prosecute an official implicated in sex trafficking.



Recommendations for Kosovo: Continue to strengthen efforts to prosecute, convict, and sentence sex and labor trafficking offenders, including officials complicit in trafficking; provide advanced anti-trafficking training to judges, prosecutors, and law enforcement; enhance efforts to identify and assist child victims of trafficking in begging; update the national action plan to more specifically delegate responsibilities; ensure victims of trafficking have the freedom to come and go in all shelters; provide legal alternatives to the removal of foreign trafficking victims and encourage these victims to participate in investigations and prosecutions of trafficking offenders; implement screening for trafficking among migrants at risk prior to deportation; implement and fund victims' compensation and ensure access to restitution; and disaggregate law enforcement data to demonstrate efforts against sex trafficking and forced labor.

Prosecution

The Government of Kosovo made progress in its anti-trafficking law enforcement efforts during the reporting period by improving anti-trafficking legislation and sustaining past levels of convicting trafficking offenders. Kosovo's new criminal code and criminal procedure code took effect in January 2013. The legislation increased punishment for trafficking offenders, criminalized using services of victims of trafficking, and included forced begging as a trafficking offense. Article 171 prohibits all forms of trafficking and prescribes punishments of five to 12 years' imprisonment and a fine. These punishments are sufficiently stringent and are commensurate with those prescribed for other serious crimes, such as rape.

Authorities initiated 104 new trafficking investigations during the reporting period. Courts began prosecutions in 31 new cases in 2012, compared with 22 in 2011. In spite of serious challenges in the judiciary, courts convicted 41 trafficking offenders in 2012; 37 were convicted in 2011. Courts acquitted nine defendants and 35 prosecutions remained ongoing at the end of the reporting period. Authorities charged all defendants under the previous criminal code. Courts sentenced eight offenders to between two to five years' imprisonment, one defendant to 18 months' imprisonment, and 23 to one-year prison sentences. There were no prosecutions or convictions for labor trafficking during the reporting period. The OSCE reported that courts made some progress resolving a backlog of cases, though significant delays in issuing final written judgments detracted from their efforts.

Official complicity remained a problem, and the government did not convict any officials for human trafficking offenses or trafficking-related complicity. Authorities charged a police officer for subjecting his spouse to sex trafficking, though prosecutors did not take the case to trial during the reporting period. Three Ministry of Labor and Social Welfare officials remained on duty after being charged with falsifying documents and misuse of official duty. Authorities charged two police officers with attempting to interfere in the investigation and one senior ranking officer with abuse of authority. All three police officials were suspended during the investigation.

Police began including anti-trafficking training in basic academy instruction for new officers. The Kosovo Academy for Public Safety, as well as bilateral and multilateral foreign assistance programs, provided training to police, victim advocates, immigration officers, and social service workers in identifying possible victims, crisis intervention, rehabilitation, and reintegration. Prosecutors, labor inspectors, health workers, and border police also participated in training to increase identification and referral of victims of trafficking. Kosovo and Albania signed a cooperation protocol on identification, referral, and assisted voluntary return of victims of trafficking, with a special focus on child victims.

Protection

The government maintained efforts to protect victims of trafficking through increased funding for victim services. However, lack of legal alternatives allowing foreign victims to remain in the country prevented them from participating in trafficking prosecutions. Police identified 54 victims of trafficking in 2012, compared with 39 in 2011; 12 were children. Authorities identified no labor trafficking victims. The government provided support to 43 identified victims and repatriated 24. The government provided tax incentives to businesses that employed victims of trafficking. The Coordinator of Direct Assistance for Victims of Trafficking reported six victims found employment outside the tax incentive program. The national anti-trafficking coordinator revised standard operating procedures to reflect the new criminal code. New standard operating procedures require police and social workers to call victim advocates after identifying a possible victim of trafficking. The advocates provided legal advice and support to victims. Police improved their ability to obtain victims' statements through training, and prosecutors used video interview equipment during trials. Although the new criminal procedure code allows for victims' compensation, the government did not provide support for a victims' compensation fund and no victims received compensation or direct restitution from trafficking offenders.

The government spent the approximate equivalent of $84,600 on a government-run secure residence facility for victims of trafficking, which did not allow victims the freedom of movement unchaperoned. The government granted two NGO-run shelters the equivalent of approximately $74,600 and $38,800 respectively to fund 50 percent of direct services and a portion of their operational costs. The government spent the equivalent of approximately $198,000 on assistance and protection for victims of trafficking, an increase from the equivalent of approximately $153,000 spent in 2011, for medical care, counseling, and legal assistance provided through municipal social welfare centers under its constitutional obligation to decentralize services. The government did not provide shelter for male victims, but a donor-funded facility nearing completion will accommodate men and disabled victims in 2013. Social work centers assessed child victims of trafficking and placed them in a shelter or provided them with family mediation and school reintegration. The law did not entitle foreign victims of trafficking to visas or residence permits; this prevented them from remaining in the country to assist in investigations or prosecutions of their traffickers. Victims may, however, provide a witness declaration and return to their country of origin before the end of a trial. There were no reports of the government punishing victims of trafficking for unlawful acts committed as a direct result of being trafficked.

Prevention

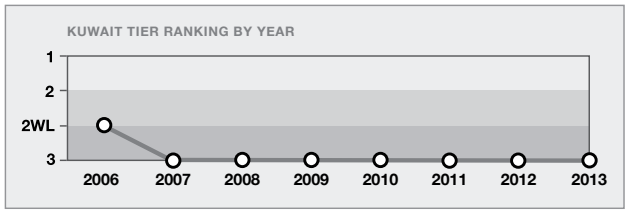
The government continued efforts to prevent human trafficking, although funding from the national anti-trafficking coordinator's office for prevention activities was limited. In coordination with OSCE, the government conducted an intensive, two-week media campaign on television and radio programs in both Albanian and Serbian, highlighting its anti-trafficking and domestic violence hotlines. The campaign resulted in a dramatic increase in the number of calls to the hotline requesting information on trafficking and referrals for potential victims. Kosovo signed a protocol with the Government of Albania on identifying children in begging and arranging safe repatriation. Three national media stars serving as anti-trafficking ambassadors recorded public service announcements on child trafficking and exploitation. The Ministry of Health published leaflets and conducted presentations on trafficking for medical professionals. The anti-trafficking police and NGO partners participated in several media debates and roundtables to increase awareness at national and local levels. The national anti-trafficking coordinator chaired a monthly inter-ministerial working group that included international organizations and NGOs to implement and monitor the national strategy and action plan. The government did not demonstrate efforts to reduce demand for commercial sex acts or forced labor.

KUWAIT (Tier 3)

Kuwait is a destination country for men and women who are subjected to forced labor and, to a lesser degree, forced prostitution. Men and women migrate from India, Egypt, Bangladesh, Syria, Pakistan, the Philippines, Sri Lanka, Indonesia, Nepal, Iran, Jordan, Ethiopia, Ghana, and Iraq to work in Kuwait, mainly in the domestic service, construction, and sanitation sectors. Although most of these migrants enter Kuwait voluntarily, upon arrival their sponsors and labor agents subject some migrants to conditions of forced labor, including nonpayment of wages, long working hours without rest, deprivation of food, threats, physical or sexual abuse, and restrictions on movement, such as confinement to the workplace and the withholding of passports. While Kuwait requires a standard contract for domestic workers delineating some basic rights, many workers report work conditions that are substantially different from those described in the contract; some workers never see the contract at all. According to the Kuwaiti government, between September 2011 to April 2012 the Filipino and Ethiopian domestic worker population increased dramatically, accounting for 86 percent of the total increase in Kuwait's domestic worker population over the

same period. Many of the migrant workers arriving for work in Kuwait have paid exorbitant fees to recruiters in their home countries or are coerced into paying labor broker fees in Kuwait that, by Kuwaiti law, should be paid by the employer—a practice that makes workers highly vulnerable to forced labor, including debt bondage, once in Kuwait. The media reported that Kuwaiti employers brought unskilled workers into Kuwait on "commercial" visas without providing them with work permits; this left workers unprotected under labor regulations and vulnerable to abuse, including conditions of forced labor. Kuwait's sponsorship law restricts workers' movements and penalizes them for "running away" from abusive workplaces; as a result, domestic workers are particularly vulnerable to forced labor inside private homes. In addition, media sources report that runaway domestic workers fall prey to forced prostitution by agents or criminals who exploit their illegal status.

The Government of Kuwait does not fully comply with the minimum standards for the elimination of trafficking and is not making sufficient efforts to do so. Although the government enacted an anti-trafficking law in March 2013, the government did not demonstrate significant efforts to prosecute and convict trafficking offenders using previously existing laws. There was no lead national anti-trafficking coordinating body, and the government did not systematically monitor its anti-trafficking efforts. The government's victim protection measures remained weak, particularly due to the lack of proactive victim identification and referral procedures and continued reliance on the sponsorship system, which inherently punishes, rather than protects, trafficking victims for immigration violations. The government continued to operate a temporary shelter for runaway female domestic workers, though it offered no shelter for male victims of trafficking. The government also did not fulfill other commitments made since 2007, such as enacting a law to provide domestic workers with the same rights as other workers and opening a large-capacity permanent shelter for victims of trafficking. The government similarly continued to make insufficient efforts to prevent trafficking during the reporting period. For these reasons, Kuwait is placed on Tier 3 for a seventh consecutive year.



Recommendations for Kuwait: Implement the 2013 anti-trafficking law by investigating and prosecuting trafficking offenses, and convicting and punishing offenders—particularly sponsors—who subject domestic workers to involuntary servitude; enact and enforce the draft domestic workers bill to provide domestic workers with the same rights as other workers; establish procedures to proactively identify all victims of human trafficking, especially among the female domestic worker population; open the large-scale shelter for all trafficking victims and provide relevant training to shelter staff; amend the sponsorship law to protect foreign workers, including domestic workers, from abuse; enforce existing laws against sponsors and employers who illegally hold migrant workers' passports; provide additional anti-trafficking training to law enforcement and judicial officials; and significantly increase efforts to prevent trafficking.

Prosecution

The government made limited anti-trafficking law enforcement efforts during the reporting period. It enacted comprehensive anti-trafficking legislation in March 2013. The government failed to prosecute and convict trafficking offenders using previously existing laws. Kuwait prohibits all forms of trafficking through its new anti-trafficking law. The new law prescribes penalties ranging from 15 years' to life imprisonment; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Before February 2013, the government could have prosecuted and punished many trafficking offenses under the Kuwaiti criminal code, but there was little evidence it did so. For example, the criminal code prohibits some forms of transnational slavery in Article 185, which prescribes a maximum penalty of five years' imprisonment. In addition, Law 16/1960 criminalizes forced labor or exploitation, while maltreatment that leads to death is considered first-degree murder. Article 201, which prohibits forced prostitution, prescribes a maximum sentence of five years' imprisonment if the victim is an adult and seven years' if the victim is under the age of 18. These prescribed penalties also are sufficiently stringent and commensurate with those prescribed for other serious offenses.

During the reporting period, the government did not report any arrests, prosecutions, convictions, or sentences of traffickers for either forced labor or sex trafficking. Although the withholding of workers' passports is prohibited under Kuwaiti law, this practice remains common among sponsors and employers of foreign workers, and the government demonstrated no genuine efforts to enforce this prohibition. Almost none of the domestic workers who took refuge in their home-country embassy shelters had passports in their possession. The government remained reluctant to prosecute Kuwaiti citizens for trafficking offenses. When Kuwaiti nationals were investigated for trafficking offenses, they tended to receive less scrutiny than foreigners. Kuwaiti law enforcement generally treated cases of forced labor as administrative labor infractions, for which punishment was limited to assessing fines, shutting down employment firms, issuing orders for employers to return withheld passports, or requiring employers to pay back-wages. The government did not conduct anti-trafficking trainings for government officials during the reporting period.

Protection

During the year, the government made inadequate efforts to protect victims of trafficking. Victims of trafficking were frequently arrested, detained, and deported. Despite several years of this Report's recommending the government develop and implement formal procedures for the proactive identification of trafficking victims among vulnerable populations, such as foreign domestic workers and women in prostitution, it did not do so; nor did it develop and implement a referral mechanism to provide adequate protection services to victims. The 2013 anti-trafficking legislation did not provide protection from prosecution for victims who fled abusive employers. Furthermore, Kuwait's migrant sponsorship law effectively dissuades foreign workers from reporting abuses committed by their employers to government authorities. Workers who left their employer's

residences without permission faced criminal and financial penalties of up to six months' imprisonment, the equivalent of over approximately $2,000 in fines, and deportation, even if they were fleeing from an abusive sponsor. The threat of these consequences discouraged workers from appealing to police or other government authorities for protection and from obtaining adequate legal redress for their exploitation. Nonetheless, some foreign victims of trafficking received monetary settlements from their employers; however, the government did not bring trafficking-related charges against such employers. Moreover, victims were not offered legal aid by the government. Anecdotally, NGO sources reported that in this reporting period, police conducted raids on 2,000 migrant workers and detained them in a deportation center where some languished for as long as six months. There was no indication that police implemented measures to identify trafficking victims among this population or provide protective services to migrants who may have experienced conditions of human trafficking.

The Ministry of Social Affairs and Labor (MOSAL) continued to operate a short-term shelter for runaway domestic workers with a maximum capacity of 40; however, the shelter detained victims involuntarily until their legal or immigration cases were resolved. The government continued to fail to report the number of trafficking victims assisted at this shelter during the reporting period. It is unclear whether victims of forced prostitution could access this temporary shelter, and there continued to be no shelter or other protective services afforded for male victims of trafficking. In 2007, the government announced it would open a high-capacity shelter for runaway domestic workers; this shelter was still not operational at the end of the reporting period. Many domestic workers continued to seek assistance at their embassies in Kuwait; some source-country embassies reported that 450-600 domestic workers ran away from their employers each month. The government provided some source countries with funds to pay for the repatriation of some runaway domestic workers sheltered at their embassies in Kuwait. The government did not provide funding to domestic NGOs or international organizations that provide direct services to trafficking victims. The government did not encourage victims of trafficking to assist in the investigation and prosecution of trafficking cases, and it did not offer foreign trafficking victims legal alternatives to their removal to countries in which they may face hardship or retribution.

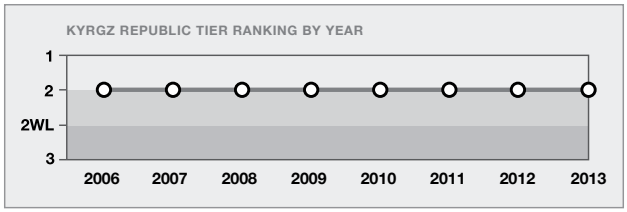
Prevention

The government made no discernible progress in preventing trafficking in persons during the reporting period. The government does not have a national coordinating body responsible for anti-trafficking efforts and the government did not conduct anti-trafficking public awareness campaigns. Source-country embassies reported the Kuwaiti government failed to investigate, penalize, or blacklist a company for its reported labor violations, including withholding workers' passports and unsanitary working conditions. The National Assembly voted on the first of two required readings in favor of legislation to create a General Authority for Manpower, as required by the 2010 Private Sector Labor Law. The draft legislation, which was not enacted at the end of the reporting period, would mark a significant step forward in replacing the current sponsorship system. In January 2013, the media reported that police investigated alleged complicity of government officials within MOSAL for illegally selling visas under the sponsorship system; the investigation was ongoing at the end of the reporting period. As in previous years, the Ministry of Awqaf and Islamic Affairs made a nationwide effort to reduce overseas child sex tourism by requiring some Sunni mosques to deliver Friday sermons on the danger of sex abroad and Islam's strict teachings against improper sexual relations.

KYRGYZ REPUBLIC (Tier 2)

The Kyrgyz Republic (or Kyrgyzstan) is a source and transit country for men, women, and children subjected to forced labor, and for women and children subjected to sex trafficking. Kyrgyzstani men, women, and children are subjected to conditions of forced labor in Russia and Kazakhstan, and to a lesser extent in Turkey and other Eastern European countries, as well as within the Kyrgyz Republic, specifically in the agricultural, forestry, construction, and textile industries, and in domestic servitude and forced child care. In 2012, 26 Kyrgyzstani forced laborers were identified in Finland. Women from the Kyrgyz Republic are subjected to forced prostitution in Turkey, the United Arab Emirates (UAE), Russia, Kazakhstan, and within the country. Small numbers of women and children from Uzbekistan have been subjected to sex trafficking in Kyrgyzstan. Some men and women from Uzbekistan, Tajikistan, and Turkmenistan transit the Kyrgyz Republic as they migrate to Russia, the UAE, and Turkey, where they subsequently become victims of sex and labor trafficking. Kyrgyzstani boys and girls are subjected to sex trafficking and forced labor—including the forced selling and distribution of drugs—within the country. NGOs report that some schools in the south of the country cancel classes in the fall to send children to pick cotton, and other schools require children to harvest tobacco on school grounds. Street children who engage in begging and child domestic workers are vulnerable to human trafficking.

The Government of the Kyrgyz Republic does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to provide substantial in-kind contributions to assist NGOs and international organizations in training law enforcement officials, protecting identified trafficking victims, and raising awareness of human trafficking. However, the government identified fewer victims and investigated and prosecuted fewer suspected trafficking cases than in the previous reporting period.



Recommendations for the Kyrgyz Republic: Increase efforts to investigate and prosecute suspected trafficking offenses, respecting due process, and convict and punish trafficking offenders, ensuring that a majority of those convicted of trafficking offenses serve time in prison; increase efforts to systematically identify trafficking victims among vulnerable groups, such as street children, adult and child agriculture laborers, and Kyrgyzstani migrant workers, and

refer those victims to protective services; vigorously investigate and prosecute government officials suspected of being complicit in trafficking and convict and punish complicit government officials; continue to provide the physical premises for NGO-run shelters; continue to contribute to efforts by international organizations to train police, prosecutors, and judges; work to ensure that identified victims of trafficking are not punished for unlawful acts committed as a direct result of being trafficked; and consider disaggregating anti-trafficking law enforcement data.

Prosecution

The Kyrgyzstani government made limited anti-trafficking law enforcement efforts during the reporting period. The 2005 Law on Prevention and Combating Trafficking in Persons, as amended in 2011, criminalizes both sex and labor trafficking, and covers a non-trafficking offense—"child adoption for commercial purposes." The law prescribes penalties of five to 20 years' imprisonment; these penalties are sufficiently stringent and commensurate with prescribed penalties for other serious crimes, such as rape. In July 2012, the president signed into law a new Code on Children; Article 15 of which prohibits all forms of forced child labor. In 2012, the government reported conducting six investigations, compared with seven investigations taking place in 2011. The government reported prosecuting 10 suspected offenders under their anti-trafficking law but convicted none in 2012, compared with 13 suspected offenders prosecuted and nine convicted in 2011. The government did not report whether these prosecutions were all for trafficking offense, as the anti-trafficking law also covers a non-trafficking offense. Major changes to the Kyrgyzstani judiciary in 2012 that included the replacement of judges at all levels stalled the judiciary's ability to issue decisions, leading to low conviction rates for a number of crimes. Potential trafficking offense were not investigated or prosecuted due to the lack of awareness of trafficking by law enforcement officials. The government provided in-kind contributions, including building space, access to office equipment, and provision of co-trainers and moderators, for a number of seminars and conferences organized by international organizations regarding law enforcement and victim identification efforts. Corruption is a systemic issue in Kyrgyzstan; NGOs have contended in the past that some low-level law enforcement officials were complicit in human trafficking and accepted bribes from traffickers. The Government of the Kyrgyz Republic did not report any investigations or prosecutions of government employees for alleged complicity in trafficking-related offenses during the reporting period.

Protection

The Kyrgyzstani government sustained limited efforts to assist victims during the reporting period. The government did not have formal written procedures to guide officials in proactive identification of trafficking victims among high-risk persons with whom they came into contact. The government identified 11 victims and referred all of them to protective services in 2012, a decrease from 38 victims identified and referred in 2011. Six of these 11 victims were identified by Kyrgyzstani consular officials in destination countries; NGOs in Kazakhstan noted that Kyrgyzstani consulates were helpful in identifying and repatriating Kyrgyzstani victims. NGOs identified and assisted 278 victims in 2012, an increase from 164 victims in 2011; more than 200 of these victims were subjected to forced labor. Although the government did not provide funding to any organization that provided victim assistance in 2012, it continued to provide in-kind assistance to anti-trafficking NGOs, including facilities for three NGO-run shelters for trafficking victims; 95 victims were supported in these shelters in the reporting period. Adult victims were able to leave the shelters freely. The government did not encourage victims to participate in trafficking investigations and prosecutions. Unidentified victims may have been penalized for unlawful acts committed as a direct result of their being trafficked, such as prostitution offenses.

Prevention

The Kyrgyzstani government sustained some progress in trafficking prevention efforts during the reporting period. After collaboration with NGOs and international organizations, the Kyrgyzstani government adopted a 2013-2016 anti-trafficking action plan in January 2013. During the reporting period, the Ministry of Foreign Affairs acquired the anti-trafficking portfolio from the Ministry of Labor as part of a broad reorganization of government; however, other ministries continued to play important roles. For instance, the Ministry of Labor helped design trafficking awareness materials, prepared by IOM and funded by a foreign government, and distributed these materials to Kyrgyzstani migrants. The Ministry of Education continued to hold classes about human trafficking for secondary school students. The government continued to provide a national toll-free telephone line to an NGO-run labor migration hotline which provided legal advice and assistance to potential victims of trafficking. The government continued its program to digitize passport records and birth records, with the goal of fully computerizing the national citizen registration system; providing citizens with greater personal identification documentation contributes to the prevention of human trafficking. The government, however, did not undertake efforts to reduce the demand for commercial sex acts.

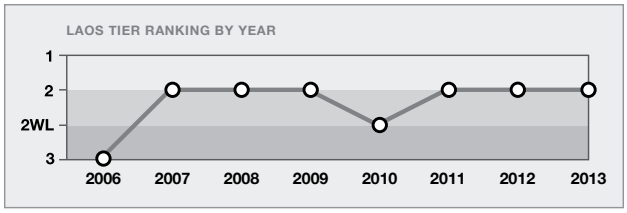
LAOS (Tier 2)

Laos is a source, and to a much lesser extent, a transit and destination country for women, children, and men who are subjected to sex trafficking and forced labor. Lao trafficking victims often are migrants seeking work outside the country, sometimes with the assistance of brokers who charge high fees, who encounter conditions of involuntary exploitation after arriving in destination countries, most often Thailand. Many victims, particularly women, are exploited in Thailand's commercial sex trade, and sometimes in forced labor in domestic service, garment factories, or agricultural industries. Lao men and boys are also victims of forced labor in Thailand, especially in the fishing and construction industries; increasing numbers of identified victims are male. NGOs report that individuals offering transportation services near the Thai border facilitate the exploitation of economic migrants into forced labor or sex trafficking in Thailand. Additionally, many trafficking victims may be among the migrants deported or "pushed back" from Thailand without official notification, often sent back to Laos in boats across the Mekong River. Mini-van drivers sometimes intercept these migrants when they arrive back in Laos and facilitate their re-trafficking. Some adults and children were reportedly subjected to forced labor within Laos in the agricultural sector. A small number of women and girls from Laos are reportedly sold as brides in China

and the Republic of Korea and subsequently subjected to sex trafficking; a small number of Lao sex trafficking victims were also identified in Malaysia.

Laos is increasingly a transit country for Vietnamese and Chinese women who are subjected to sex trafficking and forced labor in neighboring countries, particularly Thailand. Some Vietnamese and Chinese women are also subjected to forced prostitution in Laos, usually in close proximity to casinos or Special Economic Zones, reportedly to meet the demand of Asian tourists. Although there are fewer reported instances of internal trafficking, sex trafficking of Lao women and girls within the country remained a problem.

The Government of Laos does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government continued to operate a transit center in Vientiane, provided funding for the Lao Women's Union shelter, and continued to rely heavily on foreign donor support for long-term victim assistance. The government obtained fewer convictions of trafficking offenders than in the previous year. In November 2012, following five years of inaction, the prime minister approved a long-awaited national plan of action on human trafficking, but its implementation has not begun. Proactive victim identification measures and systematic monitoring efforts were not implemented during the current year.



Recommendations for Laos: Increase efforts to address internal trafficking by identifying and assisting Lao citizens trafficked within the country and prosecuting perpetrators of these offenses; demonstrate greater efforts to combat the trafficking complicity of public officials, especially on the local level, through the criminal prosecution of officials involved in trafficking crimes; develop monitoring mechanisms for labor recruiters tasked with processing work permits and contracts to prevent the trafficking of migrant workers; implement formal victim identification procedures and train police and border officials to systematically identify trafficking victims, particularly among migrants returning from Thailand; increase resources and vocational trainings to support victims, including male victims, in reintegration after returning to their home communities; develop a victims' protection framework and raise awareness of options for legal redress available to victims to increase the number of victims willing to testify or assist in investigations; approve memoranda of understanding with NGOs and international organizations in a more timely manner; reduce the demand for sex tourism by promulgating awareness and enforcing criminal penalties; sustain progress on the proposed national database system on trafficking cases; consider allocating a portion of the budget specifically for anti-trafficking activities; and continue to develop a comprehensive anti-trafficking law.

Prosecution

The Lao government's prosecutions and convictions of trafficking offenders declined during the year. The government prohibits all forms of human trafficking through its 2006 revision of penal code Article 134, which prescribes penalties ranging from five years to life imprisonment, fines ranging from the equivalent of approximately $1,250 to $12,500, and confiscation of assets, which are sufficiently stringent punishments and commensurate with those prescribed for other serious crimes, such as rape. The government did not report tangible results during the year from the committee it previously formed to assess gaps in current legislation and to draft a comprehensive law. Within the current reporting period, authorities reported investigating 75 cases of suspected trafficking. Court cases resulted in 18 convictions, a significant decrease from the 37 obtained in the previous year. The government did not specify the nature of these cases nor provide details on punishment or sentences for the individual offenders. During the year, the government led at least 11 donor-funded trainings that reached 335 law enforcement officers and covered topics including the country's legal framework to combat trafficking and appropriate methods for interviewing victims. However, court proceedings lacked transparency and adequate record-keeping, and the Lao judicial sector remained weak and inefficient. Lawyers did not always have formal training and victims were not made sufficiently aware of their legal rights. In addition, the general public's continued reluctance to work with law enforcement hampered the government's ability to effectively investigate internal or cross-border trafficking cases. Corruption remained an endemic problem in Laos. Anti-trafficking organizations have reported that some village or other officials received payment to facilitate the immigration or transportation of girls to Thailand. The government did not report any investigations, prosecutions, or convictions of officials for complicity in human trafficking or trafficking-related activities during the year.

Protection

While the Government of Laos continued to provide modest support to victims repatriated from Thailand and victims identified within the country, it did not improve its efforts to proactively identify victims among vulnerable groups, and its overall victim protections remained inadequate. The government did not implement the use of a checklist it previously developed to proactively identify victims of trafficking among vulnerable groups. Upon their return from Thailand, victims identified by Thai or Lao authorities were referred to shelters or other providers of medical care, counseling services, and vocational training. Lao authorities reported screening undocumented migrants deported from Thailand to identify victims among this vulnerable group, but it is unknown how many victims were identified as a result of these efforts. During the final month of the reporting period, Thai authorities began to "push back" large numbers of Lao migrants into areas of the country where local officials lacked experience identifying and assisting victims. Consequently, unidentified victims among this group faced significant risk of being re-trafficked. During the year, 193 trafficking victims were returned to Laos under the official repatriation system; however, inadequate efforts on both sides of the border to identify victims among undocumented migrants left many victims unidentified. The total number of victims identified or referred to services during the year is unknown, though the

government reported 302 victims in the cases it investigated. The government continued to rely almost entirely on NGOs and international organizations to provide or fund victim services. However, the central government operated and partially funded a transit center and a shelter in Vientiane. Victims returning from Thailand stayed temporarily in the transit center while assessments for longer-term arrangements were conducted by the authorities. The shelter, which served female victims of trafficking and other forms of abuse, cared for 28 trafficking victims during the year; the government did not report identifying any foreign victims during the year. NGOs provided the additional long-term support and vocational training available to victims. While the government depended on NGOs to provide resources for many trafficking initiatives, its own internal inefficiencies caused lengthy delays in granting approvals to NGOs and international organizations to implement anti-trafficking efforts in Laos. The government's ability to provide medical and psycho-social services to victims increased with the signing during the year of a cooperative agreement between an NGO and a government-run hospital in Vientiane. Nevertheless, a lack of adequate long-term support available to victims made them vulnerable to re-trafficking.

Anti-trafficking organizations identified Northern Laos as a region that lacks much-needed victim assistance services. Additionally, although more than one-third of victims identified during the year were male, the majority of services in the country were only available to women. The Lao Women's Union continued to operate a hotline for reporting a wide range of concerns, including suspected cases of human trafficking; although trafficking-related calls were received, the number was not provided. There were no reports of identified victims being subject to penalties for acts committed as a result of being trafficked, and central government officials instructed provincial authorities that they could not fine repatriated victims for immigration violations. However, the government did not make adequate efforts to identify trafficking victims, which may have led to some victims being treated as law violators. The government reported encouraging victims to cooperate with prosecutions, including through counseling for individual victims in shelters, but the lack of incentives to participate was inadequate to assure victims that formal legal proceedings, which can be lengthy and more costly, offered them a greater benefit than traditional out-of-court mediation. Some interpretation services, provided by volunteers, were available to foreign victims. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship.

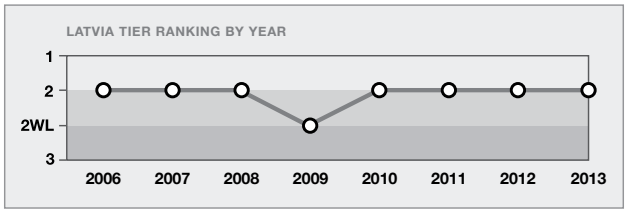
Prevention

During the past year, with assistance from international organizations and NGOs, the Lao government continued modest prevention efforts. Following five years of inaction, the Prime Minister's office approved the national action plan in November 2012, though implementation of the plan has not yet begun. The government held a series of anti-trafficking awareness events to celebrate a national day against trafficking in December 2012. The events included a race involving 254 participants from 14 countries, a government-sponsored radio campaign, and poster and banners series displayed in Vientiane. The Lao Women's Union continued to provide trainings which reached 246 victim service providers during the year, and the Ministry of Labor and Social Welfare partnered with an NGO to train district level officials in Vientiane on laws related to human trafficking and the protection of women and children. The Ministry of Information, Culture, and Tourism hosted experts to provide awareness-raising sessions on child trafficking prevention to government officials and tourism professionals. In March 2012, in an effort to decrease migrants' vulnerability to trafficking, the government cooperated with an international organization to open two migrant resource centers and train 400 government officers on issues of safe migration. The government cooperated with an international organization to hold a workshop in a tourist area on the problem of child sex tourism and how to combat it. In an effort to reduce the demand for commercial sex acts, the government reportedly fined an unknown number of owners and operators of venues and shut down some venues where commercial sex acts occurred. At times, it conducted raids on these establishments; inadequate efforts to identify sex trafficking victims may make some victims vulnerable to arrest. The government took no discernible measures to reduce the demand for forced labor.

LATVIA (Tier 2)

Latvia is a source and destination country for women and children subjected to sex trafficking and a source country for women, men, and children subjected to sex trafficking and forced labor. Latvian women are forced into prostitution in Italy, Ireland, Cyprus, Belgium, Greece, the Netherlands, Finland, the United Kingdom, the United States, and Germany. Latvian men and women have been subjected to conditions of forced labor in the United Kingdom and Italy, and there were reports that Latvian men may have been subjected to forced labor in Germany, Netherlands, Cyprus, Spain, and Sweden. Latvian women in brokered marriages in Western Europe, particularly Ireland, were vulnerable to domestic servitude and sex trafficking. Adult Latvian women are subject to sex trafficking within Latvia. NGOs report that Latvian children were engaged in sex trafficking within Latvia; Latvian children are also vulnerable to child sex tourism in Latvia. Unemployed adults, single women, people raised in state-run institutions, and individuals with mental disabilities remain vulnerable to trafficking in persons. Latvian trafficking victims were recruited into exploitation through employment recruitment companies, social-networking websites, and local connections.

The Government of Latvia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Latvian government improved victim protection by certifying a greater number and diversity of trafficking victims. The government also increased both the funding for and duration of trafficking victim services. Latvian officials began implementing labor victim identification regulations, but did not initiate new labor trafficking investigations. An international report concluded that proactive victim identification within the country was insufficient. Law enforcement efforts remained the Government of Latvia's weakest area in addressing trafficking in persons. Even though victim identification increased significantly, Latvian officials investigated or prosecuted very few cases under the anti-trafficking statute. Of the offenders convicted of trafficking, Latvian courts sentenced only a few to prison terms.



Recommendations for Latvia: Greatly increase investigations, prosecutions, and convictions in human trafficking cases; impose criminal penalties on convicted trafficking offenders commensurate with the gravity of the crime committed; use the trafficking statute (Section 154-1 of the Latvian criminal Law) to prosecute trafficking cases involving Latvian victims exploited abroad and domestically; increase efforts to identify victims proactively, particularly victims of labor trafficking and Latvian victims exploited within the country; explore ways to collaborate more closely with other European counterparts so that Latvia is empowered to better protect Latvian trafficking victims abroad and to prosecute their recruiters; ensure that all victims of trafficking, including male victims, receive appropriate accommodation; explore options for long-term victim reintegration; continue to implement new labor trafficking identification guidelines; continue to educate prosecutors and judges about human trafficking and victims' rights to reduce prejudice in trial; continue to implement the recently designed repatriation mechanism to make state-funded trafficking victim assistance more accessible; continue efforts to ensure that all victims of trafficking are provided appropriate protections throughout the investigation and prosecution of trafficking offenses; continue implementing the 2009-2013 National Anti-Trafficking Program; consider centralizing government anti-trafficking hotlines to enhance trafficking prevention and identification of trafficking victims; update key outreach efforts, such as the government's centralized anti-trafficking website; continue efforts to systematically monitor trafficking trends; continue promoting trafficking education at schools and increase involvement of NGOs in that training; and increase efforts to raise awareness about both sex and labor trafficking.

Prosecution

The Government of Latvia maintained weak law enforcement efforts against trafficking in persons, investigating and prosecuting few cases under its anti-trafficking statute during the reporting period. Latvia prohibits all forms of trafficking through Section 154-1 and 154-2 of its criminal law, which prescribe penalties ranging from a fine to 15 years' imprisonment—penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Latvian government amended Sections 154-1 and 154-2 in 2012 to harmonize these statutes with the EU anti-trafficking Directive 2011/36/EU. However, the government continued to use Section 165-1 prohibiting the transfer of individuals for the purpose of sexual exploitation to investigate and prosecute most trafficking cases during the reporting period, claiming that offenses were easier to prove under this law than the trafficking statute. The Council of Europe's GRETA Report noted that the over-reliance on Section 165-1 to prosecute trafficking offenders may contribute to negative stereotypes about sex trafficking victims. Although the Latvian government claimed that human trafficking declined in Latvia, the Office of the Prosecutor General confirmed that the police lacked the human resources necessary for extensive and sophisticated investigations into trafficking cases. Reports also concluded that Latvian court procedures were lengthy and stalled anti-trafficking efforts. Reports noted that trials in Latvia were difficult for trafficking victims because of repeated interviews and prejudice by judges displayed toward trafficking victims. While the number of trafficking witnesses cooperating with law enforcement increased from 29 in 2011 to 37 in 2012, only seven victims agreed to assist law enforcement during the reporting period. The Latvian government trained officers on human trafficking in a variety of formats. For example, the State Police College offered an investigation course to 142 law enforcement staff members and the Latvian Judicial Training Center briefed 40 prosecutors and 23 candidates for prosecutor positions.

The government reported investigating 17 suspected offenders in 16 new sex trafficking cases, a decrease from 34 offenders in 21 cases in 2011. The government investigated three of these cases under Section 154-1—cases involving sex trafficking to Germany and Cyprus—an increase from 2011, when the government did not initiate any investigations under Section 154-1. Despite NGO reports of labor trafficking to various European countries, the Latvian government did not initiate any labor trafficking investigations in 2012. Latvian authorities prosecuted 12 defendants in 2012, a decrease from 27 defendants prosecuted in 2011; a continued decrease from 39 defendants prosecuted in 2010. Latvian officials charged one defendant under Section 154-1; officials charged the remaining defendants under Section 165-1. In 2012, 19 traffickers received final convictions, including two under Section 154-1, an increase from the 11 who received final convictions in 2011. These figures do not include appealed convictions. As in previous years, Latvian courts sentenced only a few of these traffickers to prison terms. Only three of the 19 convicted traffickers were sentenced to time in prison: two for prison terms of up to three years and one for a prison term of over ten years. The remaining defendants received conditional sentences or a fine. In 2011, two offenders were sentenced to prison terms. Latvian officials extradited two Latvian nationals to Belgium and one Latvian national to the United Kingdom to face trial in sex trafficking cases and collaborated with colleagues in Germany, Greece, the United Kingdom, and Spain to investigate cases involving Latvian victims. Latvian officials prosecuted two alleged cases of trafficking-related complicity in 2012, including one former anti-trafficking police officer tried and convicted for pimping and one former anti-trafficking police officer charged with extortion and other crimes; the prosecution was ongoing at the close of the reporting period. In a third case, officials charged a "sworn attorney" with facilitating trafficking in persons.

Protection

The Latvian government continued to improve its victim protection efforts during the year by increasing the number and diversity of the victims identified and referred to care, increasing the funding provided for certified trafficking victims, and adapting its victim certification procedures to allow Latvian victims to certify while physically outside of Latvia. Nevertheless, proactive victim identification within the country remained weak, and bureaucratic problems with the funding and contracting of victim service provision delayed care. In 2012, the government authorized the equivalent of approximately $126,000 for trafficking victim services, a significant increase from the equivalent of approximately

$58,000 in 2011. The government-funded NGO offered every trafficking victim psychological assistance, medical aid, legal representation, housing, and reintegration services. Over the past three years, the funding for victim services has doubled. The increase in funding corresponded to an increase in victim identification and expansion of services offered. The Latvian government certified 25 trafficking victims in 2012, more than double the 11 victims that it certified in 2011; the government funded care for 30 victims in total, including some of those identified in 2011. Twenty-five of the victims receiving care were adult females; five victims were male. One was a victim of domestic sex trafficking. All identified victims were Latvian. During the reporting period, the government extended its victim assistance program to include services for testifying victims and witnesses throughout the entire course of a criminal prosecution, an increase from the prior term of up to six months; all victims and their minor children not benefitting from the prosecution assistance provision were entitled to additional five counseling sessions after completing the rehabilitation program. The government-funded NGO did not operate its own shelter, but collaborated with shelters throughout Latvia to provide services.

Officials from the state police and diplomatic corps referred 22 out of the 30 trafficking victims receiving assistance. The GRETA Report observed, however, that proactive identification by Latvian police within the country remained weak; foreign law enforcement agencies initially referred the majority of the victims to the Latvian state police. The government improved its efforts to identify victims proactively by implementing the 2012 guidance on identifying labor trafficking. In the course of these procedures, the State Labor Inspectorate identified three potential domestic labor trafficking cases and referred those cases to law enforcement; ultimately, law enforcement officials did not confirm human trafficking in any of those cases. The State Inspectorate for Protection of Children's Rights identified one suspected trafficking case involving a minor. Members of the Latvian diplomatic corps made active use of the Council of Baltic Sea States' guidelines for trafficking victim identification at embassies and participated in the victim certification process from abroad. The Latvian Ministry of Welfare trained 83 social services staff members on how to identify trafficking cases involving females. The State Border Guards also reportedly employed procedures to identify trafficking victims among immigrant workers in Latvia, including those employed in hotels and construction sites, but did not identify any trafficking victims during spot inspections.

The government reported that it encouraged victims to participate in trafficking investigations and prosecutions by providing witness protection, digital video-enabled courtrooms, and by exempting victims from attending court hearings. Nevertheless, NGOs noted that officials failed to gain victims' trust or to explain the dangers facing the victims during trial, leaving many reluctant to report to or cooperate with law enforcement. The Latvian government had a residence permit provision available for foreign trafficking victims during reflection periods and for the duration of a criminal trial; however, none of the identified victims during the reporting period were foreign. In order to comply with EU Directive 2011/36/EU, the government amended Section 58 of Latvia's criminal law to specify that trafficking victims were not liable for criminal offenses committed as a direct result of being trafficked. Nevertheless, NGOs reported that one trafficking victim was charged with pimping.

Prevention

The Latvian government extended its anti-trafficking prevention activities by increasing involvement of the diplomatic corps in anti-trafficking prevention and other measures. Nevertheless, NGOs and the GRETA report stressed the need for continuous, government-funded anti-trafficking awareness campaigns throughout the country. The diplomatic corps, particularly the Latvian embassy in Ireland, was active in anti-trafficking prevention, including greeting Latvian arrivals at the airport in Dublin to offer them information about trafficking, reaching out to orphanages' principals to explain trafficking, and participating in awareness-raising events at a tourism show. The Ministry of Education and Science continued to incorporate anti-trafficking messages into school curriculum and training, but NGOs were not closely involved in the effort. Several Latvian local governments engaged in awareness raising campaigns, including training, brochures, and mock recruiting interviews to educate youth about risky work abroad; some of these campaigns received private or foreign funding. The anti-trafficking working group continued to meet to coordinate the government's anti-trafficking activities, alongside civil society members. The government continued to maintain various hotlines for the exchange of trafficking information with the general public, but it did not have a centralized hotline. It was not clear that the various government hotlines were effective in publicizing their anti-trafficking role. NGOs that did not receive state funding for anti-trafficking prevention efforts received more than 115 telephone inquiries on trafficking-related matters. The Latvian government took steps to prevent human trafficking by addressing brokered marriages through awareness efforts and new legislation. The Latvian government reported problems collaborating with some Western European governments, including Ireland, to prevent this exploitation. The GRETA Report concluded that the Latvian authorities' efforts to reduce demand for the services of trafficking victims were inadequate. The MOI reported investigating and prosecuting a child sex tourism case with foreign defendants. The Latvian Ministry of Defense trained military personnel assigned to missions abroad on identifying trafficking cases and preventing trafficking.

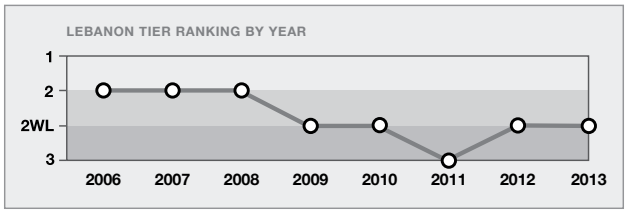
LEBANON (Tier 2 Watch List)

Lebanon is a source and destination country for women and children who are subjected to forced labor and sex trafficking. The country is also a transit point for Eastern European women and children subjected to sex trafficking in other Middle Eastern countries. Women from Sri Lanka, the Philippines, Ethiopia, Kenya, Bangladesh, Nepal, Madagascar, Congo, Togo, Cameroon, and Nigeria, who travel to Lebanon with the assistance of recruitment agencies to work in domestic service, are often subjected to conditions indicative of forced labor, including withholding of passports, nonpayment of wages, threat of arrest and deportation, restrictions on movement, verbal abuse, and physical assault. Workers who leave their employers' houses without permission or a "release paper" automatically forfeit their legal status; in order to be legal, a change in their sponsorship must be pre-arranged and approved by the General Directorate for General Security (SG), the government agency responsible for the entry, residency, and departure of foreign workers. Some employers in Lebanon threaten workers with the loss of legal immigration status in order to keep them in forced labor and, in some cases, kept foreign domestic workers confined in residences for years. A highly publicized case of

an Ethiopian domestic worker who was publicly beaten by a Lebanese recruitment agent in March 2012 exemplifies the abuse suffered by domestic workers in Lebanon. The worker committed suicide shortly after the incident was reported in the media.

The government's *artiste* visa program facilitates the entry of women from Eastern Europe, the Dominican Republic, Morocco, and Tunisia on three-month visas to work as dancers in Lebanon's adult entertainment industry; 5,934 women entered Lebanon in 2012 under this visa program, which sustains a significant sex trade and enables forced prostitution through such practices as withholding of passports and wages, restrictions on movement, and physical and sexual abuse. Some Syrian women may be forced to engage in street prostitution, and underage Syrian girls are reportedly brought to Lebanon for the purpose of prostitution, including through the guise of early marriage. Anecdotal reporting suggests that Syrian refugee women and children who fled to Lebanon are at an increased risk of sex trafficking due to their vulnerable financial situation; NGOs report an increase in Syrian children engaging in street begging, some of which may be forced. Anecdotal information indicates that Lebanese children are victims of forced labor within the country, particularly in street begging, as well as commercial sexual exploitation facilitated by male pimps, husbands, and "boyfriends," and at times through early marriage. Small numbers of Lebanese girls may be taken to other Arab countries for exploitation in prostitution.

The Government of Lebanon does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these modest measures, the government did not show evidence of increasing overall efforts to address human trafficking over the previous reporting period; therefore, Lebanon is placed on Tier 2 Watch List for a second consecutive year. The government conducted investigations of human trafficking and possibly some prosecutions, but for another year did not report convicting any trafficking offenders or officials complicit in human trafficking. The government allocated minimal resources to protecting victims and did not have victim protection policies in place. Victims of trafficking, including domestic workers who ran away from abusive employers and women holding *artiste* visas, continued to be subject to arrest, detention, and deportation.



Recommendations for Lebanon: Implement the anti-trafficking law by investigating and prosecuting trafficking offenses, and convicting and punishing trafficking offenders, including officials complicit in human trafficking; enact the labor law amendment extending legal protections to foreign workers and the draft law providing increased labor protections to domestic workers, including foreign domestic workers; enforce the law prohibiting the confiscation of passports belonging to foreign migrants in Lebanon; provide protection to victims, as required by the anti-trafficking law; train police, judges, prosecutors, and other government officials about the anti-trafficking law and how to enforce it; provide services such as shelter, access to legal aid and interpretation, and counseling to migrant workers and Lebanese nationals who are victims of forced labor and forced prostitution; develop and institute formal procedures to identify victims of trafficking among vulnerable populations, such as women holding *artiste* visas and domestic workers who have escaped abusive employers; ensure that identified victims of trafficking are promptly referred to protection services rather than detained for unlawful acts committed as a direct result of being trafficked, such as immigration violations or prostitution; conduct anti-trafficking public awareness campaigns that include raising awareness of the existence and utility of the Ministry of Labor's complaints office and hotline, and enhance the quality of services provided by that hotline; and amend the unified employment contract for domestic workers to recognize the worker's right to leave his or her employer's house during time off and to retain his or her passport.

Prosecution

The government demonstrated limited anti-trafficking law enforcement efforts during the reporting period. Lebanon's 2011 anti-trafficking law, Number 164, prohibits all forms of trafficking. Prescribed penalties for sex trafficking and forced labor range from five to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. A prosecutor reported that internal security forces were often reluctant to arrest parents for trafficking their children due to a lack of social services available should the child be removed from the family. Given the significant hurdles to pursuing criminal complaints in the Lebanese court system and victims' lack of adequate legal representation and knowledge of their rights, foreign victims who had the opportunity to do so opted for quick administrative settlements followed by repatriation. Evidence suggested, however, that many cases were not resolved, and trafficking victims were deported without receiving any wages. A labor law amendment that would extend legal protections to foreign workers had not been submitted to the cabinet by the Ministry of Labor, nor did the amendment cover foreign and Lebanese domestic workers.

The Ministries of Labor and Justice and the SG provided information on their anti-trafficking efforts, but the data was incomplete and reporting was not consistent across agencies. The Internal Security Forces (ISF) and the SG reportedly investigated 125 suspected trafficking cases. Only 18 cases were referred to judicial or law enforcement authorities for further investigation, which were ongoing at the end of the reporting period. The public prosecutor also investigated nine sex trafficking cases in the reporting period. The government did not report official statistics on prosecutions, though a public prosecutor reported the initiation of at least eight sex trafficking prosecutions under Law 164; however, the details of these cases were unavailable. The government did not report efforts to investigate or prosecute public officials for alleged complicity in trafficking-related offenses. NGOs reported that some SG officers accepted bribes to protect adult night clubs or to issue more *artiste* visas than usual. The government did not provide or fund specialized training for its officials to recognize, investigate, or prosecute cases of trafficking; however, 1,926 newly recruited ISF officers participated in NGO-run anti-trafficking trainings in 2012.

Protection

The government made some protection efforts in this reporting period by continuing to refer some victims to NGO services; it did not, however, make sufficient efforts to ensure that trafficking victims were not subject to arrest, detention, and deportation. The government did not have a policy to protect victims from punishment for crimes committed as a direct result of being subjected to human trafficking or providing relief from deportation to foreign victims. Law enforcement, immigration, and social service officials continued to lack a formal system for proactively identifying trafficking victims among vulnerable populations with which they come in contact. This continued lack of systematic procedures led to the deportation of most domestic workers who fled their abusive employers. Women holding *artiste* visas—some of whom were trafficking victims—were subject to immediate deportation following arrest; authorities rarely referred these cases to NGOs for protection services and assistance. Out-of-status migrant workers were typically arrested, detained, and deported without being screened for indicators of trafficking. Detention typically lasted for one to two months, but NGOs reported some cases of detention that lasted longer. For example, an NGO reported the government deported three Nigerian women who filed a complaint against their abusers under the anti-trafficking law, and made no effort to provide them with protective services; the victims were subsequently arrested upon arrival in their home country. The SG maintained a 500-person prison-style detention center in Beirut. While the SG used a registration and identification system in the detention center to notify embassies from source countries of the presence of their nationals in detention, this system failed to provide specific guidance for identifying which detainees were victims of trafficking. The SG continued to permit an NGO to interview migrants to identify trafficking victims among the broader migrant center population. An NGO reported an increased level of professionalism among SG officials and noted that investigators were increasingly referring cases to relevant authorities for further action.

The government allotted no resources to aiding trafficking victims and it did not provide direct financial assistance to foreign trafficking victims. In September 2012, the cabinet approved an implementation decree of the anti-trafficking law, which enabled the Ministry of Justice to subcontract NGOs to provide victim assistance and protection; however, the government did not provide or fund shelters for trafficking victims through the reporting period. There were no services available for male victims. The government continued to rely on an NGO safehouse to provide a range of victim services to female victims of trafficking. Pursuant to a 2005 memorandum of understanding between the SG and the NGO, the SG was required to refer trafficking victims to the safehouse and to provide security for the location. The safehouse assisted 66 victims of trafficking during the last year. The SG reported identifying 118 cases of potential victims of trafficking and the ISF reported seven cases of child trafficking and sexual exploitation, while an NGO reported providing legal aid to 74 victims. The SG and ISF referred two victims of trafficking to NGO services and one for medical assistance. The NGO noted improved cooperation with the SG over the last year in referring trafficking victims. Victims were not encouraged to bring their cases to the attention of public prosecutors. NGOs reported many victims preferred quick administrative settlements followed by repatriation rather than long criminal prosecutions.

Prevention

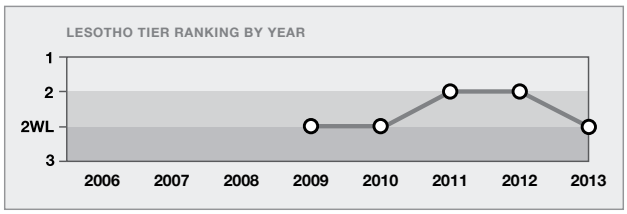
The government made few efforts to prevent trafficking over the last year, as deficiencies remained that put foreign migrant workers, particularly domestic workers, at risk of forced labor. SG officers at Beirut International Airport continued to distribute two booklets to migrant domestic workers upon their arrival in Lebanon. Despite a law prohibiting the confiscation of passports belonging to foreign migrants, the SG required that, upon arrival to the country, foreign migrants surrender their passports to their sponsors. The standard unified employment contract for migrant workers, in use since February 2009, is still not available in the 12 most common languages of migrant laborers; domestic workers must sign the contract in Arabic, a language that very few can read. The government continued to operate a hotline to receive labor complaints from foreign workers, which is linked to an NGO-operated hotline; however, the government did not report how many calls it received or how many victims were referred to protection services through the hotline. The Ministry of Labor and the SG have the authority to close or penalize employment agencies that exploit migrant workers, yet the Ministry of Labor did not provide information on how many—if any—agencies were closed or penalized for violations in this reporting period. The SG reported sanctioning 11 agencies in total during this reporting period; three were prohibited from applying for visas for foreign workers and were subject to administrative actions, two agencies were blacklisted, and six agencies were subject to administrative penalties. Likewise, the government did not report statistics documenting the work of its 130 labor inspectors charged with investigating situations of forced adult and child labor. The SG continued a pilot program that distributed brochures to an unknown number of departing Moldovan *artiste* visa holders containing information on NGO resources available to trafficking victims in Moldova; however, Lebanese authorities did not report if it offered protective services in Lebanon to any Moldovan victims of sex trafficking. The Office of the Prime Minister's national anti-trafficking stakeholders group, which included experts from Lebanese government ministries, civil society, and international organizations, included anti-trafficking efforts among goals in its national targeted poverty program. The government's two national human trafficking steering committees did not meet during this reporting period. The government did not take any steps to reduce the demand for forced labor or commercial sex acts during the year.

LESOTHO (Tier 2 Watch List)

Lesotho is a source, transit and destination country for women and children subjected to conditions of forced labor and sex trafficking, and for men subjected to conditions of forced labor. Within Lesotho, women and children are subjected to domestic servitude and children, to a lesser extent, commercial sexual exploitation. Basotho women and children endure these same forms of exploitation in South Africa. Long-distance truck drivers offer to transport women and girls looking for legitimate employment. *En route*, the drivers rape some of these women and girls before forcing them into prostitution in South Africa. Others voluntarily migrate to South Africa seeking work in domestic service and are detained in prison-like conditions and forced to engage in prostitution. Some Basotho men who migrate voluntarily, though illegally, to South Africa for work in agriculture and mining become victims of forced labor; many work for weeks or months without pay, with their employers turning them over to authorities to be deported for

immigration violations before their promised pay day. Basotho are also coerced into committing crimes, including theft, drug dealing, and drug smuggling under threats of violence or through forced drug use. Chinese and Nigerian organized crime rings reportedly acquire Basotho victims while transporting foreign victims through Lesotho to Johannesburg. The trend of foreign nationals trafficking their compatriots, first observed in 2011, continued during the reporting period. In 2011, Ethiopian and Chinese nationals trafficked their compatriots and, in 2012, an Indian national allegedly trafficked Indian men for the purposes of forced labor and a Zimbabwean national trafficked two Zimbabwean women into forced prostitution. During the year, a Basotho trafficking victim was identified in the United States.

The Government of Lesotho does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Although the government did initiate one labor trafficking prosecution, it did not demonstrate evidence of overall increasing efforts to address human trafficking over the previous reporting period; therefore, Lesotho is placed on Tier 2 Watch List. During the recent reporting period, the Lesotho Mounted Police Service (LMPS) temporarily suspended its arrest of suspected trafficking offenders and halted its referral of Basotho victims to care. In addition, the trend of acquittals of alleged trafficking offenders continued in 2012. In one instance, the government also detained three trafficking victims. Although it identified eight victims and referred two for care, the government continued its reliance on NGOs to assist victims, without providing funding or in-kind support for these services. The lack of leadership by the Ministry of Home Affairs (MHA) and the absence of national government attention to critical gaps—such as the need for additional prosecutors to oversee trafficking cases—inhibited progress in 2012. In addition, the government did not implement key portions of the 2011 anti-trafficking act for a third consecutive year, including failing to develop formal referral procedures, establish victim care centers, and complete a national action plan.



Recommendations for Lesotho: Enact implementing regulations for the 2011 anti-trafficking act; finalize and implement the national anti-trafficking action plan; continue to investigate and prosecute trafficking offenses under the 2011 act, including both internal and transnational cases; provide care to victims of trafficking via government-run centers or in partnership with international organizations or NGOs and develop a formal mechanism, in line with the 2011 act, to refer victims to such care; develop a formal system to proactively identify trafficking victims among vulnerable populations; increase training in victim identification for law enforcement officers to ensure victims are not incarcerated for crimes committed as a result of being trafficked; differentiate the process of victim identification from the prosecution of trafficking offenders, as victim identification should not be tied to the successful prosecution of a trafficker; establish a partnership with South African police to investigate reports of Basotho citizens forced to labor on farms in South Africa; increase oversight of labor recruitment agencies licensed in Lesotho and investigate allegations of fraudulent recruitment or contract violations; and establish a system to collect and analyze data on victims identified and assisted, trafficking offenses investigated and prosecuted, and trafficking offenders convicted and punished.

Prosecution

The government decreased its anti-trafficking law enforcement efforts during the year. It initiated fewer prosecutions than in 2011, suspended its arrest of trafficking offenders for several months, and in one case detained victims. In 2012, the government acquitted two trafficking offenders, closed one pending prosecution, and initiated one new prosecution, a decrease from five prosecutions initiated in 2011. Two cases currently remain pending. The Anti-Trafficking in Persons Act, which came into effect in January 2011, prohibits and punishes all forms of trafficking in persons. It prescribes penalties of up to 25 years' imprisonment or a fine of the equivalent of approximately $125,000 under Section 5(1) for the trafficking of adults, and up to life imprisonment or a fine of the equivalent of approximately $250,000 under Section 5(2) for the trafficking of children; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Labor recruiters who knowingly recruit workers for forced labor are liable for the same penalties as those who hold them in servitude. The government has yet to begin drafting implementing regulations necessary to enforce the legislation in full. The Child Protection and Welfare Act, enacted in March 2011, provides penalties of life imprisonment or a fine of the equivalent of approximately $125,000 for child trafficking.

The government has not successfully punished a trafficking offender under the 2011 act. The Director of Public Prosecutions did not appeal the May 2012 overturning of a Chinese trafficker's conviction, which had been the first conviction under the 2011 act. Of five cases that remained pending prosecution at the close of the previous reporting period, one resulted in the acquittal of two Ethiopians charged with labor trafficking of an Ethiopian national and another was closed due to the death of the alleged offender during the year. At the close of 2012, the two other prosecutions remained in process, involving two alleged perpetrators. One labor trafficking prosecution was initiated in November 2012 against an Indian national charged with trafficking three Indian men, but the case has not been pursued. In that case, the men reported to police their enslavement in bonded labor, but the alleged trafficker claimed to police that the men were in breach of contract for not repaying their travel expenses. A magistrate instructed the complaining workers be arrested and detained, though after the victims had been imprisoned 14 days, this order was overturned. The government did not investigate or prosecute allegations of official complicity during the year.

Police anti-trafficking activities were reduced during the year. From October to December 2012, the Child and Gender Protection Unit (CGPU) of the LMPS ceased arresting suspected trafficking offenders due to a backlog of prosecutions under the single prosecutor overseeing trafficking cases. As a result, at least two alleged trafficking offenders were not arrested or charged and the pace of investigations slowed. Although officials pledged to train additional prosecutors, the government did not assign or train additional prosecutors to handle the trafficking case backlog during the year. In addition, the government decreased

regional cooperative efforts during the year, failing to initiate any joint investigations with the South African Police Service, as compared to 21 such investigations initiated in 2011 and seven in 2010. The LMPS did not independently train its officers on trafficking during the year, including senior-level officers. However, in July, August, and September 2012, with technical assistance from LMPS, an NGO trained 120 CGPU, Special Investigations Unit, and Immigration Unit officers from three districts. No investigations of labor brokers occurred despite allegations of abusive practices in cases involving Basotho victims.

Protection

The government's efforts to protect victims decreased during the reporting period. The CGPU identified eight trafficking victims in 2012—a reduction from 24 victims identified in 2011—and referred two victims to an NGO-run care center. The government, however, failed to directly assist victims or provide support to this NGO during the year, despite its pledges to provide this center financial support. During the year, the LMPS determined it would no longer refer Basotho victims for care at NGO-run centers; rather, officials would return them to their home communities without provision of services. Medical services were potentially accessible to victims free of charge at government hospitals and clinics and the CGPU has the capacity to provide limited counseling to victims; however, officials did not refer victims to such services during the year. The government continued its operation of a one-stop drop-in center in Maseru for the protection of victims of gender-based violence that includes specialized—though limited—services for both male and female victims of trafficking; no trafficking victims were referred to this facility during the year. The government did not consistently encourage victims to assist in the investigation or prosecution of trafficking offenders. Although the government did not deport victims during the year, it failed to provide trafficking victims with temporary or permanent residency permits. Although the 2011 trafficking law mandates the development of national referral guidelines and the establishment of a fund to protect and rehabilitate victims, the government did not undertake either initiative during the year.

The 2011 law protects victims from prosecution for unlawful acts committed as a direct result of being trafficked, provides foreign victims with permanent residency as a legal alternative to their removal, and encourages victims to assist in the investigation of traffickers; however, the government unevenly applied these provisions during the reporting period. Three Indian trafficking victims were detained for 14 days after complaining about working conditions. Additionally, the MHA denied the immigration petitions of one Ethiopian trafficking victim on the grounds that she was ineligible based upon the unsuccessful prosecution of her alleged traffickers. In addition, two Zimbabwean victims were denied permanent residency. In the pending labor trafficking case, however, the government temporarily held the passports of the victims in order to compel their assistance in the prosecution of their alleged trafficker.

Prevention

The Government of Lesotho decreased its efforts to prevent human trafficking during the reporting period. Its multi-sector committee—under the leadership of the MHA—did not meet monthly as it had during the previous reporting period and convened only twice in 2012. The committee failed to complete a national action plan or coordinate awareness activities. Nonetheless, in September 2012, the Ministry of Gender, Youth, Sports, and Recreation sponsored an awareness raising event in Mohale's Hoek, which featured a march, rally, and artistic competitions to raise awareness on the nature of trafficking and the legal protections available to victims. The LMPS, in partnership with an NGO, enlisted inter-city taxi drivers to identify and prevent trafficking.

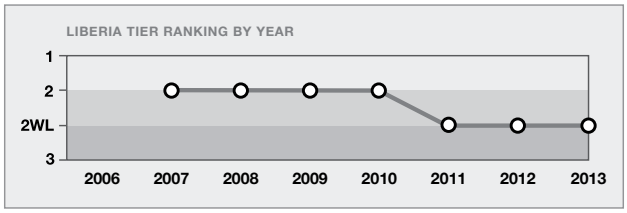
The Ministry of Labor and Employment (MOLE) conducted approximately 1,200 labor inspections during the year. Effectiveness was limited in the informal sector where child labor is most prevalent, including in private homes. Inspectors identified one potential trafficking case involving a 14-year old domestic worker in 2012. MOLE licensed 40 South African farming and construction companies to recruit workers from Lesotho and required these companies to use standardized contracts; however, some companies failed to adhere to their provisions upon the workers' arrival in South Africa. Although it receives many complaints from returned laborers about their working conditions, MOLE only files complaints against, and suspends the permits of, these companies when the violation involves many reported victims or extreme violence. There were no such suspensions in 2012. The government made no efforts to reduce the demand for commercial sex acts.

LIBERIA (Tier 2 Watch List)

Liberia is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Most trafficking victims originate from and are exploited within the country's borders, where they are subjected to domestic servitude, forced begging, sex trafficking, or forced labor in street vending, rubber plantations, and alluvial diamond mines. Traffickers typically operate independently and are commonly family members who may promise poorer relatives a better life for their children. Children sent to work as domestic servants for their wealthier relatives are vulnerable to forced labor or, to a lesser extent, commercial sexual exploitation. Orphaned children remain susceptible to exploitation, including in street selling and prostitution. A small number of Liberian men, women, and children are subjected to human trafficking in Cote d'Ivoire, Guinea, Sierra Leone, Nigeria, and the United States. Victims of transnational trafficking come to Liberia from neighboring West African countries, including Sierra Leone, Guinea, Cote d'Ivoire, and Nigeria, and are subjected to the same types of exploitation as internally trafficked victims.

The Government of Liberia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government did not demonstrate overall increasing efforts to address human trafficking compared to the previous year; therefore Liberia is placed on Tier 2 Watch List for a third consecutive year. Liberia was granted a waiver of an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute significant efforts to meet the minimum standards for the elimination of human trafficking and is devoting sufficient resources to implement that plan. The Liberian government convicted one trafficking offender—the first conviction under the 2005 anti-trafficking law. The government also conducted an awareness campaign focused on the 2011 National Children's Act, which strengthens the anti-trafficking law as it relates to children. The

government failed to make adequate efforts to identify and protect trafficking victims and did not adopt or implement the standard operating procedures for assisting victims proposed by the Anti-Human Trafficking Task Force, which have been pending since 2010. The government has yet to provide the taskforce, which depends on funding from the Ministry of Labor, with a separate budget, leaving the taskforce without regular funding to coordinate the government's anti-trafficking efforts.



Recommendations for Liberia: Continue prosecuting trafficking offenses and convicting and punishing trafficking offenders, including trafficking cases involving Liberian nationals; provide additional training to law enforcement officials and magistrates to apply the anti-trafficking law and to distinguish trafficking crimes from cases of human smuggling or kidnapping; allocate regular funding to support the activities of the Anti-Human Trafficking Task Force; finalize, implement, and educate NGOs, law enforcement personnel, magistrates, and other relevant government officials on the "Direct Assistance and Support to Trafficked Victims Standard Operating Procedures" such that these officials learn to proactively identify and provide protective services to trafficking victims; and increase efforts to educate the public about the dangers of human trafficking.

Prosecution

The Government of Liberia demonstrated an increase in anti-trafficking law enforcement efforts during the reporting period. Liberia's 2005 Act to Ban Trafficking in Persons specifically prohibits all forms of transnational and internal trafficking. It prescribes a minimum sentence of one year's imprisonment for the trafficking of adults and six years' imprisonment for the trafficking of children. The prescribed penalties for the sex and labor trafficking of children are sufficiently stringent, but the prescribed penalties for sex and labor trafficking of adults are not, nor are they commensurate with the prescribed penalties for other serious offenses, such as rape. In September 2011, the government passed the National Children's Act, which strengthened certain provisions of the 2005 Act to Ban Trafficking in Persons. In January 2013, the government achieved its first conviction under the 2005 act, sentencing a Pakistani national to one year's imprisonment for attempting to subject five fellow Pakistanis to forced labor in Liberia. The Women and Children Protection Section (WACPS) of the Liberia National Police (LNP) investigated four additional cases of suspected trafficking and referred one of them for prosecution; this case remained pending at the close of the reporting period. Additionally, a Sierra Leonean national was apprehended in late 2012 for allegedly trafficking several children within Liberia, but he escaped captivity during the investigation; the LNP and the Sierra Leonean police were coordinating continued investigation efforts at the close of the reporting period. No investigations or prosecutions involving Liberian traffickers were reported during the reporting period. The WACPS continued to provide a mandatory three-week comprehensive anti-trafficking training for all its officers. All newly appointed LNP officers received basic training on how to report suspected trafficking cases to the WACPS, though they did not receive specialized training in trafficking in persons. Despite these efforts, many law enforcement officials continue to conflate kidnapping and smuggling offenses with human trafficking. In March 2013, the government established an anti-trafficking unit within the LNP's WACPS comprised of four police officers dedicated exclusively to addressing trafficking crimes. In the same month, UN Police (UNPOL) and the Ministry of Labor conducted a three-week workshop to strengthen the interviewing skills of eight investigators within the LNP, as well as an unknown number of officers from the Bureau of Naturalization and Immigration. The Liberian government did not report any investigations or prosecutions of government employees for alleged complicity in trafficking-related offenses during the reporting period; however, bribery at border stations, a lack of capacity, and generalized corruption within the judiciary have been reported.

Protection

During the past year, the Liberian government provided limited services to victims and inconsistently referred victims to NGOs for protective services. The government identified five trafficking victims during the reporting period; it may have identified other victims, but did not maintain data on such efforts. The government has yet to consistently employ procedures to identify trafficking victims proactively among vulnerable populations, such as women in prostitution. Standard operating procedures for trafficking victim support were finalized by the anti-trafficking secretariat in 2012, but have yet to be adopted formally and implemented. The government operated seven public safe-homes that provide shelter to victims of crime, including trafficking victims. There are no government-run shelters specifically for trafficking victims in Liberia and the government relied heavily on NGOs and civil society groups to provide basic assistance and financial support to victims. The 2005 Act to Ban Trafficking in Persons absolves victims from responsibility for unlawful acts committed as a result of being trafficked, and there were no reports that this provision was ignored during the year. The five potential Pakistani victims participated in the investigation and prosecution of their suspected trafficker and were provided shelter and assistance by the Bureau of Naturalization and Immigration.

Prevention

The Liberian government sustained efforts to prevent trafficking in persons throughout the reporting period, though it failed to provide dedicated financial and political support to the Anti-Human Trafficking Task Force, providing funding from ministries on an *ad hoc* basis. While the taskforce continued to conduct bi-weekly meetings, government ministries and agencies failed to consistently send high-level representatives, which, combined with the lack of a dedicated funding mechanism, hindered the effectiveness of these meetings. Despite limited resources, officers from the WACPS continued to conduct outreach and awareness-raising activities by partnering with local NGOs to warn parents of the dangers of forced labor and exploitation among children entrusted to others for education. The Ministry of Labor supported anti-trafficking awareness campaigns through radio public service messages and billboards, and the government

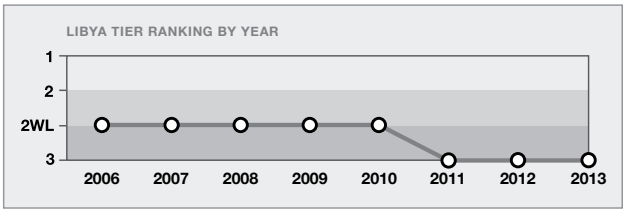
conducted a three-month rollout campaign to raise awareness of the 2011 National Children's Act. In March 2013, it also co-sponsored a one-day conference with UNPOL that focused on coordinating anti-trafficking efforts among civil society organizations and law enforcement entities.

LIBYA (Tier 3)

Libya is a destination and transit country for men and women from sub-Saharan Africa and Asia subjected to forced labor and forced prostitution. One of the most vulnerable groups is migrants, who typically seek employment in Libya as laborers and domestic workers or transit Libya *en route* to Europe. While in Libya, many migrant men are forced into manual labor, and there are credible reports of prostitution rings involved in sex trafficking of sub-Saharan women in brothels, particularly in southern Libya. Trafficking networks from Niger, Nigeria, Chad, Eritrea, Somalia, Sudan, and other sub-Saharan states use a variety of techniques to hold people in conditions of forced labor and forced prostitution, including fraudulent recruitment practices, confiscation of identity and travel documents, withholding or nonpayment of wages, and debt bondage. Militias run numerous prisons outside of the government's control, but as of March 2013, the government made formidable strides to gain control of over 70 percent of the prisons and detention centers, many of which hold detained foreign migrants. Private employers continue to recruit migrants in detention centers into conditions of forced labor on farms or construction sites; when the work is completed or the employers no longer require the migrant's labor, employers return the migrants to detention. NGOs report that migrant flows are steadily returning to their pre-revolution levels. Migrants pay smuggling fees of the equivalent of approximately $800–$1,000 to reach Tripoli, often times under false promises of employment. Once these victims cross the Libyan border, they are abandoned in the desert and further susceptible to severe forms of abuse and human trafficking.

In this reporting period, there were a few isolated reports of children carrying weapons and manning checkpoints. An international organization reported that boys between the ages of 16 and 18 were observed carrying weapons and manning a Tabu checkpoint, though their affiliation to an armed group or government force was unclear.

The Government of Libya does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Libya is placed on Tier 3 for a third consecutive year. During the reporting period, the Government of Libya failed to demonstrate significant efforts to investigate and prosecute trafficking offenders or to protect trafficking victims. Moreover, the government's policies and practices with respect to undocumented migrant workers resulted in Libyan authorities detaining and punishing trafficking victims for unlawful acts that were committed as a direct result of being subjected to human trafficking. There continued to be reports that detained foreign migrants were sold into conditions of forced labor with the complicity of prison and detention center guards.



Recommendations for Libya: Draft, pass, and enact legislation that prohibits all forms of human trafficking; increase law enforcement efforts to prosecute trafficking offenses; prosecute officials who are complicit in human trafficking; develop and implement standard procedures on identifying trafficking victims and providing victims with protection; ensure that victims are not susceptible to detention, deportation, or punishment for their unlawful presence in Libya; protect detained migrants from being sold into conditions of forced labor; ensure that trafficking victims are not punished for unlawful acts that were committed as a result of being subjected to human trafficking; and undertake an information campaign to raise public awareness about forced labor and sex trafficking.

Prosecution

The government did not demonstrate discernible anti-trafficking law enforcement efforts over the past year. Libyan law does not prohibit all forms of human trafficking. Previously drafted amendments to articles 336-339 of the Libyan criminal code, which would have criminalized trafficking in persons, were not adopted. While articles in the criminal code prohibit prostitution, sexual exploitation, slavery, and trafficking in women, the government did not report any human trafficking investigations, prosecutions, or convictions using these articles during the reporting period. Due in part to the government's weak security and justice sector institutions, the government did not report efforts to investigate or punish government employees complicit in trafficking-related offenses despite multiple allegations of complicity. Reporting suggested some police were complicit in or failed to combat human trafficking during the reporting period. Prison officials and detention camp guards allowed private employers to force detained migrants to work on farms or construction sites for an unspecified amount of time with no pay.

Protection

The Libyan government did not demonstrate discernible steps to improve the protection of trafficking victims during the reporting period. The government did not have any policy structures, regulations, or resources dedicated to the specific provision of protective services to trafficking victims. The government did not develop or implement procedures for authorities to identify proactively trafficking victims among vulnerable groups, such as foreign migrants, street children, and women and girls in prostitution or to protect trafficking groups from punishment for unlawful acts committed as a direct result of being subjected to human trafficking. Trafficking victims were frequently subjected to detention, deportation, or punishment for unlawful presence in Libya as a result of being subjected to human trafficking. The government also did not demonstrate efforts to refer victims detained by authorities to protective facilities. Furthermore, authorities made no effort to protect detained foreign migrants who continued to be

sold into conditions of forced labor by private employers on farms and construction sites. The government continued to work with international organizations to repatriate foreign migrants. The government showed no effort to encourage victims to participate in the investigation and prosecution of trafficking offenders. The government also did not provide foreign victims of trafficking with legal alternatives to their removal to countries where they faced hardship or retribution.

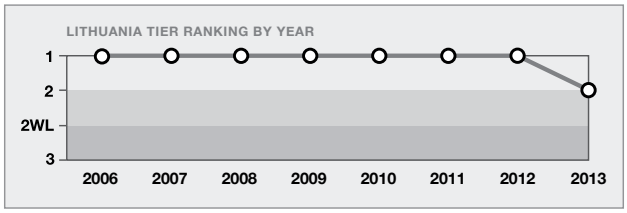
Prevention

The Government of Libya made no discernible efforts to prevent human trafficking during the reporting period. Public awareness of human trafficking—as a phenomenon distinct from illegal immigration and smuggling—remained low in Libya, including among government officials. The government does not have a national coordinating body charged with combating human trafficking. During the reporting period, the government did not conduct any public anti-trafficking awareness or information campaigns, nor did it train officials on trafficking issues. The government, however, cooperated with international organizations to enhance its judicial capacity and develop a set of recommendations on combating trafficking, as well as to include anti-trafficking provisions into a national migration management policy. Libya did not take actions to reduce demand for commercial sex acts or forced labor, or to prevent child sex tourism abroad.

LITHUANIA (Tier 2)

Lithuania is a source, transit, and destination country for women and girls subjected to sex trafficking, as well as a source country for men subjected to labor trafficking. There are government reports that Lithuanian boys and girls are forced to steal in foreign countries. NGOs estimate that 40 percent of identified Lithuanian trafficking victims are women and girls subjected to sex trafficking within the country. Lithuanian women are also victims of sex trafficking in Germany, Ireland, the Netherlands, Spain, Sweden, and the UK. Lithuanian women and girls from orphanages and state-run foster homes, as well as women with mental or psychological disabilities, are victims of trafficking in persons. A small number of women from Russia and Belarus are transported through Lithuania *en route* to Western Europe, where they are subsequently subjected to forced prostitution. Some Lithuanian men are subjected to forced labor in slave-like conditions in the Netherlands, the UK, and the United States.

The Government of Lithuania does not fully comply with the minimum standards for the elimination of trafficking; however it is making significant efforts to do so. The Lithuanian government adopted new legislation to bring it into compliance with the EU anti-trafficking directive; however, law enforcement action decreased from the previous reporting period, and new investigations, prosecutions, and convictions of traffickers all declined. The government failed to provide specialized care to male trafficking victims, and police reportedly treated some child victims as criminals. Although the government contributed funds to prevention activities, it did not implement parts of its 2009-2012 Program for the Prevention and Control of Trafficking in Human Beings due to budget constraints.



Recommendations for Lithuania: Vigorously investigate and prosecute trafficking offenses, including labor trafficking offenses; ensure effective training of law enforcement officers, prosecutors, and judges on anti-trafficking principles, including the integration of an anti-trafficking module into the basic training of the police; sustainably fund NGOs to provide victim protection; intensify efforts to identify victims of trafficking proactively, particularly victims of labor trafficking and children in prostitution; ensure that all trafficking victims are offered access to shelter and treatment, particularly male and child victims; improve consular efforts to ensure that victims identified abroad are referred to care in Lithuania; ensure that victims of trafficking are provided with greater protection during trials; intensify efforts to increase the public's understanding of trafficking in persons; fund an anti-trafficking hotline; and ensure funding and implementation for all activities in the new action plan.

Prosecution

The Government of Lithuania demonstrated minimal progress in its anti-trafficking law enforcement efforts during the year. Its efforts to investigate, prosecute, and convict alleged trafficking offenders declined. Lithuania prohibits all forms of human trafficking through Articles 147 and 157 of its criminal code, which prescribe penalties ranging from a fine to 12 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. During the reporting period, the government approved amendments to its criminal code to comply with provisions of the EU anti-trafficking directive, most notably by incorporating forced criminal behavior and forced begging into its anti-trafficking statute.

Lithuanian authorities conducted 44 investigations in 2012, 11 of which were new, compared to 42 investigations in 2011, 21 of which were initiated that year. In 2012, authorities prosecuted nine trafficking cases involving 25 alleged sex traffickers and one alleged labor trafficker, compared with eight cases involving 37 suspected of sex trafficking in 2011. Three cases were closed in 2012, resulting in the conviction of seven sex traffickers, compared with three cases closed in 2011 resulting in the conviction of 17 sex traffickers. All of those convicted in 2012 were sentenced to time in prison, with terms ranging from four to seven years' imprisonment. The government did not report the investigation or prosecution of any public official allegedly complicit in human trafficking-related offenses.

The government did not include trafficking in persons in its basic police training. A specialized anti-trafficking police unit continued to offer optional police trainings, which 20 police officers attended. Observers reported that police and investigators lacked the knowledge and experience to investigate effectively cases of human trafficking, especially forced labor. To increase its capacity to collect evidence

and investigate human trafficking, the Lithuanian police collaborated with Europol on international investigations and data-sharing projects. Lithuanian law enforcement officials also participated in regional trainings on labor trafficking and child forced begging and stealing. All border security guards continued to receive training on identifying victims of trafficking. The government collaborated with foreign counterparts in five international trafficking investigations and participated in and contributed to multilateral conferences in which police, investigators, and trafficking experts from other European countries shared good practices to combat the crime.

Protection

The Lithuanian government demonstrated inadequate efforts to assist victims of human trafficking during the reporting period. The government spent the equivalent of approximately $58,000 for anti-trafficking programs, the same amount as the previous year. Lithuanian authorities identified 92 trafficking victims receiving government services during the reporting period, compared to 76 in 2011. NGOs assisted approximately 150 victims in 2012, compared to 130 in 2011. Although the government had official procedures to identify trafficking victims among vulnerable populations—such as women in prostitution, street children, and undocumented migrants—observers reported that these procedures were not effective in practice. Lithuania's victim care facilities were primarily operated by NGOs with central government funding, and municipal authorities provided the approximate equivalent of an additional $53,800 for such NGO care. Victims could leave the government-funded shelters at their own will and without a chaperone. The government did not ensure specialized care for trafficking victims, as most of the shelters were mixed-use facilities that also served domestic violence victims. There were no shelters for men, but the men's crisis center in Kaunas received funding from the government to assist male trafficking victims, including finding shelter for them. The government did not ensure specialized care for child victims of trafficking, as authorities placed child victims in foster homes and mixed-use shelters. Due to insufficient government funding, NGOs requested international funding to prevent a reduction in their victim care activities. Although cooperation between the government and civil society generally improved from 2011, it still lacking in some parts of the country, as the government collaborated with NGOs on a case-by-case basis and did not utilize trade unions and employers' organizations to identify labor trafficking victims.

The government offers foreign victims of trafficking a 30-day reflection period to decide whether to cooperate with law enforcement. Victims cooperating with law enforcement can receive temporary residency. The government granted temporary residence to one victim in 2012. Prosecutors reported that they experienced delays in prosecuting trafficking cases as trials were impeded when victims chose not to testify or left the country. NGOs suggested that victims felt unsafe. The Ministry of Foreign Affairs assisted six Lithuanian trafficking victims in obtaining legal documents and repatriation, though NGO representatives reported that Lithuanian embassies were generally not helpful in providing assistance to trafficking victims who appeared at the embassy without identification. Representatives from an NGO reported that the authorities do not consistently inform or refer repatriated Lithuanians to NGOs for assistance. Reportedly, some repatriated child victims were treated as criminals in Lithuania. Through the anti-trafficking police unit, the Ministry of Foreign Affairs provided all outgoing consular officers with training on assisting trafficking victims abroad; 36 officers were trained in 2012 and 23 in 2013. In 2012, the government also amended its anti-trafficking statute to absolve victims from liability for any criminal activity committed as a direct result of being trafficked.

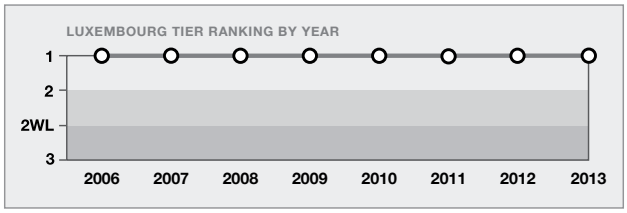
Prevention

The Lithuanian government continued prevention efforts during the reporting period. While the government did not officially allocate new funds for prevention activities in 2012, it collaborated with NGOs on trafficking prevention activities, including lectures and seminars that targeted students, teachers, social workers, and government officials. The Minister of Interior spoke on national television about human trafficking in Lithuania, explaining common entrapment tactics used by traffickers. The national police also published information on trafficking, including recruiting methods, on its website and *via* Internet advertisements. The police advertised and managed an e-mail account that the public could use to report potential human trafficking situations and ask for advice; the police received approximately 50 messages during the reporting period. The government continued to convene its multiagency working group to report on trafficking. The Government of Lithuania reported that not all planned activities from the 2009-2012 Program for the Prevention and Control of Trafficking in Human Beings were implemented in 2011 or 2012 because of budget constraints, and NGOs claimed that the government did not implement the program effectively in 2012. The Ministry of Interior developed an action plan for trafficking prevention for 2013-2015 in consultation with NGOs, which the government approved in November 2012 and incorporated into the national plan on crime prevention. The Lithuanian government made some efforts to reduce the demand for commercial sex.

LUXEMBOURG (Tier 1)

Luxembourg is a destination country for men, women, and children from Nigeria and other African countries, as well as Morocco, Estonia, Kazakhstan, Bulgaria, Russia, Ukraine, Brazil, China, France, and Belgium who are subjected to sex trafficking and forced labor or services, including forced criminal activities. According to local experts, unaccompanied and undocumented children who are asylum seekers or refugees are particularly vulnerable to commercial sexual exploitation. Adult victims of sex trafficking are recruited by agents in their home countries for work in Luxembourg's cabarets and subsequently forced into prostitution in cabarets, private apartments, and in street prostitution. Forced labor, sometimes involving Chinese men, women, and children, occurs in sectors including construction and restaurants. During the year, a media report alleged third-country nationals from Portugal were subjected to conditions of forced labor in Luxembourg. According to past reports, women in prostitution in Luxembourg are often controlled by pimps, and some of these women are likely trafficking victims; the majority of women in street prostitution are Nigerian. According to country experts, traffickers utilized non-physical coercion to control victims in prostitution and to operate within the country's legal prostitution regime and evade law enforcement.

The Government of Luxembourg fully complies with the minimum standards for the elimination of trafficking. The government continued to investigate and prosecute human trafficking offenders in 2012, and convicted more trafficking offenders in comparison to the previous year. However, only half of the convicted offenders were sentenced to terms of one year or more of incarceration, and courts continued to impose sentences below the minimum prescribed by the trafficking law. During the year, the government's identification of and assistance for trafficking victims declined, and a local observer reported that police arrested and placed foreign trafficking victims in an immigration retention center instead of referring them to an NGO for specialized assistance and care. The government provided funding for the short-term care for some trafficking victims, but few remained in Luxembourg long enough to assist in the prosecution of their traffickers. The government has yet to identify any victims of child sex trafficking victims in the country.



Recommendations for Luxembourg: Finalize implementation regulations for the May 2009 protection law which seeks to formalize and codify the current informal *ad hoc* approach to victim identification and care on a national level; ensure trafficking victims are not placed in immigration detention or otherwise prosecuted for crimes committed as a direct result of being trafficked; aggressively prosecute and convict trafficking offenders to ensure that they receive sentences proportionate to the gravity of the crime; continue to take steps to reduce the use of suspended sentences for any trafficking offenders, including first-time offenders, and appoint a specialized anti-trafficking prosecutor to seek enhanced penalties in these cases; establish formalized procedures to proactively identify and refer for care trafficking victims among all men, women, and children found in vulnerable groups, including those detained as undocumented migrants and in the commercial sex trade, and enlist NGOs in this process; provide more incentives for foreign trafficking victims to stay in Luxembourg long enough to assist in bringing their traffickers to justice; increase the use of multi-disciplinary methods to identify victims of forced labor, sex trafficking, and child trafficking by engaging front-line responders outside of law enforcement, including by granting NGOs access to potential trafficking victims in immigration detention centers; appoint an anti-trafficking rapporteur to make self-critical recommendations and improve the response to trafficking in Luxembourg; implement a campaign to reduce demand and educate the public about sex trafficking and its links with prostitution, as well as the existence of forced labor in the country.

Prosecution

The Luxembourg government continued to prosecute trafficking in 2012, and convicted an increased number of trafficking offenders during the reporting period. However, the government continued to hand down lenient sentences for convicted trafficking offenders. Luxembourg prohibits all forms of trafficking through Article 382 of the 2009 Law on Trafficking in Human Beings, which prescribes penalties for convicted offenders ranging from three to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Under this statute, courts can sentence offenders below the prescribed minimum sentence of three years' imprisonment. During the year, the government initiated prosecutions of at least nine new suspected trafficking offenders in 2012. The government reportedly convicted seven trafficking offenders in five separate cases and acquitted two suspects during the year, an increase from four convicted offenders in 2011. Three of the convicted offenders received fully suspended sentences, and sentences for the remaining four offenders ranged from twenty-one to fifty-four months imprisonment; however, courts partially suspended the majority of these sentences, resulting in orders of incarceration ranging from seven to forty-two months. For instance, the government prosecuted four suspected traffickers in a high profile case involving the sex trafficking of an estimated 95, mostly Estonian women in a nightclub in Remich dating back to 2008. Reports indicated the traffickers used violence and rape to coerce these victims into prostitution. While the cooperative investigation with Estonian authorities and subsequent prosecution resulted in the conviction of all four offenders, the court's use of suspended sentences resulted in only seven to 18 months' incarceration; one convicted defendant received no jail time. The government provided training to approximately 10 to 15 officials to improve investigative techniques on trafficking. In December 2012, the government initiated an investigation of trafficking-related complicity of public officials after authorities arrested three police officers for suspected pimping.

Protection

The Government of Luxembourg sustained its efforts to protect trafficking victims in 2012. The government identified 16 trafficking victims in 2012; this represents a decline from 25 identified victims in 2011. Victim identification was based on information revealed in prosecutions during the reporting year. The government reported that it has yet to establish a formal identification system to identify and refer victims for care, which not only hindered its overall anti-trafficking efforts but also resulted in inadequate protection and identification of victims, as well as insufficient data collection and reporting. Police were the only authorities permitted to carry out formal victim identification. Law enforcement reportedly used indicator checklists to help them identify trafficking victims in cabarets, apartments, and designated streets for prostitution, and labor inspectors reported using indicator checklists during labor inspections. Local observers, however, reported during the year the government placed trafficking victims in immigration detention centers for long periods of time, only to return them to their trafficking situations.

The government reported it provided assistance to victims in partnership with NGOs; while it allocated an equivalent of more than $14 million for general victim assistance, it did not provide a specific figure on assistance to victims of trafficking in 2012. The government, however, reported it provided assistance to one out of the 16 sex trafficking victims it identified in 2012 and referred this victim to an NGO for care. The government did not demonstrate that it provided any assistance or responsible repatriation to the victims in the Estonian prosecution that resulted in the conviction of four trafficking offenders in February 2013. The government reported it continued to rely

on an *ad hoc*, informal practice of referring victims to NGOs for care, but it did not implement a May 2009 law that codifies procedures for the identification, referral, and provision of comprehensive assistance to trafficking victims. During the year the government did not institute a formal committee to monitor, develop, and standardize anti-trafficking efforts and to keep formal account of human trafficking statistics in Luxembourg. The government has yet to identify a single child victim of sex trafficking in Luxembourg or initiate a criminal prosecution for this offense. The government reported that one victim it identified subsequently cooperated in the investigation of his or her traffickers; however, most victim cooperation occurred immediately after arrest or rescue.

The Government of Luxembourg retained a stated policy of ensuring that victims are not punished for unlawful acts committed as a direct result of their being trafficked; however, country experts reported trafficking victims were arrested and detained, thus criminalized as a direct result of crimes committed under coercion. The government reported one trafficking victim was provided with a temporary residency permit in 2012. The government reported it considered multiple factors when determining the residency status of a victim, including the victim's willingness to cooperate with law enforcement and whether the victim was an EU or non-EU national. Only victims with EU citizenship were allowed access to the labor market in Luxembourg.

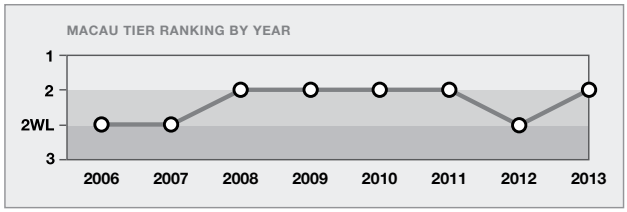
Prevention

The government demonstrated some efforts to prevent trafficking during the reporting period. The government, in June 2012, funded and convened a general conference on the status of legalized prostitution in Luxembourg, but it did not initiate any trafficking specific awareness or prevention efforts during the reporting period. Despite previous calls by NGOs to develop anti-trafficking awareness campaigns specifically designed to educate the public and officials about the existence of human trafficking in Luxembourg, the government has not done so since 2008. Government agencies met on an *ad hoc* basis during the year. The government has a general 2009-2014 National Action Plan for Equality between Men and Women that includes some anti-trafficking elements, but has yet to develop or adopt a specific national action plan on trafficking. Also, it did not report explicitly on its anti-trafficking efforts to demonstrate transparency. The government did not report any child sex tourism prosecutions or prevention efforts during the reporting period. The government did not undertake any measures to reduce demand for commercial sex acts or forced labor in 2012.

MACAU (Tier 2)

The Macau Special Administrative Region (MSAR) of the People's Republic of China is primarily a destination and, to a much lesser extent, a source territory for women and children subjected to sex trafficking and possibly forced labor. Victims originate primarily from mainland China, with many from inland Chinese provinces who travel to the border province of Guangdong in search of better employment. Sex trafficking victims in Macau also include women from Mongolia, Vietnam, Thailand, and Russia. Many trafficking victims fall prey to false advertisements for jobs in casinos and other legitimate employment in Macau, but upon arrival are forced into prostitution. Foreign and mainland Chinese women are sometimes passed to local organized crime groups, held captive, and forced into sexual servitude. Victims are sometimes confined in massage parlors and illegal brothels, where they are closely monitored, forced to work long hours, have their identity documents confiscated, and are threatened with violence. Chinese, Russian, and Thai criminal syndicates are believed to be involved in recruiting women for Macau's commercial sex industry. At least one suspected case of child prostitution in a U.S.-owned casino in Macau has been reported. During 2012, Macau eliminated a requirement that foreign workers who are fired or quit a job wait six months before obtaining a new position; this waiting period previously made migrants vulnerable to forced labor.

MSAR does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Macau authorities demonstrated tangible results during this reporting period. Macau authorities made progress by prosecuting two sex trafficking cases, convicting nine traffickers, and identifying and assisting 25 victims of sex trafficking. However, no labor trafficking cases were initiated or prosecuted, nor were labor trafficking victims identified during this reporting year.



Recommendations for Macau: Continue to increase efforts to investigate and prosecute trafficking offenders with a focus on perpetrators of forced labor; continue to implement proactive victim identification methods, particularly among vulnerable populations such as migrant workers; inspect for evidence of forced labor and appropriately prosecute cases as labor trafficking offenses; and continue to educate law enforcement, other government officials, and the public on forced labor, as well as sex trafficking.

Prosecution

Macau authorities demonstrated an increase in anti-trafficking law enforcement efforts during the reporting period. Macau's anti-trafficking law, Law Number 6/2008, prohibits all forms of trafficking in persons and prescribes penalties of three to 15 years' imprisonment, which are sufficiently stringent punishments and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, Macau authorities conducted 15 sex trafficking investigations, compared to 13 investigations reported during the previous year. Two cases of sex trafficking were prosecuted during this year. In a case involving six women who were forced into prostitution, nine offenders were convicted and received sentences ranging from four to 13 years. Another sex trafficking trial, involving two mainland Chinese defendants, remained ongoing at the end of the reporting period. Macau authorities did not report any labor trafficking investigations, prosecutions, or convictions. Labor trafficking cases involving 18 individuals were viewed by authorities as worker disputes and prosecuted under worker protection laws. Authorities reported increasing judicial capacity with the new hiring of five prosecutors in

2012 and the training of an additional twelve prosecutors and judges, who are expected to assume their roles in mid-2013.

In addition to the standard trafficking awareness training that all judiciary police and public security police officers receive, Macau authorities organized and attended numerous anti-trafficking trainings throughout the year. The anti-trafficking committee hosted at least five seminars for more than 500 law enforcement officers to discuss strategies for raising awareness and combating human trafficking. Macau's Social Welfare Bureau (SWB) hosted a seminar for NGOs and department heads to exchange best practices on victim protection with Hong Kong counterparts in April. Macau authorities cooperated with mainland Chinese and Hong Kong authorities in arresting three Macau residents and rescuing six victims. Despite the authorities' increased cooperation with mainland China and Hong Kong, the government of another trafficking source country reported a lack of cooperation from Macau authorities. Macau authorities did not report any investigations or prosecutions of government employees for alleged complicity in trafficking-related offenses during the reporting period.

Protection

Macau authorities demonstrated efforts to protect trafficking victims during the reporting period. Authorities identified 25 victims of forced prostitution in 2012, compared with 13 in 2011, but identified no victims of forced labor in 2012. All of the victims identified in 2012 were from mainland China. The SWB reported assisting and offering shelter to all identified victims in cooperation with local NGOs. Macau officials reported identifying 18 Chinese workers who were disputing their work conditions but repatriated them to China without offering them victim services. In addition, 17 women connected with the case involving the nine convicted offenders were not protected as victims of sex trafficking because the court ruled that their voluntary association with the defendants meant they were not trafficking victims. Macau authorities designated 21 beds for female trafficking victims of any nationality at a shelter managed by SWB and allocated the equivalent of approximately $250,400 to fund and support victim protection measures. In 2012, SWB established a shelter for male victims, though no male victims were assisted during the reporting period. Macau authorities updated the standardized screening questionnaire that guides law enforcement, immigration, and social services personnel in identifying trafficking victims to add elements to screen for forced labor victims. They sustained an existing partnership with a local NGO in order to identify interpreters to assist in interviewing foreign trafficking victims and funded an NGO to operate a 24-hour hotline that could be used by trafficking victims. Authorities encouraged victims to assist in the investigation and prosecution of trafficking crimes by providing temporary shelter and appropriate assistance. Despite a policy offering general foreign crime victims legal alternatives to removal to countries in which they would face retribution or hardship, no trafficking victims received such immigration relief after legal proceedings; trafficking victims were repatriated without an option to stay.

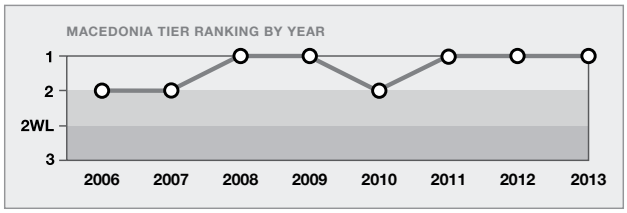
Prevention

Macau authorities demonstrated modest efforts to prevent forced labor and commercial sex during the reporting period. In 2012, labor and human resources agencies joined the anti-trafficking committee to focus Macau's efforts more on labor trafficking. The Labor Affairs Bureau produced and disseminated 13,000 leaflets on combating human trafficking, and law enforcement agencies prepared 3,000 pamphlets, in four different languages, to raise awareness of labor trafficking. The Labor Affairs Bureau continued its education project in high schools and hosted educational activities to raise public awareness. In an attempt to reduce demand for commercial sex acts, law enforcement authorities arrested 423 distributors of prostitution-related leaflets and seized more than 200,000 leaflets. This operation, however, did not appear to adequately address the single suspected case of child prostitution in a U.S.-owned casino, nor did it reduce demand for sexual exploitation in night clubs, saunas, and other "black spots." Authorities did not report any investigations or prosecutions of child sex tourism.

MACEDONIA (Tier 1)

Macedonia is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Macedonian women and girls are subjected to sex trafficking and forced labor within the country in bars, nightclubs, and in begging on the street. Children, primarily ethnic Roma, are forced to beg by their families. The age of identified victims is increasingly younger and more victims originate from neighboring countries. Foreign victims in Macedonia originate from Albania, Bulgaria, Serbia, Bosnia, Ukraine, and Kosovo. Macedonian citizens are subjected to trafficking in Greece, Belgium, and other countries in Europe.

The Government of Macedonia fully complies with the minimum standards for the elimination of trafficking. The government sustained its vigorous prosecution of trafficking offenders, including public officials alleged to be complicit in trafficking. However, the government failed to screen effectively possible victims of trafficking encountered during police raids on bars and nightclubs; officials did not make use of trained social workers and NGOs, bypassing the national referral mechanism, and rapidly screened migrants in detention without victim support. The government continued to rely on NGOs to provide many of the services at shelters without providing adequate funding for medical care and reintegration.



Recommendations for Macedonia: Proactively improve victim identification efforts by including trained social workers and NGOs in initial screening for trafficking in all police raids involving vulnerable migrants; ensure that all victims of trafficking have the freedom to come and go from shelters; ensure that victims are not detained, deported, or punished as a result of their being trafficked; provide specialized training for officials to better understand psychological forms of coercion, debt bondage, threats, and the symptoms of victims' trauma; institutionalize and increase funding to ensure comprehensive care in shelters and to support reintegration services; punish human trafficking offenders, including

government officials complicit in trafficking in persons, with sentences that are commensurate with the gravity of the crime; formally identify victims of forced begging as trafficking victims and offer appropriate services; and continue to proactively investigate and prosecute human trafficking crimes.

Prosecution

The Government of Macedonia improved its law enforcement response to human trafficking in 2012, more than doubling the number of convictions compared to the previous reporting period and prosecuting two public officials for alleged complicity in trafficking offenses. The government prohibits sex and labor trafficking through Articles 418(a) and (d) of its criminal code, which prescribe a minimum penalty of four years' imprisonment. This is sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In 2012, the government investigated nine new trafficking suspects, including a police officer and a prison supervisor alleged to be complicit in human trafficking. During the year, the government convicted 20 trafficking offenders, a significant increase from nine in 2011. Ten defendants received sentences from six to ten years' imprisonment, three received three years' imprisonment for trafficking children for labor exploitation, and one was sentenced to nine months' imprisonment. Six defendants, including the complicit police officer, received suspended prison sentences. A court of appeals upheld convictions against seven traffickers who were sentenced in 2011. Seven defendants, including the prison supervisor, were acquitted. The Macedonian academy for judges and prosecutors trained organized crime prosecutors on human trafficking and law enforcement officials participated in a regional anti-trafficking training. During the reporting period, the government trained police and labor inspectors to identify victims of trafficking.

Protection

The government maintained protection and services, but did not improve efforts to identify trafficking victims proactively. The government identified eight victims of trafficking in 2012, compared with 12 in 2011. For the first time, Macedonian authorities identified male victims of trafficking, including one child, and provided them with limited legal, medical, and psycho-social assistance. All identified victims received assistance and the female victims were referred to shelter care, but there was insufficient screening of migrants in immigration detention. The government jointly ran a shelter with two NGOs that provided services to domestic victims and foreign victims holding a temporary residence permit. No shelter existed for male victims of trafficking. The government provided identified victims with initial needs assessment, crisis intervention, psychological assistance, food, clothes, and medical assistance. The government assigned legal representatives to children. An advocate employed by the national referral mechanism provided legal services to victims of trafficking. Domestic victims of trafficking who do not choose to stay in the shelter may access psychological and social services from the government centers for social welfare, which also provide reintegration services, including education and job placement in collaboration with an NGO. The government allocated the equivalent of approximately $7,000 each to five NGOs for direct assistance and prevention activities. There were problems with timely reimbursement to NGOs for emergency medical care provided to victims in shelter care. While the government removed more than 50 children, predominately ethnic Roma, from forced begging on the streets and placed them in daycare centers or orphanages, often fining or jailing their parents, the government failed to identify these children as victims of trafficking.

NGOs reported that the national referral mechanism worked effectively through strong collaboration with social workers, which resulted in the identification and referral of victims of trafficking to shelters. However, the government failed to utilize trained social workers and NGOs to provide specialized screening for trafficking during raids conducted by the organized crime unit. Police raids on bars in western Macedonia revealed numerous unauthorized female migrants working illegally as "guest escorts," some of whom had been previously deported and had returned from their home countries. Screening for trafficking was done by police within 24 hours while the women were detained at the government transit facility before they were deported, bypassing any involvement from the national referral mechanism and hampering efforts to effectively identify probable victims of trafficking. Contrary to the 2000 UN TIP Protocol, the government places inordinate weight on victims' initial consent to migrate or to work, hampering efforts to identify elements of force, fraud, or coercion in potential trafficking schemes. In 2012, the government issued three foreign victims of trafficking two-month temporary residence permits. Temporary residency permits were available to foreign trafficking victims if they cooperated with law enforcement in the investigation and prosecution of their traffickers. Twelve victims participated in criminal proceedings during the reporting period. While victims may claim restitution through civil proceedings, no victims have successfully completed a claim due to the complexity of the legal process.

Prevention

The government sustained its anti-trafficking prevention efforts during the reporting period and, in partnership with NGOs, organized awareness presentations and anti-trafficking workshops at high schools in areas with high risks of trafficking and distributed prevention informational materials. The government organized specialized anti-trafficking training for 60 social workers and all 30 directors of the centers for social work on their responsibilities in managing trafficking cases, and officials collaborated with national anti-trafficking coordinators of other southeastern European countries to establish more efficient regional cooperation. The national rapporteur for trafficking and smuggling published Macedonia's fourth annual report with a comprehensive assessment of anti-trafficking activities. The government adopted a new national action plan for 2013-2016 with a focus on increasing efforts to combat forced labor, developed in collaboration with an interagency government working group, NGOs, and international organizations. The government undertook a public service television campaign to reduce demand for services from victims of trafficking.

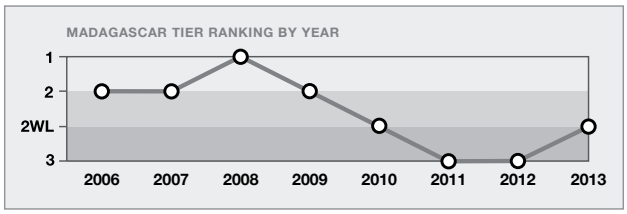
MADAGASCAR (Tier 2 Watch List)

Madagascar is a source country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. Reports indicate that sex and labor trafficking of Madagascar's citizens has increased, particularly due to a lack of economic development and a decline in the rule of law since the current political crisis began in March 2009. An estimated

4,000 Malagasy women are employed as domestic workers in Lebanon and, since July 2012, an estimated 3,000 Malagasy female domestic workers have migrated to Kuwait; a smaller number of workers have also departed for Saudi Arabia, Jordan, Mauritius, and Seychelles in search of jobs. Many of the women who migrate are single mothers who come from rural areas and are illiterate or poorly educated, making them vulnerable to deception and abuse at the hands of recruitment agencies and employers. At least one death was reported among this population during the year. Trafficking victims returning from Lebanon, Kuwait, and Saudi Arabia reported rape, psychological abuse, physical torture and violence, sexual harassment and assault, harsh working conditions, confinement to the home, confiscation of travel documents, and withholding of salaries. In 2012, there was an increase in Malagasy males victimized by labor trafficking abroad; for example, more than 50 Malagasy men were identified as victims of forced labor aboard a Chinese-flagged fishing boat in South Africa's territorial waters.

Malagasy children, mostly from rural areas, are subjected to domestic servitude, prostitution, forced begging, and forced labor in mining, fishing, and agriculture within the country. Most child sex trafficking occurs with the involvement of family members, but friends, transport operators, tour guides, and hotel workers also facilitate the trafficking of children. During the reporting period, informal employment agencies commonly recruited child domestic servants who were subsequently subjected to forced labor. Parents force their children into various forms of prostitution to earn money to support their families; in some cases, parents have directly negotiated prices with clients when prostituting their children. Child sex tourism increased dramatically during the last year, particularly in the coastal cities of Toamasina, Nosy Be, Antsiranana, and Mahajunga, as well as in the capital, Antananarivo; there was also a significant increase in the exploitation of younger children in the commercial sex trade, with cases involving children as young as seven years old. Some children are fraudulently recruited for work in the capital as waitresses, maids, and masseuses before being coerced into prostitution. The main clients of prostituted boys and girls in Madagascar are Malagasy men. Most child sex tourists are French nationals, with some reports of sexual exploitation by Italian and other Western nationals.

The *de facto* Government of Madagascar does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Because the assessment that the *de facto* government has made significant efforts is based in part on its commitments of future action, namely the initiation of trafficking prosecutions that have not been completed, Madagascar is placed on Tier 2 Watch List. Since the March 2009 coup, combating human trafficking has not been a priority for the *de facto* regime's leadership, despite the growing size of the problem both internally and transnationally. However, as a result of efforts at the working and technical level, including among law enforcement specialists, there has been a significant increase in law enforcement efforts within the country, including 30 potential prosecutions of trafficking offenses and two convictions of trafficking offenders. Despite widespread corruption and complicity of government officials in trafficking offenses, the *de facto* government has failed to investigate or prosecute any officials responsible for these offenses during the reporting period. It also failed to identify and refer victims to protective services and did not support NGOs providing such services. For a fourth year, it did not engage the Government of Lebanon or any other Middle Eastern government regarding protection of and legal remedies for exploited Malagasy workers in those countries, and in most cases, failed to assist with the return of Malagasy citizens to Madagascar during the reporting period. The Malagasy Consulate in South Africa assisted with the return of three male trafficking victims in the Chinese fishing boat case.



Recommendations for Madagascar: Utilize the anti-trafficking law, including at the regional level, to investigate and prosecute trafficking offenses, including those involving forced labor and public officials suspected of trafficking-related complicity; amend the anti-trafficking law to provide sufficiently stringent penalties for labor trafficking; open a dialogue with the governments of destination countries for Malagasy migrants regarding improving protections for Malagasy workers and jointly addressing cases of abuse; consider establishing a consulate in the Middle East to provide consular and, when needed, protective services to Malagasy workers; institute a process for law enforcement officials to document trafficking cases, interview potential victims, and refer trafficking victims for assistance; increase efforts to raise public awareness of labor trafficking; provide anti-trafficking training to law enforcement, labor, and social welfare officials; and provide adequate funding to anti-trafficking inter-ministerial committees and ensure coordination between the committees, NGOs, and international partners.

Prosecution

Law enforcement officials made significant efforts during the year, resulting in 30 trafficking-related prosecutions and two convictions in Antananarivo alone, compared to no reported prosecutions or convictions in the previous reporting period. Anti-Trafficking Law No. 2007-038 prohibits all forms of human trafficking, but prescribes punishments only for sex trafficking; prescribed penalties range from two years' to life imprisonment and are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 262 of Madagascar's labor code criminalizes labor trafficking, for which it prescribes insufficiently stringent penalties of one to three years' imprisonment. Decree 2007-563 prescribes insufficiently stringent punishments of up to two years' imprisonment for various forms of child trafficking, including prostitution, domestic servitude, and forced labor. During the reporting period, the National Police's Morals and Minors Brigade investigated 70 cases related to trafficking and exploitative child labor offenses. The *de facto* government initiated 30 prosecutions; it is unclear how many of these cases were completed and how many remained pending at the close of the reporting period. In one highly-publicized case, an Antananarivo court convicted an owner of a nightclub, a French national, and a Malagasy staff member for "corruption of minors" and "incitement to debauchery" for facilitating child prostitution and sentenced them to five years in prison; the French national was later expelled from the country after serving an unconfirmed period of time in prison. The vast majority of these prosecutions were not brought under the

2007 anti-trafficking law, but instead, under various other provisions of the penal code; this is the result of a continued lack of familiarity of law enforcement and judicial authorities with the relatively new anti-trafficking law. In a separate case, law enforcement officials investigated the head of a labor recruitment agency and charged the individual with complicity in human trafficking under the country's anti-trafficking legislation for the alleged recruitment of a Malagasy woman who was subsequently subjected to forced labor in Lebanon; however, charges were later dropped.

Public officials' complicity in human trafficking remained a significant problem. Reports indicate that various government officials purchased sexual services from children in Antananarivo and Nosy Be. Corrupt police permitted child prostitution rings to operate, particularly in Nosy Be. During the reporting period, there was a significant increase in the number of recruitment agencies in Madagascar, which reportedly engage in falsifying identity documents and sending domestic workers to Lebanon, despite an official ban on such emigration since 2009. The Ministry of Labor and Civil Service is responsible for regulating recruitment agencies and approving the emigration of each worker, which suggests that ministry officials are likely complicit in this illegal activity. Despite these reports, the *de facto* government did not report any investigations or prosecutions of public officials for alleged complicity in trafficking-related offenses.

Protection

The *de facto* government made negligible efforts to protect victims. According to NGO reports, more than 700 Malagasy workers in Lebanon and approximately 50 from Kuwait and Saudi Arabia awaited repatriation at the close of the reporting period, some of whom are suspected to be victims of trafficking. For a fourth consecutive year, the *de facto* government did not engage the Government of Lebanon regarding the protection of and legal remedies for exploited Malagasy workers; in addition, it did not open discussions with any other Middle Eastern government regarding the abuse of Malagasy workers. Madagascar's honorary consul in Beirut failed to address the needs of Malagasy trafficking victims, refusing to advocate for victim protection or to launch investigations into allegations of abuse. When Malagasy trafficking victims were repatriated, the *de facto* government failed to provide them with resources or assistance; the vast majority arrived in Madagascar destitute and in need of psychological and medical services. The Malagasy Consulate in Cape Town assisted in the repatriation of three Malagasy men subjected to forced labor aboard a Chinese fishing boat off the coast of South Africa; these three men received services from an NGO upon their return to Madagascar, and it is unclear whether the consulate is making any attempt to rescue and repatriate other Malagasy men who remain in similar conditions.

The *de facto* government lacked procedures to proactively identify trafficking victims among vulnerable populations and did not systematically provide services or refer victims for care. The *de facto* government did not formally identify any trafficking victims during the year; NGOs reported providing services to 335 victims of trafficking, but indicated that this number only reflects a fraction of the trafficking victims in Madagascar. The *de facto* government did not operate any shelters for trafficking victims or provide support to NGO-run care facilities. The Ministry of Labor operated the Manjarisoa Center in Antananarivo, which offered services to 35 victims of exploitative child labor; it is unknown whether any of these children were trafficking victims. The Ministry of Population and Social Affairs, in collaboration with UNICEF, supported approximately 450 multi-sector networks covering 55 districts in 11 regions throughout the country to protect children from abuse and exploitation; it is unclear whether their work included combating trafficking. However, available services and facilities remain insufficient and are often nonexistent in areas beyond Antananarivo. NGOs provided counseling, legal services, and medical care to victims and referred them to government hospitals. There were no reports that the *de facto* government arrested or punished trafficking victims for unlawful acts committed as a direct result of being trafficked. There are no formal procedures in place to encourage victims to assist law enforcement in the prosecution of their traffickers; however, the police reported that some victims of sexual exploitation were active participants in the investigations of their alleged traffickers during the reporting period.

Prevention

The *de facto* government made negligible efforts to prevent trafficking during the reporting period. It failed to enforce its official ban on sending domestic workers to Lebanon, which has been in place since November 2009, and recruitment agencies continued to send workers directly to Lebanon or through alternative routes to circumvent the ban. The *de facto* government did not make an effort to improve its oversight of recruitment agencies and may support such agencies' illicit activities. Government officials denied reports of exploitation of Malagasy workers abroad and repeatedly encouraged young women to pursue jobs in domestic service overseas; a television station owned by the *de facto* president aired a report claiming that domestic employees working abroad were not mistreated and suggested that those who were must have encouraged the abuse. In February 2013, in response to an increase in complaints regarding the treatment of migrant workers, the Ministry of Labor and Civil Service announced a one-month ban on sending domestic workers abroad to certain countries, including Kuwait, Saudi Arabia, Jordan, and Seychelles; however, the ministry signed "special derogations," which allowed some domestic workers to continue to migrate to these countries during the ban. Similar "special derogation" documents were also used to circumvent the ban on sending domestic workers to Lebanon during the reporting period; border police are not authorized to prevent anyone with these documents from leaving the country.

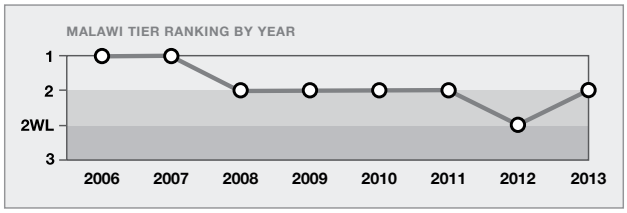
During the reporting period, the National Committee on Trafficking, led by the Ministry of Justice, convened on an informal basis. In December 2012, members of the committee held a workshop in partnership with the UN to draft new anti-trafficking legislation to clarify the definition of trafficking and increase protection for child victims of sexual exploitation, forced marriage, and forced labor. The *de facto* government announced the creation of various inter-ministerial committees to combat specific trafficking in persons issues in Madagascar; to date, no concrete results have been reported from any of these committees, and they have not received budgets to operate. The *de facto* government did not make any discernible efforts to reduce the demand for forced labor during the reporting period. The Ministry of Tourism and the Ministry of Population worked with ILO and other stakeholders to develop an action plan and code of conduct to combat sexual exploitation of children for commercial purposes and participated in awareness-raising efforts to reduce child sex tourism; however, these efforts were

funded entirely by NGOs and international organizations, and the *de facto* government did not take any additional steps to reduce the increasing demand for commercial sex acts during the reporting period.

MALAWI (Tier 2)

Malawi is a source country for men, women, and children subjected to forced labor and sex trafficking. To a lesser extent, Malawi is also a destination country for men, women, and children from Zambia, Mozambique, and Tanzania and a transit point for people from these same countries who are subjected to sex and labor trafficking in South Africa. Most Malawian trafficking victims are exploited within the country, though Malawian victims of sex and labor trafficking have also been identified in South Africa, Zambia, Mozambique, Tanzania, and Europe. Within the country, children are subjected to forced labor in domestic service, goat and cattle herding, agriculture (tobacco, tea, coffee, and sugar plantations), begging, small businesses, and are coerced to commit crimes, including home robberies. One-third of Malawian children are involved in labor activities; the majority of cases of child labor outside of the family involve fraudulent recruitment and physical or sexual abuse, conditions indicative of forced labor. Adult tenant farmers are vulnerable to exploitation, as they incur debts to landowners and may not receive payment in times of poor harvest. Brothel owners or other facilitators lure girls—including primary school children—from rural areas with promises of clothing and lodging, for which they are later charged high fees, resulting in prostitution coerced through debts in Malawi or neighboring countries. In other instances, young girls are drugged, gang-raped, and placed in the sex trade. Some girls recruited for domestic service are forced to marry and subsequently forced into prostitution by their "husbands;" in 2012, two girls from Mangochi were promised employment in South Africa, but upon arrival were forced to marry a Zimbabwean man who then forced them into prostitution in a brothel. Nigerian and Tanzanian women force Malawian women and girls into prostitution in Malawi, and Nigerian syndicates are also involved in the sex trafficking of Malawians to South Africa, Germany, the Netherlands, the United Kingdom, Thailand, and Brazil. Anecdotal reports indicate South Asian adults and children are forced to work in hotels, shops, bakeries, and in the construction sector in Malawi or transit Malawi *en route* to potential exploitation in South Africa. Migrants from the Great Lakes region and the Horn of Africa may become labor trafficking victims in Malawi or in South Africa.

The Government of Malawi does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the Malawi Police Service (MPS) provided its first formal report of law enforcement data, from eight districts, which highlighted the government's conviction of 13 trafficking offenders, the majority of whom were sentenced to significant terms of imprisonment. In addition, the government, often in partnership with NGOs, identified at least 135 trafficking victims. However, the government failed to make systematic efforts to combat trafficking, especially in its protection of victims. It also failed to finalize and pass anti-trafficking legislation drafted in 2009 or to train independently law enforcement officials during the year. The government continued to rely on international organizations and NGOs to fund and implement most anti-trafficking programs, and district-level staff active on trafficking received little supervision or guidance from national coordinating bodies.



Recommendations for Malawi: Prosecute vigorously both sex and labor trafficking offenses; ensure adequate sentencing of convicted trafficking offenders, including the increased imposition of prison sentences rather than fines; investigate and prosecute complicit officials; expand training programs for judges, prosecutors, labor inspectors, and police on identification, investigation, and prosecution of trafficking offenses under existing laws; improve the collection of national prosecution and protection data; develop a formal system to identify trafficking victims, especially among vulnerable populations, and to refer them to available services; increase the availability of accommodations and protection services for victims through financial or material support to NGOs for expansion of direct service provision; improve national-level coordination of anti-trafficking efforts across all districts; and launch anti-trafficking public awareness campaigns.

Prosecution

The Government of Malawi increased its anti-trafficking law enforcement efforts during the year, with 10 of 13 convicted trafficking offenders receiving jail terms—an improvement from three out of four convicted offenders receiving fines in 2011. However, these 10 convictions occurred in only two districts—Dedza and Phalombe—signaling the need to increase law enforcement efforts and training of police and magistrates country-wide. In addition, in 2012, the MPS provided its first-ever formal report of anti-trafficking case data, including data collected from eight of 28 districts. Malawi prohibits all forms of trafficking through various laws, including the Employment Act and Articles 135 through 147 and 257 through 269 of the penal code, which criminalizes forced labor and forced prostitution, although it does not define child sex trafficking in accordance with international law. The penalties prescribed under these various statutes range from small fines to 14 years' imprisonment; these penalties are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. In 2012, the government began development of implementation guidelines for the Child Care, Protection, and Justice Act of 2010, which prohibits child trafficking, although fails to define it, and prescribes more than sufficiently stringent penalties of up to life imprisonment. Efforts to complete comprehensive anti-trafficking legislation continued with drafts circulating between the Cabinet and Ministry of Justice for technical edits.

The majority of trafficking offenders convicted during the year—eight of 13—were charged under the child trafficking provision of the Child Care, Protection, and Justice Act; however, the government sentenced seven of these convicted offenders to 18 months' imprisonment, well below the provision's prescribed maximum penalty of life imprisonment. Three other offenders were charged and convicted of kidnapping under article 257

of the penal code; in these cases, magistrates applied stiffer penalties of two to five years' imprisonment. Of the remaining cases, two offenders received paltry fines, and one received a suspended sentence, serving no time in jail. Reports indicated that labor trafficking offenders were not prosecuted for a first offense. Poor record management, however, made it difficult to track habitual offenders. In addition, the government made little effort to investigate or prosecute potential sex trafficking offenses during the year. The government partnered with Zambian and Mozambican authorities in several forced labor investigations; in one case, a convicted Mozambican offender was sentenced to five years' imprisonment after attempting to bring three Malawian children into Mozambique for work on tobacco farms.

In January 2013, the Immigration Department began training 317 new immigration officers; its institutionalized curriculum was revised during the year to include international trafficking frameworks, identification of traffickers, and assistance to victims. Although the MPS and the Ministry of Labor acknowledged the need for increased training of their staffs, especially on existing laws, the government failed to systematically train or institutionalize trafficking-specific trainings during the year. However, 1,200 police recruits received some basic training on child trafficking as part of broader trainings on child protection. In October 2012, Malawian officials hosted donor-funded anti-trafficking trainings at government facilities, reaching 115 magistrates, judges, prosecutors, and police in Lilongwe and 25 officials in Mchinji. The government did not investigate or prosecute government employees who were allegedly complicit in trafficking or trafficking-related crimes, including low-level police and immigration officials who facilitated illegal border crossings.

Protection

The Government of Malawi sustained minimal efforts to provide protection to trafficking victims during the year. It relied largely on NGOs to identify victims and provide long-term care. In addition, the government failed to develop or employ systematic procedures for the proactive identification of victims and their referral to care. The government funded one drop-in center (the social rehabilitation center in Lilongwe) that offered counseling and assistance for victims of trafficking and gender-based violence; it is unknown whether the center provided such services to trafficking victims during the year. More than 300 police stations at the sub-district level housed victim support units (VSUs) to respond to gender-based violence and trafficking crimes; however, the VSUs lacked capacity to respond adequately, providing only limited counseling and, in some districts, temporary shelter to victims. As a result of the minimal capacity of the VSUs, some district staff used their personal funds or opened their offices to temporarily shelter victims or acquired donor payment for hotel stays. Government-run hospitals provided limited access to medical and psychological services; however, there is no evidence trafficking victims received such care in 2012. District social welfare and child protection officers referred an unknown number of victims to NGO-run facilities that served vulnerable children and youth; however, the government did not provide material or financial support for these NGO services.

The national government did not provide data on the number of victims it identified, referred, or assisted during the reporting period; however, detailed case information provided by the MPS and district-level officials indicates that the government, often in partnership with NGOs, identified at least 135 trafficking victims. Police, district-level social welfare officers, and child protection officers cooperated with local NGOs that coordinated and funded the rescue and care of trafficking victims; for example, in Mchinji, an NGO shelter accommodated and assisted in the return of 101 child trafficking victims to their home communities during the year, some of which were identified in partnership with or referred by district-level staff. The district social welfare office in Lilongwe—through the aforementioned social rehabilitation center—provided office space to an NGO that provided counseling to child sex trafficking victims and coordinated awareness campaigns. Despite these efforts in some districts, a 2011 NGO baseline survey of six districts reported that 73 percent of victims did not receive any services after their rescue. The lack of adequate and longer-term assistance leaves victims vulnerable to re-trafficking; at least one such case was documented during the year. The government did not provide foreign victims with temporary residency or other legal alternatives to their removal to countries where they would face hardship or retribution. The government reportedly encouraged victims' participation in the investigation and prosecution of trafficking crimes, though there is no evidence this occurred in 2012. Law enforcement, however, generally treated persons in prostitution—including children—as criminals, rather than the pimps or clients, making sex trafficking victims vulnerable to arrest; subsequent to their arrest, some police coerced them into sex acts by threatening them with charges. As it failed to screen vulnerable populations, including illegal migrants and children involved in crime, in order to identify trafficking victims, the government was unable to ensure victims were not arrested and penalized for crimes committed as a result of their trafficking.

Prevention

The government made minimal efforts to prevent human trafficking during the year. The majority of public awareness campaigns were coordinated at the district level with NGOs partners; national-level coordinating bodies played a negligible role, failing to organize awareness activities or finalize the national plan of action drafted in 2010. The newly reorganized Child Protection Technical Working Group included combating trafficking within its broader work of coordinating efforts on child protection, but failed to make any specific anti-trafficking efforts during the year. The Malawi Network Against Child Trafficking, which is comprised of government representatives, NGOs, and religious leaders, met only once in 2012, a decrease from quarterly meetings in 2011. Government officials participated in NGO-sponsored panel discussions on human trafficking, which were broadcast on national radio. In 2012, the government conducted 1,750 labor inspections; however, details on child labor violations or children removed from worksites were not made available. State-owned radio continued weekly broadcasts on child labor and human trafficking led by an NGO. The government did not make efforts to reduce the demand for commercial sex acts during the year, and made no efforts to address child sex tourism. In partnership with a foreign donor, it provided Malawian troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions.

MALAYSIA (Tier 2 Watch List)

Malaysia is a destination and, to a lesser extent, a source and transit country for men, women, and children subjected to conditions of forced labor and women and children subjected to sex trafficking. The overwhelming majority of trafficking victims are among the estimated two million documented and two million or more undocumented foreign workers in Malaysia. They typically migrate willingly to Malaysia from countries including Indonesia, Nepal, India, Thailand, China, the Philippines, Burma, Cambodia, Laos, Bangladesh, Pakistan, and Vietnam in search of greater economic opportunities. Some of them subsequently encounter forced labor or debt bondage at the hands of their employers, employment agents, or informal labor recruiters. A significant number of young foreign women are recruited ostensibly for legal work in Malaysian restaurants and hotels, but subsequently are coerced into the commercial sex trade. Many Malaysian recruitment companies, known as labor outsourcing companies, recruit workers from India, Vietnam, and other countries, some of whom are subjected to conditions of forced labor by employers. Contractor-based labor arrangements of this type—in which the worker may be technically employed by the recruiting company—create vulnerabilities for workers whose day-to-day employers were generally without legal responsibility for exploitative practices. In some cases, foreign workers' vulnerability to exploitation is heightened when employers neglected to obtain proper documentation for workers or employed workers in sectors other than that for which they were granted an employment visa. A complex system of recruitment and contracting fees, often deducted from workers' wages, makes workers vulnerable to debt bondage. A new Malaysian government policy to place the burden of paying immigration and employment authorization fees on foreign workers increased this risk.

There were cases of Vietnamese women and girls who entered into brokered marriages in Malaysia and were subsequently forced into prostitution. While many of Malaysia's trafficking offenders are individual businesspeople, large organized crime syndicates are also behind trafficking. During the year, there were NGO reports of Ugandan women, as well as women from Nigeria, Ghana, Zimbabwe, and Macau, fraudulently recruited to Malaysia for ostensibly legitimate work but forced into prostitution upon arrival. Nigerian, and possibly Ugandan, syndicates transport African victims between China and Malaysia, and use threats of physical harm, to victims and their families to coerce them into prostitution. Some victims of forced labor on Thai fishing boats, including Cambodian and Burmese men, reportedly escaped in Malaysian territory.

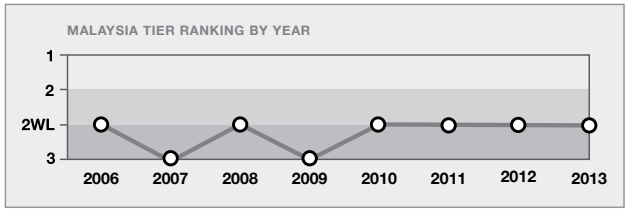
Many migrant workers on agricultural plantations, at construction sites, in textile factories, and in homes as domestic workers throughout Malaysia are subject to practices indicative of forced labor such as restrictions on movement, deceit and fraud in wages, passport confiscation, and imposition of significant debts at the hands of agents or employers. Passport confiscation remains widespread, particularly among domestic workers. Some employees reported that their employers exercised control over them by threatening to take a worker's passport to immigration authorities and alleging that the workers had breached the terms of their labor contracts, which could result in the revocation of the workers' visas and subsequent deportation. Some Malaysian employers reportedly withheld three to nine months' wages from foreign domestic workers in order to recoup recruitment agency fees and other debt bonds. In some cases, employers illegally withheld employee wages in escrow until completion of the contract, resulting in workers continuing to work for fear of not receiving financial compensation if they ceased to do so.

Forced labor, including debt bondage, occurred among domestic workers, and was also reported to occur on palm oil plantations. There are an estimated 184,000 foreign workers in domestic service in Malaysia registered with the government. NGOs estimate that an additional 200,000 migrant domestic workers are not formally registered; some domestic workers, both documented and undocumented, may be trafficking victims. The Government of Cambodia continued to ban women's emigration to Malaysia for domestic work; however, some women who migrated using tourist visas and some who had migrated prior to the imposition of the ban continued to be subjected to domestic servitude. Indonesian victims may transit Malaysia *en route* to Middle Eastern countries where they become victims of domestic servitude.

Refugees in Malaysia, including Rohingya men, women, and children from Burma and Bangladesh, lacked formal status or the ability to obtain work permits under Malaysian law, making them vulnerable to trafficking. Many had incurred large smuggling debts; exploitation of these debts after they reached Malaysia at times amounted to debt bondage. There were reports that children from refugee communities were subjected to forced begging. Stateless persons in Sabah—some of whom are unaccompanied children of Filipino and Indonesian migrant workers who have been deported—as well as refugees in this region were vulnerable to forced child labor and debt bondage. A small number of Malaysian citizens reportedly were trafficked internally and abroad to Singapore, China, Japan, Australia, and the United Kingdom for commercial sexual exploitation. One NGO observed an increase in the number of ethnic Malay girls who were subjected to sex trafficking during the year. There continued to be reports that some complicit officials facilitated trafficking, including by allowing the movement of vulnerable undocumented migrants across borders.

The Government of Malaysia does not fully comply with the minimum standards for the elimination of trafficking. The government did not show evidence of overall increasing efforts to address human trafficking compared to the previous year; therefore, Malaysia is placed on Tier 2 Watch List for a fourth consecutive year. Malaysia was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. During the year, the government made no tangible improvements to its inadequate system for identifying and protecting trafficking victims, such as amending its laws to allow victims to reside in NGO shelters. Rather, it continued to consign victims to substandard facilities and to restrict the access of NGOs which could provide additional services to victims. The government did not employ a victim-centered approach; this limited the success of its anti-trafficking law enforcement efforts and inflicted further harm on victims. Malaysia certified 444 victims in 2012. Malaysia increased the number of investigations, prosecutions, and convictions in labor trafficking cases, and prosecutors convicted 21 individuals for trafficking, more than in the previous year. Inadequate efforts to proactively

identify victims among vulnerable groups and front-line officials' inability to recognize indicators of human trafficking led to many victims remaining unidentified and vulnerable to detention and deportation.



Recommendations for Malaysia: Amend the anti-trafficking law to allow trafficking victims to travel, work, and reside outside government facilities, including while under protection orders; increase efforts to prosecute and punish trafficking offenders, particularly perpetrators of labor trafficking; apply stringent criminal penalties to those involved in fraudulent labor recruitment or forced labor; develop and implement procedures to identify labor trafficking victims, using internationally recognized indicators of forced labor among vulnerable groups such as migrant workers and refer them to available protection services; increase training for officials on the effective handling of sex and labor trafficking cases, with a particular emphasis on victim protection and the identification of labor trafficking victims; improve victim identification efforts to ensure that victims of trafficking are not threatened or punished for crimes committed as a result of being trafficked; encourage increased efforts by prosecutors to prepare victims for participation as witnesses in trafficking trials; consider funding specialized NGOs to provide victims in government facilities regular access to legal services and effective counseling in their native languages; ensure all victims are eligible for protective services within Malaysia, regardless of the likelihood their cases will go to trial; provide all victims legal alternatives to removal to countries in which they would face retribution or hardship; make greater efforts to educate migrant workers of their rights, legal recourses available, and remedies against traffickers or employers who fail to meet their legal obligations; enforce the law that prohibits employers from confiscating passports; increase transnational cooperation with other governments in the region on enforcing anti-trafficking laws; and increase efforts to investigate—and prosecute and punish, as appropriate—reports of public officials who may profit from trafficking or who may exploit victims.

Prosecution

The Government of Malaysia made modest overall progress in addressing human trafficking through law enforcement means during the reporting period, increasing efforts to investigate and prosecute trafficking offenders, notably in the area of labor trafficking, though convictions of sex trafficking offenders decreased. Malaysian law prohibits all forms of human trafficking through its 2008 Anti-Trafficking in Persons Act (amended), which prescribes penalties that are commensurate with those prescribed for other serious offenses, such as rape. In November 2010, the government enacted amendments to the law that broadened the definition of trafficking to include all actions involved in acquiring or maintaining the labor or services of a person through coercion.

During 2012, the government convicted 11 sex trafficking offenders and 10 labor trafficking offenders, an increase from the 17 sex trafficking convictions and zero labor trafficking convictions obtained in 2011. Police, immigration, and Labor Department officials investigated 190 suspected trafficking cases during the year, 66 of which were for labor trafficking, and initiated 63 prosecutions, 19 involving labor trafficking. This was a significant increase as compared to the prior year, in which a total of only 16 new prosecutions were initiated. Labor trafficking convictions secured during the year included a case of forced labor of seven Indonesian women and girls in a house-cleaning business and several cases in which domestic workers were subjected to forced labor along with, at times, physical abuse and other exploitative practices. The case initiated by the Labor Department in the previous reporting period against three proprietors of a media company suspected of labor trafficking was dismissed by the presiding judge. Most convicted trafficking offenders received significant prison sentences. Four offenders received prison sentences of 10 or more years, five received sentences ranging from five to nine years, and eight received sentences ranging from two to four years. The remaining four offenders received prison sentences of less than two years.

Poor government treatment of identified trafficking victims and the lack of victim protection or incentives for victim assistance in investigations and prosecutions remained a significant impediment to successful prosecutions. Prosecutors had little interaction with law enforcement officers or victims prior to trials; their lack of familiarity with victims' testimonies—often the primary source of evidence in trafficking cases—hindered their ability to obtain successful convictions. As in previous years, NGOs reported referring cases of alleged labor and sex trafficking to the government but in some instances authorities did not investigate these allegations. NGOs reported that the police and Labor Department officials often failed to investigate complaints of confiscation of passports and travel documents or withholding of wages—especially involving domestic workers—as possible trafficking offenses, and that front-line officers failed to recognize indicators of trafficking and in some cases treated these cases as immigration violations. Although the Labor Department designated 13 specialized enforcement officers for labor trafficking throughout the country, labor inspectors were not experienced in anti-trafficking procedures and officials often classified potential trafficking cases as routine labor disputes. Reports alleged that collusion between individual police officers and trafficking offenders led to offenders escaping arrest and punishment. However, there were no confirmed cases of Malaysian officials participating in or facilitating trafficking or trafficking-related crimes, and the Malaysian government took no known steps to prosecute or punish such individuals.

Protection

The government made no discernible progress in protecting victims of trafficking during the reporting period; modest improvements made in the previous year were not equaled this year and overall victim protection efforts continued to negatively affect victims. Victims identified by Malaysian authorities are adjudicated under an official protection order that triggers their forcible detention in government facilities, where they must remain for the period stipulated by the court. Most victims reportedly stayed in these facilities for three to six months, and some were detained for more than a year. Victims continued to be locked inside facilities, and were only

permitted to leave for hospital visits or court appearances under the custody of the police; male victims have limited freedom of movement inside facilities. Victims were provided limited, if any, access to legal or psychological assistance by the government or NGOs.

The Ministry of Women, Family, and Community Development continued to operate three facilities for women and child victims of trafficking. These facilities detained suspected and confirmed foreign trafficking victims for an average of three to six months (but in some cases much longer) until they were deported to their home countries, per Malaysian law. The government's anti-trafficking expenditures for the current reporting period are unknown, but it reported allocating the equivalent of approximately $300,000 to the Women's Ministry for anti-trafficking work in its 2013 budget. The Ministry of Home Affairs ran a similar facility for male victims of trafficking, which also detained suspected and confirmed trafficking victims. Despite the availability of NGO resources to serve trafficking victims, including through providing shelters that may provide a supportive environment to victims, the government only occasionally referred victims to NGO shelters for temporary assistance; as a policy, it confined certified victims in its own facilities where it lacked the physical and human resource capacity to accommodate them. NGO access to victims placed in government facilities was granted inconsistently, and some organizations able to serve victims' needs were not permitted to do so.

The majority of funding for government shelter facilities has gone toward extensive levels of security, which aim to protect victims from harm but may also deny them basic freedoms; in fact, shelters that prohibit victims from leaving are regarded by experts as posing a serious risk for re-traumatizing victims. Furthermore, the facilities did not employ medical officers or trained psychologists. Employees, assigned on a temporary basis, did not receive adequate, if any, training for working with trafficking victims or managing the facilities; a lack of interpretation services meant that some victims were unable to communicate with staff.

The government reported that individual law enforcement agencies followed standardized procedures for identifying, interviewing, and referring trafficking victims, but there was no evidence of the existence of formal procedures for the proactive identification of victims among vulnerable groups with whom authorities came in contact. The Labor Department continued to rely on workers to initiate a complaint of non-payment of wages before investigating a suspected trafficking case; it did not develop or implement procedures to identify internationally recognized indicators of forced labor, such as the confiscation of travel documents or the imposition of significant debts by employers or labor brokers. In 2012, 1,096 suspected victims, 444 of whom were certified as victims of trafficking, were confined in government facilities. The total number of victims certified is an increase from the 222 victims identified in 2011. Suspected victims' certification under a protection order was largely dependent on their ability to provide testimony in a case that could be prosecuted. Some foreign embassies sheltered victims directly, rather than transferring them to Malaysian facilities, to expedite their repatriation and protect them from detention during lengthy criminal proceedings. One NGO reported sheltering 263 domestic workers who experienced conditions indicative of trafficking—including passport confiscation, unpaid wages, and excessive work hours but they did not benefit from any government assistance. The government reportedly identified an unknown number of Malaysian victims who were exploited within the country during the year.

While the government reports it encouraged victims to assist in the prosecution of their traffickers, some victims sought immediate repatriation by their countries' embassies in Malaysia or by NGOs, rather than staying in Malaysia to testify, due to systemic disincentives such as long detentions in facilities during the sometimes lengthy court proceedings. Certified victims were not permitted to leave the country while they waited for trials to commence. The government did not provide any incentives such as work permits to victims for the duration of their traffickers' trials. Victims could theoretically file civil suits against traffickers, but as foreign victims were provided limited services, it remained prohibitively difficult for them to access this option. Victims typically were uninformed about the legal processes to which they were subjected, and the government did not make adequate efforts to inform the victims of why or for how long they were being detained. This situation increased hardship for victims, who often exhibited anxiety at not knowing when they would be allowed to leave. As noted during previous reporting periods, the government's policy of forcing trafficking victims into facilities continued to provide a disincentive for victims and their advocates to bring cases to the government's attention or to cooperate with authorities. Five male labor trafficking victims benefitted from the government's *ad hoc* granting of temporary work permits following the expiration of their protection order. This was a decrease from the 32 victims who were given this right in the previous reporting period; the government did not clarify how victims became eligible to receive the temporary work permits, though it had previously reported that only victims who had entered Malaysia legally, and whose safety was not guaranteed if they returned to their country of origin, would be eligible. NGOs expressed concerns that challenges in interagency coordination may make it difficult to extend temporary work permits to all eligible victims, and to date only male labor trafficking victims have been granted temporary visas.

Law enforcement officers and prosecutors did not receive sufficient training to work with victims, and poor investigation procedures did not take into account the best interests of victims. Victims were asked to recount their trafficking experience on numerous occasions to different officials. Although some NGOs reported good working relationships with individual law enforcement officers, the government's restrictive policies toward victims continued to create a barrier to systematic involvement of NGOs with expertise in providing victim care, and some NGOs continued to be barred from further assisting victims after they were confined to a government facility . Some NGOs reported that they sometimes did not refer victims to the police, as they believed doing so was detrimental to the welfare of the victims. The government provided only limited financial assistance to NGOs providing services to victims. The anti-trafficking law provided immunity to trafficking victims for immigration offenses such as illegal entry, unlawful presence, and possession of false travel documents, but victims whose cases did not result in a prosecution generally weren't granted a protection order and were transferred to immigration detention facilities for deportation. Some unidentified victims, particularly those whose documents had been confiscated by employers, continued to be detained, deported, or charged with immigration offenses.

Prevention

The Malaysian government continued efforts to prevent human trafficking during the reporting period. MAPO and its trafficking in persons Secretariat within the Home Ministry continued to meet monthly to coordinate the government's anti-trafficking response. As in previous years, NGOs reported varying degrees of inclusion in the government's anti-trafficking policymaking; some NGOs were formally affiliated with MAPO and others were not included in policy discussions related to their areas of expertise. The government's denial to a number of NGOs of regular access to its victim facilities hindered effective government-civil society collaboration to combat trafficking. A state-level anti-trafficking council (MAPMAS) in Selangor conducted independent anti-trafficking efforts in that state, though MAPO and MAPMAS did not coordinate their activities. The government continued an anti-trafficking public awareness campaign in print media, on the radio, and on television, about the dangers of both sex and labor trafficking. During the reporting year, there were over 5,500 public service announcements on trafficking in persons on national and state radio. The government did not punish any outsourcing companies for trafficking or trafficking-related activities during the year, but it initiated investigation of a labor recruiter for its alleged involvement in the forced labor of 63 women from Indonesia, Cambodia, and the Philippines in domestic service.

In January 2013, the government announced a new policy to require foreign workers to bear the costs of immigration and employment processing fees, which had previously been the employer's responsibility; this policy increases the likelihood that workers will be trapped in usurious debts to recruiters or loan sharks, placing them at even greater risk of debt bondage. In November 2012, the governments of Bangladesh and Malaysia signed a bilateral memorandum of understanding (MOU) to reinstate a formal labor migration channel which had been suspended since 2009 due to abuses of Bangladeshi workers in Malaysia. Given the entrenched role of unscrupulous recruitment companies in Bangladesh's export labor sector, it is unclear how the MOU will be implemented without the involvement of private recruiters. Existing agreements with Indonesia and the Philippines reportedly provide some protections for domestic workers from these countries. The Malaysian government did not finalize an MOU to govern Cambodian domestic workers employed in Malaysia, and a 2011 ban on Cambodian women's emigration to Malaysia for domestic work remained in effect. Although the confiscation of passports by employers of migrant workers is illegal, the government did not prosecute any employers who confiscated passports or travel documents of migrant workers or confined them to the workplace. In March 2012, a migrant worker who won an administrative complaint filed against his former employer for unfair labor practices was granted a temporary permit to work in Malaysia during the remainder of his proceedings; this is not typically possible for migrant workers, whose authorization is linked to a particular employer. Domestic workers are excluded from a number of protections in Malaysian labor law.

While authorities continued some anti-trafficking training for officials with responsibilities to combat trafficking, including training conducted through cooperation with foreign donors, international organizations, and NGOs, the lack of understanding of human trafficking by many Malaysian front-line government officials, such as police, immigration, and labor officials, continued to hinder the identification and proper investigation of trafficking cases and identification and assistance to trafficking victims. The government did not take measures to reduce the demand for forced labor or commercial sex acts. The government provided anti-trafficking training to Malaysian troops prior to their deployment abroad on international peacekeeping missions.

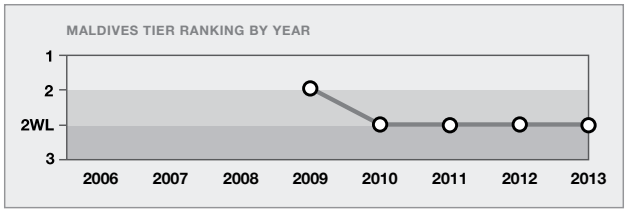
MALDIVES (Tier 2 Watch List)

Maldives is a destination country for men, women, and children subjected to forced labor and sex trafficking and a source country for Maldivian children subjected to human trafficking within the country. An unknown number of the approximate 150,000 documented and undocumented foreign workers in Maldives—primarily Bangladeshi and Indian men in the construction and service sectors—face conditions of forced labor: fraudulent recruitment, confiscation of identity and travel documents, withholding or nonpayment of wages, and debt bondage. Migrant workers pay the equivalent of approximately $1,000 to $4,000 in recruitment fees in order to migrate to Maldives, contributing to their risk of debt bondage inside the country. In addition to Bangladeshis and Indians, some migrants from Sri Lanka, Pakistan, and Nepal reportedly experienced recruitment fraud before arriving in Maldives. Recruitment agents in source countries collude with employers and agents in Maldives to facilitate fraudulent recruitment and forced labor of migrant workers.

A small number of women from Sri Lanka, Thailand, India, China, the Philippines, Eastern Europe, and former Soviet countries, as well as some girls from Bangladesh and Maldives, are subjected to sex trafficking in Male, the capital. Some underage Maldivian children are transported to Male from other islands for forced domestic service and some of whom are also reportedly subjected to sexual abuse.

The Government of Maldives does not fully comply with the minimum standards for the elimination of trafficking. The government has not demonstrated evidence of increasing efforts to address human trafficking over the previous year; therefore, Maldives is placed on Tier 2 Watch List for a fourth consecutive year. Maldives was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking. The government is also devoting sufficient resources to implement that plan. The government continued to lack systematic procedures to identify victims of trafficking among vulnerable populations and failed to refer those victims to protective services. Although the government reported it prosecuted some sex trafficking cases, the government did not take concrete actions to protect trafficking victims and prevent trafficking in Maldives; instead, the government penalized some trafficking victims for offenses committed as a result of being trafficked. A senior government official and an official from the Human Rights Commission of the Maldives have asserted that the government's efforts to fight trafficking have been ineffective and that numerous proposed actions remained unimplemented. Government officials continued to conflate human trafficking with human smuggling and the presence of undocumented migrants in Maldives and most actions promoted by the Government of Maldives as anti-trafficking efforts involve measures to reduce

undocumented labor migration rather than measures to address the serious problem of involuntary servitude.



Recommendations for the Maldives: Pass and enact legislation prohibiting and punishing all forms of trafficking in persons; clearly distinguish between human trafficking, human smuggling and the presence of undocumented migrants in legislation, policies, and programs; develop and implement systematic procedures for government officials to proactively identify victims of trafficking among vulnerable groups, such as undocumented migrants and females in prostitution; ensure that trafficking victims are not penalized for acts committed as a result of being trafficked; increase efforts to investigate and prosecute suspected trafficking offenses respecting due process; work to ensure that identified victims of trafficking are provided access to victim services; enforce prohibitions of passport retention by employers; raise public awareness of human trafficking through media campaigns; provide translators to police and other law enforcement authorities to ensure foreign workers are able to participate in investigations and prosecutions against their alleged traffickers; improve inter-ministerial coordination on human trafficking issues; ensure that changes to labor migration policies for the purpose of reducing human trafficking do not restrict legal migration; take steps to ensure that employers and labor brokers do not abuse labor recruitment or sponsorship processes in order to subject migrant workers to forced labor; and accede to the 2000 UN TIP Protocol.

Prosecution

The Government of Maldives made minimal anti-trafficking law enforcement efforts during the year. Maldives does not have laws prohibiting all human trafficking offenses. The Employment Act of 2009 prohibits, but does not penalize, most forms of forced labor. The Child Sex Abuse Act (2009) criminalizes the prostitution of children with a penalty of up to 25 years' imprisonment for violations. However, Article 14 of the act provides that, if a person is legally married to a child under Islamic *Sharia*, none of the offenses specified in the legislation, including child prostitution, would be considered a crime. During the reporting period, the government drafted an anti-trafficking law and introduced it into the legislature in December. The government reported investigating four and prosecuting two sex trafficking cases in 2012, compared to no prosecutions recorded in 2011. The government did not report any prosecutions of government employees for alleged complicity in trafficking-related offenses during the reporting period. The absence of government translators prevented foreign trafficking victims from pursuing recourse through the Maldivian legal system.

Protection

The Maldivian government made minimal efforts to protect trafficking victims during the reporting period. The government did not develop or implement formal procedures for proactively identifying victims or referring victims to protective services. The government did not provide access to services, such as shelter, counseling, medical care, or legal aid, to foreign or Maldivian victims of trafficking. However, in December 2012, the Ministry of Gender, Family, and Human Rights (MGFHR) received approval to expand an existing shelter to include services for male and female trafficking victims; the shelter was not operational during the reporting period. The government identified four Thai women and three Maldivian girls subjected to sex trafficking in 2012. The Thai consulate in Maldives arranged accommodation for one woman, and the other three Thai women were provided temporary accommodation by the Maldivian government prior to their return to Thailand. Due to a lack of comprehensive victim identification procedures, trafficking victims may have been inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of their being trafficked. The government deported undocumented immigrants detained in law enforcement operations without screening the immigrants for indications of human trafficking; some of these immigrants subsequently were identified by a civil society group as trafficking victims. From March to December 2012, the government arrested, imprisoned, and deported 29 foreign females for prostitution at beauty salons without first identifying whether they were sex trafficking victims. The government did not provide foreign victims with legal alternatives to their removal to countries where they might face hardship or retribution. Authorities did not encourage victims to participate in the investigation or prosecution of trafficking offenders. Police officers reported that suspected trafficking victims were fearful of being arrested or deported by the police.

Prevention

Maldives made little progress in preventing human trafficking during the year. In March 2013, the government approved an anti-trafficking plan for 2012-13. The MGFHR—which has responsibility for human trafficking—formed an anti-trafficking steering committee in May 2012, charged with facilitating communication across the government and ensuring implementation of the action plan; the committee met three times during the reporting period. Despite this, the government continued to experience poor inter-ministerial coordination on trafficking issues. The MGFHR established an anti-trafficking unit in February 2013 to serve as the national coordination mechanism for anti-trafficking efforts, including handling trafficking cases and facilitating victim protection; a deputy minister and permanent secretary serve as focal points. The unit has a 24-hour hotline and is staffed by 10 government officials, but is limited by a lack of translators. Government officials continued to conflate human trafficking with human smuggling and the presence of undocumented migrants in Maldives. There was no information about the status of an anti-trafficking and anti-smuggling unit that was established in January 2012 and noted in the 2012 TIP Report. In April 2012, the Department of Immigration and Emigration provided the equivalent of approximately $2,500 in in-kind contributions to support a two-day conference organized by an international organization. The Foreign Ministry launched an awareness-raising campaign on human trafficking in the reporting period. The National Linguistic Academy also approved a new Dhivehi word for human trafficking to help promote awareness of the crime.

Police continued to blacklist Maldivian recruitment agencies who engaged in fraud and forgery, and three of these blacklisted companies were fined in the reporting period. Although an

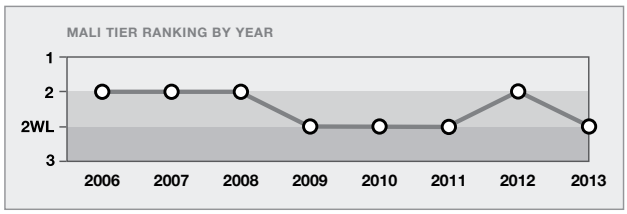
investigative unit responsible for recruitment agency oversight was established in April 2011, no labor recruiter or agency was criminally prosecuted for fraudulent recruitment practices. Furthermore, there was no information as to whether the "blacklists" were effective and enforced. A government official noted that the Government of Maldives had not meaningfully addressed the role Maldivian recruitment agents play in facilitating human trafficking. The Labor Relations Authority continued to distribute leaflets on workers' rights in languages spoken by migrant workers in Maldives. In November 2012, the government announced a new moratorium on foreign workers for unskilled jobs in Maldives, a move which was intended to address the vulnerability of unemployed migrant workers to trafficking but may contribute to undocumented migration. In continuation of a program which began in 2009, the government repatriated a few thousand undocumented workers, some of whom may have been trafficking victims. The government launched a program in August 2012 which registered hundreds of undocumented migrant workers; both documented and undocumented workers in Maldives are vulnerable to human trafficking. The government did not report any efforts to reduce the demand for commercial sex acts during the year. Maldives is not a party to the 2000 UN TIP Protocol.

MALI (Tier 2 Watch List)

Mali is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Within Mali, women and girls are forced into domestic servitude, agricultural labor, and support roles in artisanal gold mines, as well as subjected to sex trafficking. Malian boys are found in conditions of forced labor in agriculture, artisanal gold mines, and the informal commercial sector; boys from Guinea and Burkina Faso are also found in forced labor in artisanal gold mines in Mali. Adult men and boys, primarily of Songhai ethnicity, are subjected to a longstanding practice of debt bondage in the salt mines of Taoudenni in northern Mali. Some members of Mali's black Tamachek community are subjected to traditional slavery-related practices rooted in hereditary master-slave relationships; this involuntary servitude reportedly has extended to their children. Boys from Mali, Guinea, Burkina Faso, Niger, and other countries are forced into begging and other types of forced labor or service by corrupt *marabouts* (religious teachers), within Mali and in neighboring countries. Reports indicate that Malian children are transported to Senegal and Guinea for forced labor in gold mines, and to Cote d'Ivoire for forced labor on cotton and cocoa farms. Women and girls from other West African countries are subjected to prostitution in Mali. Malians and other Africans—who travel through Mali to Mauritania, Algeria, or Libya in hopes of reaching Europe—are at risk of becoming victims of human trafficking. Malian girls and women are trafficked to Gabon, Libya, Lebanon, and Tunisia for commercial sexual exploitation.

Early in 2012, extremist and terrorist groups invaded and occupied the northern region of Mali; throughout the reporting period, the Malian government had no effective presence in the occupied region of the country. There have been reports that non-governmental armed groups operating in the north recruited children on a large scale. These children were used as combatants, as well as cooks, porters, guards, and spies. While the majority of children associated with armed groups are boys, reports indicate that girls may also recruited and later forced to serve as sex slaves. In areas occupied by armed groups, women and girls were also subjected to forced marriage to members of armed groups who forced parents to relinquish their daughters, sometimes paying a sum of money, and subsequently taking the women to be raped by fellow combatants. There is at least one confirmed report of forced recruitment of adults; lack of access to the region has prevented NGOs and international organizations from verifying additional cases.

The Government of Mali does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The country underwent an unconstitutional change in government at the beginning of the reporting period. During the year, the elected legislature continued to function; it enacted a comprehensive anti-trafficking law prepared by the previous government and identified and referred 81 victims of trafficking to NGO services. Despite these efforts, the regime did not demonstrate evidence of overall increasing efforts to address human trafficking over the previous year; therefore, Mali is placed on Tier 2 Watch List. The government failed to prosecute or convict any trafficking offenders, did not provide any direct services to trafficking victims, and did not make any tangible prevention efforts. After the coup, foreign donors reduced assistance pending Mali's transition to an elected government. Citing this lack of resources, the interim government reduced some ongoing protection and prevention activities and it did not have the capacity to expand these efforts.



Recommendations for Mali: Re-establish government capabilities to investigate and prosecute trafficking offenses, particularly cases of traditional slavery and forced prostitution, and convict and punish trafficking offenders; investigate and, as appropriate, prosecute trafficking offenses involving women and girls brought into and through the country for forced or child prostitution; train law enforcement officials, particularly those to be deployed to the north, to identify trafficking victims among vulnerable populations, such as women in prostitution and those in traditional slavery, and refer them to protective services; with international assistance, develop and implement programs for the disarmament, demobilization, and re-integration of former combatants that take into account the specific needs of child ex-combatants; improve data collection on trafficking crimes and the number of victims identified and referred by government authorities to service providers for care; empower the National Coordinating Committee for the Fight Against Trafficking in Persons and Associated Practices in order to effectively implement the national action plan; and increase efforts to raise public awareness about human trafficking.

Prosecution

The Government of Mali decreased anti-trafficking law enforcement efforts during the year. The interim government passed a comprehensive anti-trafficking law, Law 2012-023

Relating to the Combat against Trafficking in Persons and Similar Practices, drafted by the previous government, which prohibits all forms of trafficking in adults and children. The law prescribes penalties of five to 10 years' imprisonment, and a maximum of 20 years' imprisonment for cases involving aggravating circumstances; these penalties are sufficiently stringent and commensurate with those for other serious crimes, such as rape. This law defines trafficking to include "slavery or analogous practices to slavery," which filled a gap in pre-existing Malian laws that did not adequately address the issue of hereditary slavery. Despite this legislative achievement, authorities only investigated and apprehended six alleged trafficking offenders for crimes related to forced artisanal mining and child sex tourism. While these suspects remain in custody, the government did not commence any prosecutions during the reporting period; this represents a significant decrease from 2011, during which the government reported 24 investigations, 11 prosecutions, and seven convictions for trafficking-related offenses. Twelve prosecutions from 2011, involving trafficking of children to work in artisanal gold mines, remained pending during the reporting period, and the defendants remained in pre-trial detention. During the year, the government was unable to re-establish basic government services, rule of law, or a functioning court system in the north. At least three pending criminal cases of traditional slavery, prevalent in the north, that have been stalled in courts for more than four years continued to go unaddressed. Additionally, seven civil lawsuits filed by trafficking victims and the parents of child victims of hereditary slavery in Ansongo and Menaka have not been heard due to a shutdown of courts in the north. The government provided no anti-trafficking training to its officials. It did not report the investigation or prosecution of government officials for complicity in trafficking-related offenses during the reporting period; however, general corruption is pervasive throughout the security forces and judiciary.

Protection

The Government of Mali sustained modest efforts to protect trafficking victims during the year. Its officials and NGO partners identified 81 trafficking victims, all of them children, who were referred to NGOs for services. The vast majority of the victims were initially identified by police, *gendarmes*, border control officers, or regional officials of the Ministry for the Promotion of Women, Children, and the Family. The government and NGOs also identified 137 child combatants during the reporting period. Government health care centers assisted the child trafficking victims before returning them to their families. The government does not have formal written procedures in place to identify potential victims of trafficking among vulnerable populations; however, border patrol officials systematically stopped suspected transnational trafficking attempts on at least three separate occasions, resulting in the rescue of 39 Burkinabe children in the city of Kayes. Additionally, police conducted age checks at brothels to ensure that all individuals engaging in prostitution were of adult age; no children were identified by police during the reporting period.

Despite increasing reports of large numbers of children forced to labor in artisanal gold mines within Mali, the government continued to cite a lack of personnel and resources as reasons for its inability to adequately identify and rescue victims in this sector. The government previously operated regional welcome centers through which government officials provided basic support to trafficking victims before referring them to NGO-operated shelters or other forms of care. After the *coup d'etat*, the government ceased the operation of these centers, claiming a lack of funding. It did not directly offer shelter or other services to victims, but actively referred them to NGOs for medical assistance, shelter, counseling, repatriation, and financial assistance. The government did not have a presence to report identifying or assisting any victims of traditional slavery in areas where these practices are prevalent. There were no reports that trafficking victims were penalized for unlawful acts committed as a result of being trafficked, though the problems with victim identification make this likely. Some adult female trafficking victims assisted with the identification and investigation of their alleged Nigerian traffickers, leading to their prosecution in Nigerian courts during the reporting period.

Prevention

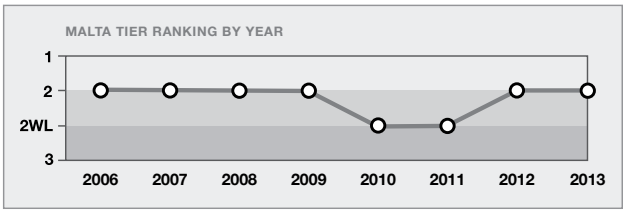
The Government of Mali demonstrated decreased efforts to prevent trafficking during the last year. It did not conduct any awareness-raising campaigns, workshops, or training efforts during the reporting period. Although the new anti-trafficking law included a national action plan, the plan was not implemented due to a lack of funding. The National Coordinating Committee for the Fight Against Trafficking in Persons and Associated Practices, which is charged with coordinating government anti-trafficking efforts, did not meet regularly and was not provided an adequate budget to operate effectively. The government made no tangible efforts to decrease the demand for forced labor or commercial sex acts in Mali during the reporting period. Although Mali is not believed to be a popular destination for child sex tourism, the government identified only two cases of suspected child sex tourists during the reporting period.

MALTA (Tier 2)

Malta is a source and destination country for women and children subjected to sex trafficking. Female sex trafficking victims originate from China, Romania, Russia, and Ukraine; women and children from Malta have also been found subjected to sex trafficking within the country. While there have been known cases of trafficking of children in Malta in the recent past, no new cases were documented in the reporting period. Forced labor victims originate from China and the Philippines. The approximately 5,000 irregular African migrants from African countries currently residing in Malta may be vulnerable to human trafficking in the country's informal labor market. Female Filipina domestic workers and female Chinese nationals working in massage parlors represent populations vulnerable to exploitation.

The Government of Malta does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Although the government issued identification guidelines and started to coordinate intergovernmental agreements on referring victims to care, it lacked a formal referral mechanism during the year, which impaired the government's ability to ensure that trafficking victims were recognized and provided care. Furthermore, while the government continued to identify victims, including one victim of internal trafficking, it did not identify any child victims. The police conducted

more trafficking investigations, yet the government did not convict any trafficking offenders throughout the year. Maltese authorities, with U.S. government assistance, began training police and judges working on trafficking cases, although overall training remained insufficient. The government significantly increased its budget for anti-trafficking programs and funded more training for social workers, psychologists, and other public officials. The government began developing a public awareness campaign, but it was not launched during the reporting period.



Recommendations for Malta: Strengthen efforts to identify trafficking victims proactively among vulnerable populations, particularly migrants, children, and women in prostitution; ensure implementation of formal standard operating procedures for victim referral; increase efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders; continue to ensure that convicted trafficking offenders, including any officials convicted of complicity in trafficking, receive adequate punishment, including time in prison; involve NGOs and religious organizations in the development of anti-trafficking policies and procedures; publicize the support hotline more broadly as an anti-trafficking hotline; finalize and launch a public awareness campaign; ensure that victims of trafficking are not punished for acts committed as a direct result of trafficking; ensure that potential trafficking victims are not deported prior to the investigation of their trafficking cases; and establish partnerships with international organizations and NGOs in relevant source countries, as appropriate, to ensure safe and voluntary repatriation for foreign victims.

Prosecution

The Government of Malta demonstrated modest progress in its law enforcement efforts to address human trafficking during the reporting period. Article 248A-E of Malta's criminal code prohibits all forms of trafficking in persons and prescribes punishments of two to nine years' imprisonment. These prescribed penalties are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. The government investigated seven new trafficking cases during the year, an increase from three cases in 2011 and no cases in 2008-2010. During the reporting period, there were two offenders prosecuted, for both sex and labor trafficking; the cases were pending before the courts at the close of the reporting period. There were no convictions in the reporting period, whereas a court convicted one trafficking offender in March 2012. The prosecution of a police officer for alleged involvement with the trafficking offender convicted in 2011 remained pending due to an appeal of the conviction. The newly established police unit on prostitution and human trafficking received training in the reporting period, although training was lacking for the general police force, as well as prosecutors and the judiciary.

Protection

The Government of Malta took steps to improve its victim protection efforts during the reporting period. The lack of a formal referral mechanism, however, continued to impair the government's ability to ensure that trafficking victims were recognized and provided care throughout the year. In February 2013, the government's trafficking monitoring committee endorsed written guidelines, drafted by the government with input from NGOs, for identifying victims of trafficking. At the close of the reporting period, the government was also in the process of developing guidelines that would formalize existing and new arrangements among government entities involved in victim referral.

In 2012, the government identified four trafficking victims: two male labor trafficking victims from China, one female labor and sex trafficking victim from China, and one female sex trafficking victim who was internally trafficked. This was the first instance of the government identifying a Maltese national as a trafficking victim in at least 10 years. None of the victims identified was a child, and the government has not formally identified a child victim of trafficking in at least 10 years. The government continued to assign responsibility for the care of trafficking victims and provide funding to Appogg, a government social services agency. Under the terms of a memorandum of understanding, Appogg was empowered to provide shelter, psychological care, and other services to any identified victims of trafficking. The police referred the four identified victims to Appogg; three victims declined the assistance while one victim accepted shelter. Appogg also provided shelter to two potential labor trafficking victims from the Philippines who chose not to involve the police. Persons who were provided with shelter enjoyed freedom of movement to leave the shelter and return at will.

Victims who assisted police in prosecuting trafficking cases were entitled in theory to temporary residence permits, which include the right to work, though the government did not issue such permits to victims during 2012 or during previous years. There were reports that victims lacked information on their rights and available assistance, including legal assistance. Three victims assisted law enforcement in the prosecution of alleged trafficking offenders during the reporting period. Prior to the current reporting period, and in at least one instance, police filed criminal charges against a 17-year-old girl involved in prostitution without attempting to identify indicators of human trafficking in the case. Police officers began receiving training in child victim identification during the reporting period.

Prevention

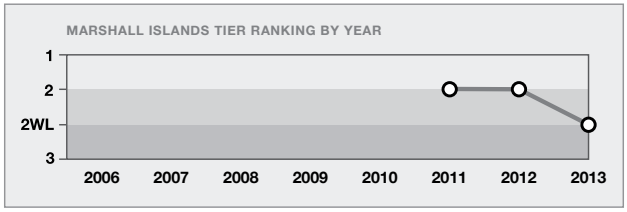
The government demonstrated significant progress in advancing anti-trafficking prevention efforts. During the reporting period, the government's anti-trafficking monitoring board issued a national action plan for January 2013 to December 2014. The government allocated the equivalent of approximately $195,000 toward its anti-trafficking activities in 2012, compared to approximately $130,000 in 2011. The government funded an international expert to train its public officials on trafficking, including social workers, psychologists, border guards, and immigration officials; as of January 2013, over 100 professionals received the training, and 300 other professionals were projected to receive training in 2013. During the reporting period, overall responsibility for anti-trafficking efforts in Malta was moved to the Office

of the Prime Minister, giving the issue a higher profile. The government enhanced its transparency by issuing an annual report and quarterly updates about its anti-trafficking activities. During 2012, the government began development of public service announcements for television and radio, though they had not launched the campaign by the close of the reporting period. The government published information on signs of victimization and points of contact for assistance on the websites of a government ministry and Appogg. The government inspected at least 156 clubs and massage parlors during the reporting period to detect illegal work and potential trafficking cases; one of these *ad hoc* inspections resulted in the detection of three victims in a massage parlor. Appogg continued to run a social services hotline that could receive calls about human trafficking, but there was no available data indicating that the hotline received any trafficking-related calls during the reporting period. NGOs have raised concerns that the hotline was not well-publicized as a mechanism through which individuals could report cases of trafficking. The government did not report taking any specific measures to reduce the participation of Maltese nationals in child sex tourism abroad; though the Criminal Code provided penalties for child sexual tourism. The government did not take any measures during the reporting period to reduce the demand for commercial sex acts.

MARSHALL ISLANDS (Tier 2 Watch List)

The Republic of the Marshall Islands (RMI) is a destination country for women from East Asia subjected to sex trafficking. Foreign women are reportedly forced into prostitution in bars frequented by crew members of Chinese and other foreign fishing vessels; some Chinese women are recruited with the promise of legitimate work, and after paying large recruitment fees, are forced into prostitution in the Marshall Islands. Little data on human trafficking in the Marshall Islands is available; the government has not made efforts to identify victims proactively, especially among vulnerable populations, such as foreign and local women in prostitution and foreign men on fishing vessels in Marshallese waters.

The RMI government does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite this limited performance, the government did not provide evidence of implementing the trafficking legislation enacted in 2011; therefore, the Marshall Islands is placed on Tier 2 Watch List. Since achieving two trafficking convictions during the previous reporting period, the government has not reported any new trafficking investigations or prosecutions. The government did not take steps to identify proactively and protect victims of sex trafficking or educate the public about human trafficking.



Recommendations for the Marshall Islands: Train law enforcement and judicial officials to implement new anti-trafficking laws; increase efforts to investigate, prosecute, and punish trafficking offenders and apply stringent sentences to convicted offenders; take steps to prosecute public officials when there is evidence they are complicit in trafficking activities or hindering ongoing trafficking prosecutions; work with NGOs and international organizations to provide protective services to victims; make efforts to study human trafficking in the country; adopt proactive procedures to identify victims of trafficking among vulnerable groups, such as foreign workers and women in prostitution; develop and conduct anti-trafficking information and education campaigns; and accede to the 2000 UN TIP Protocol.

Prosecution

The RMI government made negligible anti-trafficking law enforcement efforts during the reporting period. Article 251 of its criminal code, enacted in 2011, prohibits all forms of human trafficking and prescribes penalties of up to 35 months' imprisonment and a $5,000 fine for the trafficking of adults, and up to 10 years' imprisonment and a $10,000 fine for the trafficking of children. The penalties for the trafficking of children are sufficiently stringent, but the penalties for trafficking adults are not, and neither penalty is commensurate with those prescribed for other serious crimes, such as rape. In addition to trafficking, Article 251 also criminalizes other activities, including labor violations and promotion of prostitution. The RMI government did not report any trafficking investigations, prosecutions, or convictions during the year, in contrast with the two trafficking prosecutions and convictions reported during the previous reporting year. The government did not identify any victims of trafficking, investigate any trafficking cases, or prosecute any offenders under the 2011 legislation during this reporting year.

In 2011, local sources reported that an immigration official who allegedly had provided entry permits for Chinese women coming to the RMI to engage in prostitution for a Chinese national who owns several businesses in Majuro. The government did not, however, report any efforts this year to investigate, prosecute, or convict government employees for trafficking or trafficking-related offenses. The government also did not provide training to law enforcement or court personnel on the provisions of the 2011 legislation, or training on how to identify trafficking victims and prosecute trafficking offenders.

Protection

The RMI government made no efforts to identify trafficking victims or ensure their access to protective services during the year. Law enforcement and social services personnel do not employ systematic procedures to identify victims of trafficking proactively among high-risk populations with whom they come in contact, which is a risk factor for victims being punished for acts committed as a result of being trafficked. The government also does not have any mechanisms in place to ensure that trafficking victims receive access to legal, medical, or psychological services, and did not make efforts to identify or reach out to international organizations or community groups to provide such assistance. The government does not provide legal alternatives to the removal of victims to countries where they may face hardship or retribution.

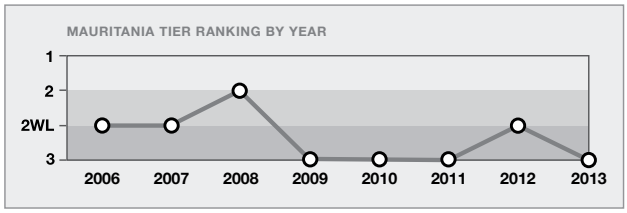
Prevention

The government made no efforts to prevent trafficking during the year. It did not conduct any public campaigns or take other steps to raise public awareness about the dangers of trafficking. The government did not provide general human trafficking awareness training or guidelines to government employees, nor did it take steps to reduce the demand for commercial sex acts among RMI residents. The RMI is not a party to the 2000 UN TIP Protocol.

MAURITANIA (Tier 3)

Mauritania is a source, transit, and destination country for women, men, and children subjected to conditions of forced labor and sex trafficking. Adults and children from traditional slave castes in the Black Moor and Afro-Mauritanian communities are subjected to slavery-related practices rooted in ancestral master-slave relationships. Reliable data on the total number of slaves does not exist, but according to the estimate of a respected Mauritanian NGO, slavery may affect up to 20 percent of the population in both rural and urban settings. Held for generations by slave-holding families, persons subjected to slavery are forced to work without pay as cattle herders and domestic servants. Some boys from within Mauritania and other West African countries who study at Koranic schools—referred to as *talibes*—are subsequently subjected to forced begging by corrupt *imams*. *Talibe* victims live in harsh conditions and do not attend school; many are forced to beg for food and to earn a daily financial quota to pay the *imam*. Boys from low-income families in the Puular community were most vulnerable to forced begging. Children who lacked birth certificates were generally not permitted to enroll in school, and were therefore vulnerable to trafficking. Mauritanian girls, as well as girls from Mali, Senegal, The Gambia, and other West African countries, are forced into domestic servitude in Mauritania. Authorities in Guinea reported identifying a Mauritanian child trafficking victim during the year. Mauritanian women and girls are forced into prostitution in the country or transported to countries in the Middle East for the same purpose; some entered into forced marriages, facilitated by brokers and travel agencies in Mauritania, and were subsequently exploited as sex slaves overseas. Men from Middle Eastern countries use legally contracted "temporary marriages" as a means to sexually exploit young girls and women in Mauritania.

The Government of Mauritania does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government—which in previous years assumed a public posture that denied the continued existence of slavery in Mauritania—took steps to raise public awareness about the dangers of human trafficking in Mauritania, including slavery. This welcome, positive tone by political leaders was not, however, matched by corresponding efforts to punish trafficking offenders or increase protections for victims. Although the government and NGOs identified nearly 2,000 suspected trafficking victims, the government did not initiate any prosecutions for trafficking crimes. The government did not provide adequate protective services to victims or ensure their referral to service providers to receive care, and it failed to establish procedures for the proactive identification of victims among persons arrested for prostitution and individuals detained and deported for immigration violations.



Recommendations for Mauritania: Increase efforts to investigate and prosecute trafficking offenses—addressing all types of trafficking of adults and children—and to convict and punish offenders using the 2003 Law Against Trafficking in Persons and the 2007 Anti-Slavery Law; ensure that efforts to hold parents criminally liable for their involvement in sending their children away from home are accompanied by efforts to prosecute and convict the traffickers who force children into servitude; train law enforcement personnel, with an increased focus on measures to identify and refer to protective services trafficking victims among vulnerable populations, such as women in prostitution and those in traditional slavery, and institute policies to standardize these procedures; consider amending Law 2007-048, which outlaws slavery, to allow civil society organizations to file complaints on behalf of slaves; provide support for, and access to, legal assistance for adult and child trafficking victims; continue and increase funding to civil society organizations which provide direct services to victims, including former slaves; increase efforts to coordinate with NGOs to arrange protective services for trafficking victims; with input from civil society representatives, develop a plan to provide economic resources—through monetary or property allotment—to empower members of traditional slave castes to live independently; and increase efforts to raise public awareness about trafficking, including traditional servitude.

Prosecution

After the previous year's unprecedented progress in prosecuting and convicting trafficking offenders, the Government of Mauritania did not convict any traffickers. All forms of trafficking, except hereditary slavery, are prohibited by the 2003 Law Against Trafficking in Persons, which prescribes penalties of five to 10 years' imprisonment for violations. These penalties are sufficiently stringent and exceed those prescribed for rape. Slavery, including hereditary slavery, is prohibited by Law 2007-048, which was enacted in September 2007. The law defines slavery and prescribes a sufficiently stringent penalty of five to 10 years' imprisonment for violations. The law's effectiveness remains impaired by its requirement that slaves affirmatively file a legal complaint before prosecution can be pursued, as well as by barring NGOs from filing complaints on behalf of slaves, many of whom are illiterate and unable to complete the paperwork involved in filing a legal complaint. The government provided no support for programs to assist victims in filing complaints of slavery. In January 2013, parliament approved a draft law against slavery and torture; this law broadens the 2007 law's 10-year statute of limitations. The government investigated two slavery cases brought to its attention by an NGO in January 2013. In one case, authorities arrested and subsequently released a woman suspected of enslaving a 10-year-old boy in Guerrou; authorities report this investigation remains ongoing, but claim it is a case of child labor that does not amount to slavery. In a second case, police arrested a woman in Nouakchott alleged to be enslaving

a mentally handicapped child and her mother. After being held for seven days, she was granted provisional release. The case is reportedly ongoing, and a future trial date is expected. The National Commission for Human Rights, an ombudsman organization composed of both government and civil society representatives, is reportedly advocating for the prosecution of both cases using the 2007 anti-slavery law. In partnership with the UN, more than 500 law enforcement and judicial officials participated in training on the implementation of the anti-slavery statute. The government did not report any investigations or prosecutions of government officials for complicity in trafficking or trafficking-related offenses, although civil society representatives argue that the judiciary's failure to pay due attention to slavery cases brought to its attention amounts to tacit complicity.

Protection

The Government of Mauritania demonstrated modest efforts to protect victims of human trafficking, including those exploited in traditional slavery. The Ministry of Social Affairs, Childhood, and the Family (MASEF) continued to operate three National Centers for the Protection and Social Integration of Children and, in November 2012, opened a fourth center in Nouadhibou. Ninety children in need, an unknown number of whom may have been trafficking victims, received services from the centers. These facilities, however, provided only short-term protections and generally returned children to their families or the *imams* who facilitated their exploitation. The 10-year-old victim identified by an NGO in Guerrou was returned to his mother, and the mentally handicapped child identified in Nouakchott was referred by authorities to an NGO where she remained at the close of the reporting period. The whereabouts of her mother, also identified as an alleged victim, are unknown. During the reporting period, NGOs provided the majority of protection services to trafficking victims, generally without financial support from the government. One NGO identified and cared for 1,864 children rescued from conditions of exploitative domestic work. Lack of available long term rehabilitative care in Mauritania made many victims vulnerable to re-trafficking. In a positive development, the government's Program to Eradicate the Effects of Slavery for the first time provided funding, in the equivalent of $15,000, to an NGO for the provision of direct support to five former slaves. The absence of measures in place to identify trafficking victims among vulnerable populations may have led to victims being punished for acts committed as a result of being trafficked. For example, in 2012, more than 7,500 undocumented migrants were detained and deported without screening, and women suspected of prostitution, some of whom may have been trafficking victims, were often jailed. The government did not encourage victims to assist in the investigation and prosecution of human trafficking cases, and no victims filed civil suits against trafficking offenders. In instances where victims were asked to provide information to authorities, they may have been inappropriately questioned together with the suspected traffickers. The government does not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

Prevention

The Government of Mauritania continued modest efforts to raise awareness of trafficking during the year. Government officials increasingly appeared in public together with prominent members of Mauritania's civil society community involved in combating trafficking. In September 2012, the government televised a panel discussion, focusing on slavery, between the government's Acting Commissioner for Human Rights, Humanitarian Action, and Civil Society and civil society leaders. During the year, state media outlets also covered other events with anti-slavery messages. The government took steps to ensure its officials did not publicly condone slavery. When an *imam* who served as senior advisor to the Minister of Islamic Affairs argued on a radio program that slavery was legal under certain interpretations of Islamic law, he was immediately relieved from his duties; the government subsequently issued a statement that government officials must not advocate breaking Mauritanian laws.

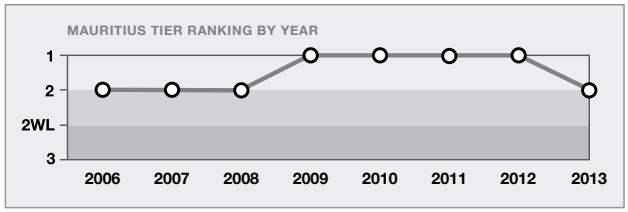
The government did not report efforts to enforce a labor statute, adopted during the previous year, which strengthened regulation of the employment of domestic workers in private households. The TTTE (Traite, Traffic, et Travail des Enfants) continued to function as the government's multi-stakeholder body addressing child trafficking; this group met five times during the year, though its primary activities were related to child labor and not specific to trafficking. In March 2013, the government announced the creation of the National Agency to Fight against the Vestiges of Slavery, Integration, and Fight against Poverty, though this agency did not become operational during the reporting year. The government contributed resources to a forthcoming UN-backed study on child trafficking and the worst forms of child labor in Mauritania. Government support to the estimated 1,200 street children in Nouakchott, who are vulnerable to trafficking, was limited, though MASEF monitored approximately 900 of them through its youth integration centers. The government continued the process of establishing the identity of local populations through its registration drive, which issued biometric identity documents, decreasing the vulnerability to trafficking of those it registered. The government made no effort to reduce the demand for forced labor or commercial sex acts.

MAURITIUS (Tier 2)

Mauritius is a source country for children and, to a much lesser extent, men and women subjected primarily to sex trafficking, but also to forced labor. Secondary school-age girls and, in fewer numbers, younger girls from all areas of the country, including from Rodrigues Island, are induced into prostitution, often by their peers, family members, or by businessmen offering other forms of employment. NGOs report that girls are also sold into prostitution by family members or forced into the sex trade in exchange for food and shelter. Taxi drivers provide transportation and introductions for both the girls and the clients. Girls and boys whose mothers engage in prostitution reportedly are vulnerable to being forced into prostitution at a young age. There are reports that some women addicted to drugs are forced into prostitution by their boyfriends, who act as their pimps. In recent years, small numbers of Mauritian adults have been identified as trafficking victims in the United Kingdom, Belgium, and Canada. Mauritius' manufacturing and construction sectors employ approximately 30,000 foreign migrant workers from India, China, Bangladesh, Sri Lanka, and Madagascar. Although there were no confirmed cases to date of workers subjected to conditions of forced labor within Mauritius, some migrant workers have reported conditions indicative of forced

labor, including passport confiscation, underpayment of wages, substandard living conditions, and threats of deportation. Malagasy women reportedly transit Mauritius *en route* to employment as domestic workers in Lebanon, where some were subsequently subjected to conditions of forced labor. In 2011 and 2012, Cambodian men were identified as victims of forced labor on fishing boats in Mauritius's territorial waters.

The Government of Mauritius 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 failed to demonstrate sufficient progress in its anti-trafficking law enforcement efforts. For example, the government failed to institute any proactive measures to address the forced prostitution of women. Furthermore, the government's protection efforts remained solely focused on child sex trafficking, with no identification of, or adequate assistance provided to, any adult victims, despite the identification of Cambodian men in forced labor by an international organization for a second consecutive reporting period. The government increased coordination efforts among law enforcement entities through the formation of various multidisciplinary teams that coordinated cases involving children as victims of trafficking and related crimes. It also maintained its funding for victims services, identified and cared for 12 victims of child prostitution, and continued awareness campaigns in schools and villages.



Recommendations for Mauritius: Utilize anti-trafficking legislation to investigate and prosecute trafficking offenses and convict and punish trafficking offenders, including in cases involving forced labor or adult women exploited in forced prostitution; ensure that law enforcement entities increase coordination with NGOs or international organizations on cases involving foreign trafficking victims aboard foreign fishing boats in Mauritius' territorial waters; establish procedures to guide officials in the proactive identification of victims of trafficking among at-risk populations, including women in prostitution and migrant workers; and initiate efforts to address the issue of Mauritian men engaging in child sex tourism abroad.

Prosecution

The Mauritian government demonstrated decreased anti-trafficking law enforcement efforts during the reporting period. The Combating of Trafficking in Persons Act of 2009 prohibits all forms of trafficking of adults and children and prescribes penalties of up to 15 years' imprisonment for convicted offenders. In addition, the Child Protection Act of 2005 prohibits all forms of child trafficking and prescribes punishment of up to 15 years' imprisonment; the Judicial Provisions Act of 2008 increased the maximum prescribed punishment for child trafficking offenses to 30 years' imprisonment. All of the aforementioned penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the government initiated seven prosecutions and obtained seven convictions of trafficking offenders. All seven cases involved the prostitution of children. There is no indication that any cases have been brought involving adult victims in Mauritius. The government has never taken any law enforcement action against labor trafficking offenses, including against forced labor on fishing boats in Mauritius' territorial waters. The Minors Brigade of the Mauritian police force continued to maintain a database of all trafficking incidents involving children. The police training school provided training to approximately 200 new police recruits specifically on trafficking in persons as part of their basic training requirements. The government did not report any investigations or prosecutions of public officials for alleged complicity in trafficking-related offenses during the reporting period; however, after his government waived relevant immunity, a Mauritian diplomat in the United States pled guilty to failing to pay a domestic worker the legally required minimum hourly and overtime wages and agreed to pay a significant fine and more than $20,000 in restitution to the victim.

Protection

The government sustained protection of child sex trafficking victims during the reporting period, but failed to identify or provide adequate protective services to victims of other forms of trafficking. Although it identified 12 child sex trafficking victims in 2012, it did not identify any adult victims or labor trafficking victims. An international organization identified four Cambodian men as victims of forced labor on fishing boats in Mauritius' territorial waters; nonetheless, the government did not provide the victims with appropriate services. The Minors Brigade systematically referred all cases of identified children in prostitution to the Child Development Unit (CDU) of the Ministry of Gender Equality, Child Development, and Family Welfare (MOGE) for assistance. CDU officials referred an unknown number of abused and exploited children to two NGOs running multipurpose shelters for care; the government provided the equivalent of approximately $200 per month for each child that the shelters accepted. It also encouraged the placement of trafficking victims in foster homes for long-term shelter. Victims received medical and psychological assistance regardless of whether they resided in a shelter, in foster care, or with relatives. In 2012, the MOGE provided the equivalent of approximately $59,000 to fund the operation of an NGO-run drop-in center for sexually abused children that provided counseling to girls in prostitution, and advertised its services through a toll-free number and community outreach; the center counseled two victims of child prostitution during the reporting period. The MOGE completed construction of a residential center at Grande Riviere North West—at a cost equivalent to approximately $772,000—to provide care for victims of child prostitution; however, the center was not yet operational during the reporting period.

Children victimized in prostitution were accompanied to the hospital by a child welfare officer, and police worked in conjunction with this officer to obtain statements from the children. Medical treatment and psychological support were readily available at public clinics and NGO-run centers in Mauritius. The government encouraged child victims' assistance in the investigation and prosecution of trafficking crimes, and ensured that identified victims were not incarcerated inappropriately, fined, or otherwise penalized

solely for unlawful acts committed as a direct result of being trafficked.

Prevention

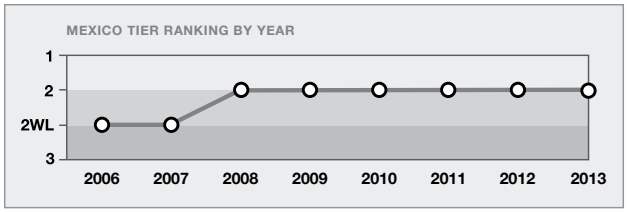
The government sustained efforts to prevent the sex trafficking of children and reduce the demand for commercial sex acts during the year. Over 150 government officials and employees participated in a foreign government-funded training program focused on protecting child victims and witnesses in prosecutions. In June 2012, as a direct result of this training, the government demonstrated increased anti-trafficking coordination through the formation of various multidisciplinary teams that focused coordinated efforts on cases of child trafficking and related crimes; these teams were comprised of police, MOGE officials, prosecutors, child psychologists, investigators, and NGO social workers. The police Family Protection Unit and the Minors Brigade continued public awareness campaigns on child abuse and child rights at schools and community centers that included information on the dangers and consequences of engaging in prostitution. The government did not report any efforts to reduce the demand of Mauritian nationals engaging in child sex tourism abroad. There were reports that Mauritian men engaged in child sex tourism in Madagascar during the reporting period, although it is unclear whether the government was aware of such cases. The Ministry of Labor, Industrial Relations and Employment conducted vocational training programs to prevent employment of underage children; however, the government did not demonstrate any discernible efforts to reduce the demand for forced labor during the reporting period.

MEXICO (Tier 2)

Mexico is a large source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Groups considered most vulnerable to human trafficking in Mexico include women, children, indigenous persons, persons with mental and physical disabilities, as well as lesbian, gay, bisexual, and transgender youth, and undocumented migrants. Mexican women and children are exploited in sex trafficking within Mexico and the United States, lured by fraudulent employment opportunities, deceptive offers of romantic relationships, or extortion, including through the retention of identification documents or threats to notify immigration officials. Mexican men, women, and children also are exploited in forced labor in agriculture, domestic service, manufacturing, construction, in the informal economy, and in forced street begging in both the United States and Mexico. Staff at some substance addiction rehabilitation centers and women's shelters have subjected residents to forced labor and forced prostitution. The vast majority of foreign victims in forced labor and sexual servitude in Mexico are from Central and South America, particularly Guatemala, Honduras, and El Salvador; many of these victims are exploited along Mexico's southern border. Trafficking victims from the Caribbean, eastern Europe, Asia, and Africa have also been identified in Mexico, some *en route* to the United States.

Organized criminal groups coerced children and migrants into prostitution and work as hit men, lookouts, and in the production, transportation, and sale of drugs. There were also reports during the year of criminal groups using forced labor in coal mines and kidnapping professionals, including architects and engineers, for forced labor. Child sex tourism persisted in Mexico, especially in tourist areas such as Acapulco, Puerto Vallarta, and Cancun and in northern border cities like Tijuana and Ciudad Juarez. Many child sex tourists are from the United States, Canada, and western Europe, though some are Mexican citizens. In some parts of the country, threats of violence from criminal organizations impede the ability of the government and civil society to combat trafficking effectively.

The Government of Mexico does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, authorities approved a new national anti-trafficking law and increased convictions of trafficking offenders at the state level. Some states strengthened their anti-trafficking law enforcement capacity, and the government maintained varied training efforts at the national and local level. Specialized victim services and shelters remained inadequate, however, and victim identification and interagency coordination remained uneven. There was no centralized data on victim identification or law enforcement efforts, efforts against forced labor continued to be relatively weak, and official complicity continued to be a serious problem.



Recommendations for Mexico: Continue to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, at both the federal and state level, including for forced labor crimes; increase funding for specialized victim services and shelters in partnership with civil society, and ensure that victims of all forms of trafficking receive adequate protection; increase efforts to hold public officials who are complicit in trafficking accountable through prosecution and conviction; enhance formal procedures to identify trafficking victims among vulnerable populations, such as people in prostitution and undocumented migrants, and to refer them to appropriate care services; improve coordination mechanisms between federal, state, and local authorities; increase the ability of regional and state coalitions and specialized units to more effectively respond to human trafficking cases through increased funding and trained staff; improve data collection efforts; ensure effective protection for witnesses and victims testifying against trafficking offenders, and ensure that victims are not coerced into testifying against trafficking offenders; and increase training on human trafficking victim identification and treatment for law enforcement officers, immigration officials, labor inspectors, prosecutors, judges, social workers, and other government employees.

Prosecution

The Government of Mexico continued to increase law enforcement efforts, particularly at the state level; however, lack of coordination, official complicity, and some officials' limited understanding of human trafficking continued to undermine anti-trafficking efforts. Authorities approved a new

anti-trafficking law in June 2012 that obligates states to adjust their anti-trafficking legislation to be in line with national legislation. Despite a 90-day time limit in which to do so, the regulations were not issued during the reporting period and, as a result, administrative portions remained unenforceable. The law prohibits all forms of human trafficking, prescribing penalties of five to 30 years' imprisonment depending on the form of trafficking; it also prohibits and classifies as offenses crimes that are not considered trafficking offenses under the 2000 UN TIP Protocol, such as illegal adoption. These penalties are sufficiently stringent and commensurate with those prescribed for rape. NGOs and attorneys practicing in the area criticized the law as being unduly complex. The previous federal anti-trafficking law prohibited all forms of human trafficking, prescribing penalties of six to 18 years' imprisonment but allowed victim consent to negate the crime; this loophole was closed with the new law.

In Mexico's federal system, state governments investigate and prosecute only domestic, not transnational, trafficking cases. In addition, state law enforcement authorities do not have jurisdiction over cases that involve organized crime, take place on federally administered territory, or involve allegations against government officials. All 32 Mexican states have passed some trafficking-related penal code reforms, and 23 states have specific state trafficking laws, five of which were passed in 2012. Only some states criminalize all forms of trafficking, and inconsistencies among state legislation on human trafficking continued to cause confusion on the part of law enforcement personnel and to complicate interstate prosecutions. A protocol enacted during the year created a coordination mechanism for state and federal prosecutors on human trafficking. Cases involving children who may have been forced by criminal groups to engage in illicit activities were not investigated or handled as potential trafficking cases, despite indications that force or coercion may have been involved.

The attorney general's Special Prosecutor's Office for Violence Against Women and Trafficking in Persons (FEVIMTRA) handled federal trafficking cases involving two or fewer suspects, while the Special Prosecution Unit on Investigations of Trafficking in Minors, Persons and Organs (UEITMPO) investigated cases with three or more suspects. Some states had dedicated prosecutor or police units for human trafficking, though effectiveness varied and resources and staff for dedicated units remained limited. The new trafficking law obligated states to have a dedicated human trafficking prosecutor but provided no funding to do so. Law enforcement coordination between different government entities and data collection on human trafficking efforts were weak. Officials and NGOs reported that some investigations and prosecutions were delayed while authorities determined which prosecutors had jurisdiction or coordinated with officials in other parts of the country, to the detriment of both the criminal case and the victims.

The government released no comprehensive law enforcement statistics on human trafficking during the year. According to different government entities, Mexican authorities at the federal and state levels convicted at least 25 trafficking offenders in 2012; at least six of these convictions were for forced labor. In comparison, in 2011 Mexican authorities convicted at least 14 sex trafficking offenders, but reported no forced labor convictions. In 2012, FEVIMTRA initiated 72 trafficking investigations; it was unclear how many prosecutions it initiated, but prosecutors reported convicting two trafficking offenders who were sentenced to nine years' imprisonment for forced child labor. In 2012, UEITMPO conducted 24 trafficking investigations and initiated three prosecutions but did not convict any trafficking offenders. The attorney general's office in the federal district reported convicting at least nine sex trafficking and four labor trafficking offenders, whose sentences ranged from 10 years' and seven months' to 52 years' imprisonment. Several states also prosecuted human trafficking cases; authorities in Puebla reported two convictions, Tlaxcala reported four, Sonora reported two, and authorities in Chiapas convicted at least two trafficking offenders.

NGOs, members of the government, and other observers continued to report that trafficking-related corruption among public officials, especially local law enforcement, judicial, and immigration officials, was a significant concern. Some officials reportedly accepted or extorted bribes including in the form of sexual services, falsified victims' identity documents, discouraged trafficking victims from reporting their crimes, solicited sex from trafficking victims, or failed to report sex trafficking in commercial sex locations. An employee of the attorney general's office in Chihuahua state was charged with forced labor for allegedly subjecting a Guatemalan child to domestic servitude, and Puebla prosecutors continued investigating four officials for suspected trafficking crimes. The government did not report any prosecutions or convictions of government employees for alleged complicity in trafficking-related offenses during the reporting period.

Some public officials in Mexico did not adequately distinguish between alien smuggling, prostitution, and human trafficking offenses and many officials were not familiar with trafficking laws. NGOs reported that some officials pressured victims to denounce their traffickers, in some cases threatening to prosecute trafficking victims as accomplices. Prosecutors reported that many judges did not fully understand the dynamics of trafficking crimes, including the trauma experienced by victims, often leading to the acquittal of trafficking offenders. Some federal government agencies trained officials on human trafficking investigations and victim identification, often with support or funding from NGOs, international organizations, and foreign governments. In partnership with a foreign government, FEVIMTRA reported developing a unified training model on the new law for justice officials. The Mexican federal government partnered with the U.S. government on 16 bilateral trafficking investigations in 2012, resulting in four extraditions to the United States in two separate cases.

Protection

The Mexican government continued to provide only limited victim services, mostly for female sex trafficking victims in Mexico City. There were few specialized victim services outside of the capital, and services for forced labor victims and male victims were inadequate. The government continued to cooperate with NGOs, international organizations, and foreign governments to provide victim care, relying on these partners to operate or fund the bulk of specialized assistance and services for trafficking victims. Mexican immigration agents continued to implement a system to identify potential trafficking victims, and some government institutions had informal victim referral procedures, but most victim referral to care services continued to be *ad hoc* and uneven. Some

NGOs were critical of the government's ability to accurately identify trafficking victims, and most states lacked formal procedures for identifying trafficking victims among vulnerable populations, such as migrant workers and people in the sex trade. There were no comprehensive statistics available on the number of trafficking victims identified during the year. The Special Prosecutions Unit for Attention to Victims of Crime, a government entity responsible for providing legal, medical, social, and psychological services to victims of all crimes, reported assisting at least 63 possible trafficking victims in 2012, while FEVIMTRA reported assisting 58 victims. Mexican consulates in the United States reported identifying 40 sex trafficking victims and 18 forced labor victims in 2012, while the National Institute for Migration (INM) reported identifying 21 foreign trafficking victims in Mexico.

Victim services in most parts of the country, particularly in high-crime areas, remained inadequate in light of the significant number of trafficking victims. FEVIMTRA continued to operate a high-security shelter in Mexico City dedicated to female victims of sex trafficking and other violence, as well as women whose family members had disappeared or been murdered. Authorities reported spending the equivalent of approximately $100,000 to operate the shelter during the year. The shelter housed victims for up to three months, during which time victims were not allowed to leave the shelter unaccompanied, reportedly due to safety concerns. Some NGOs raised concerns that this arrangement re-traumatized some victims. The shelter coordinated medical, psychological, and legal services for 95 individuals during the year, though it was unclear how many of these individuals were trafficking victims. Mexico's social welfare agency maintained general shelters for children under the age of 13 who were victims of violence; statistics were not maintained on how many trafficking victims were housed in these shelters during the reporting period. The government continued to support a national network of shelters and emergency attention centers for female victims of violence, but few of these shelters offered specialized care for trafficking victims. Some victims received services at shelters that were operated and funded by NGOs, international organizations, and religious groups; officials referred some victims to these shelters during the reporting period. Not all such facilities were well monitored, and staff at some substance addiction rehabilitation centers and women's shelters subjected residents to forced labor and forced prostitution. The government did not provide adequate shelter services for male victims, though some men received services at NGO shelters for migrants. The lack of reintegration services remained a challenge, and authorities provided limited services to some repatriated Mexican trafficking victims.

Mexican law has provisions to protect trafficking victims from punishment for unlawful acts committed as a direct result of being subjected to human trafficking, and foreign trafficking victims could receive refugee status independent of any decision to testify against trafficking offenders; however, NGOs and international organizations reported these legal alternatives to deportation were often not provided in practice. Reportedly, some officials handed victims over to INM for detention and subsequent deportation due to victims' lack of legal status or lack of identification as a victim of trafficking. Many foreign trafficking victims opted to return to their countries of origin after giving testimony, in some cases due to a lack of adequate shelter or information about their rights. INM reported that 20 of the 21 foreign victims it identified in 2012 were eligible for legal residency in Mexico; authorities reported repatriating voluntarily the other victim but did not report how many of the 20 victims received legal residency during the year.

Although authorities encouraged victims to assist in trafficking investigations and prosecutions, many victims in Mexico were afraid to identify themselves as trafficking victims, and few sought legal remedies due to their fear of retribution from trafficking offenders, the lack of specialized services, or a lack of trust in authorities. Some civil society groups reported that local authorities threatened to arrest victims as accomplices if they refused to testify against their traffickers. Traditionally, prosecutions of human trafficking offenders in Mexico have relied almost entirely on victim or witness testimony. There were no reports that trafficking victims were awarded compensation for damages. Many victims feared for their safety, since the witness protection program in Mexico remained nascent and did not provide sufficient protection.

Prevention

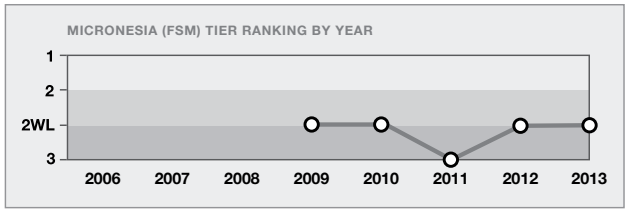
Federal and state governments sustained trafficking prevention efforts in 2012. Although an interagency commission that coordinated the federal government's efforts on trafficking met twice during the year, NGOs questioned its effectiveness. The commission was responsible for implementing the national anti-trafficking program, but it was unclear how much funding it had to do so. Despite its mandate, the commission did not publish any data on anti-trafficking efforts in Mexico; however, authorities did fund an international organization to conduct a diagnostic study of human trafficking, which was finalized though not published during the year. The government engaged in a variety of awareness-raising activities, often in the context of larger awareness efforts on women's and children's rights. Authorities distributed trafficking awareness materials in 10 indigenous languages. Some states established or maintained state-level anti-trafficking committees, which varied in effectiveness, and the National Human Rights Commission also maintained regional partnerships with NGO and government actors in 13 states. Authorities raised awareness of child sex tourism and reported training tourist sector representatives on this issue. While authorities reported investigating some cases and extraditing an American child sex tourist during the year, the government reported no prosecutions or convictions of child sex tourists, and some NGOs alleged that some corrupt local officials allowed commercial sexual exploitation of children to occur. There were no reported efforts to reduce the demand for commercial sex acts or forced labor or to punish labor recruiters or brokers complicit in human trafficking.

MICRONESIA, FEDERATED STATES OF (Tier 2 Watch List)

The Federated States of Micronesia (FSM) is a source and, to a limited extent, a destination country for women subjected to sex trafficking. Some reports suggest FSM women are recruited with promises of well-paying jobs in the United States and its territories, and are subsequently forced into prostitution or labor upon arrival. The most vulnerable groups of persons at risk for sex trafficking in FSM include foreign migrant workers and FSM women and girls, who allegedly engage in prostitution at restaurants frequented by crew members on Asian fishing vessels in FSM or on vessels in its territorial

waters. Other vulnerable groups include FSM nationals who travel to the United States. Local authorities claim many sex trafficking cases are unreported due to victims' fear of embarrassment in their communities. Authorities also claim to have received and investigated labor trafficking complaints from foreign nationals on fishing boats for lack of payment and inhumane treatment.

The Government of the Federated States of Micronesia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these steps—namely the passage of implementing regulations for FSM's 2012 trafficking law by the states of Pohnpei, Chuuk, Kosrae, and Yap—the national government did not demonstrate sufficient evidence of increasing efforts since the previous reporting period; therefore, the Federated States of Micronesia is placed on Tier 2 Watch List for a second consecutive year. During the year, the Government of FSM took steps to implement the regulations in the remaining states, but did not prosecute any trafficking cases or make efforts to identify or assist victims of trafficking. Moreover, it failed to make substantive efforts to prevent trafficking but made limited efforts to increase the general public's awareness of trafficking.



Recommendations for the Federated States of Micronesia: Enact implementing regulations for the 2012 anti-trafficking law in the remaining state; improve efforts to investigate, prosecute, and punish all trafficking offenders; develop and implement procedures for the proactive identification of trafficking victims among vulnerable populations, such as foreign workers in the FSM, fishermen on fishing vessels, women and girls in prostitution, and FSM nationals migrating to the United States for work; continually train officials on human trafficking and how to identify and assist trafficking victims; support and facilitate comprehensive and visible anti-trafficking awareness campaigns directed at employers of foreign workers and clients of the sex trade; make efforts to notify foreign workers of their rights, protections, and ways they can report abuse; and develop a national plan of action for anti-trafficking efforts.

Prosecution

The Government of the Federated States of Micronesia demonstrated modest effort in improving anti-trafficking law enforcement. The FSM president released a press release asking the four FSM states' leadership to condemn all forms of human trafficking and develop action plans. In addition, the newly-appointed attorney general traveled to all four states of the country to advocate and assist in drafting of implementing regulations that would accompany the national anti-trafficking legislation enacted in 2012. In early 2013, Pohnpei, Chuuk, and Kosrae states signed the implementing regulations into law; Yap state has legislation pending with its legislature.

The national anti-trafficking legislation prohibits all forms of trafficking, and prescribes penalties of 15 to 30 years' imprisonment and fines not exceeding the equivalent of approximately $50,000, which are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. The newly enacted Pohnpei and Chuuk legislations prohibit sexual servitude of children and involuntary servitude of adults, but not sexual servitude of adults. The legislations prescribe punishments of up to 10 years' imprisonment or fines not exceeding the equivalent of approximately $10,000, or both. These penalties also are sufficiently stringent and commensurate with penalties prescribed for other serious offenses. The newly enacted Kosrae legislation prohibits all forms of trafficking and protects male, female, and children victims. Trafficking is considered a category one felony with prescribed penalties of 10 years' imprisonment or fines not exceeding the equivalent of approximately $20,000, or both.

During the year, the FSM government did not report any investigations, prosecutions, or convictions for sex or labor trafficking crimes. The government also did not report any investigations or prosecutions of government employees for alleged complicity in trafficking-related offenses during the reporting period.

Protection

The FSM government's efforts to identify and protect trafficking victims during the reporting period remained inadequate. The government did not identify any trafficking victims within the country and did not develop or implement a system to identify victims of trafficking among vulnerable groups, such as foreign workers and women and children in prostitution. In addition, the FSM government made no efforts to refer trafficking victims to services during the reporting period; no NGOs provided services to any trafficking victims. The government reported that if any trafficking victims were identified, they would have access to the very limited social services, such as the mental health program at a hospital in Kosrae state, and legal assistance provided to victims of general crime through the public defenders offices at the national and state level. FSM officials did not provide legal alternatives to the removal of foreign trafficking victims to countries where they may face hardship or retribution. The FSM law provides victims the opportunity to present their needs and concerns at appropriate stages of any judicial or administrative proceedings relating to any offense, including on trafficking.

Prevention

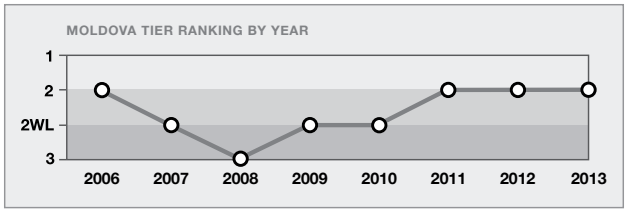
The FSM government did not expand efforts to prevent trafficking, but made modest efforts to increase the general public's awareness of trafficking during the reporting year. IOM, in collaboration with the federal and Pohnpei state governments, opened a Migrant Resource Center in Kolonia, which created educational modules on human trafficking for those migrating to the United States. The government conducted or supported only limited informational or educational campaigns solely about human trafficking and discussing its prevention to officials or the public. Government entities did not develop or disseminate campaigns aimed at reducing the demand for commercial sex acts with children or adults. The Secretary of Justice devised training plans for state and local law enforcement officers, national prosecutors and legislators, the state and national judiciary; it also conducted

training with the Yap state police and immigration officials on trafficking. The FSM government still lacks a national action plan against trafficking in persons. The FSM government, however, has allocated resources for anti-trafficking efforts for this fiscal year but had not determined how this funding would be used.

MOLDOVA (Tier 2)

Moldova is primarily a source country for men, women, and children subjected to sex trafficking and forced labor. Last year saw a substantial rise in the number of Moldovan men exploited in labor trafficking in Ukraine and Russia. Moldovan women are subjected to forced labor in agriculture. Moldovan victims are also subjected to trafficking within Moldova and in Kosovo, Kazakhstan, Turkey, United Arab Emirates, Greece, Lebanon, Italy, Spain, and the "Turkish Republic of Northern Cyprus." Violence against women is a significant problem, especially in rural parts of the country, and contributes to their vulnerability to human trafficking. Seventy-five percent of Moldovan women subjected to sex trafficking were also victims of domestic violence or abused as children. Traffickers increasingly used fraud, debt bondage, and withholding of documents and wages to compel victims into sex trafficking and forced labor in other countries. Boys were subjected to sex trafficking in Moldova, and girls were subjected to sex trafficking both within the country and transnationally. NGOs noted an increase in the commercial sexual exploitation of Moldovan children by foreign tourists combined with the alarming trend of Internet use as a tool for recruitment and exploitation. These alleged child sex tourists were from Norway, Italy, Germany, Sweden, Denmark, Thailand, Australia, Israel, and the United States. Forced begging was on the rise in 2012. While sources indicate similar human trafficking problems in the separatist Transnistria region, the scale of forced labor and sex trafficking is difficult to gauge as the territory remains outside the central government's control.

The Government of Moldova does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government nearly doubled the number of trafficking victims identified in 2012, largely due to an increase in labor trafficking cases. Collaboration with civil society in anti-trafficking efforts, a strong national referral system (NRS) for identification of victims, and a comprehensive package of assistance for victims were evidenced as model practices for the region. The government also secured convictions of some trafficking offenders during the year. The government vigorously investigated and prosecuted government officials allegedly complicit in human trafficking, although none were convicted. While a higher proportion of offenders convicted for trafficking, particularly for offenses against children, were sentenced to prison, the weak and corrupt judiciary impeded efforts to hold trafficking offenders accountable.



Recommendations for Moldova: Ensure that trafficking offenders are sentenced according to the severity of their crimes with penalties prescribed for trafficking; monitor outcomes of sentencing and appeals within the judiciary to ensure convicted traffickers are held accountable; demonstrate vigorous efforts to convict and sentence government officials complicit in human trafficking; increase prosecutions for witness tampering; consider establishing a specialized court for all trafficking trials; increase the number of prosecutors assigned to the anti-trafficking section of the prosecutor general's office; enhance the regional capacity to provide legal services to victims; make full use of the available measures to protect victims and witnesses and take additional measures to ensure that victims of trafficking are adequately informed of their rights, in a language they understand, and assisted during pre-trial and court proceedings; ensure that law enforcement and prosecutors explain to victims their right to legal assistance and representation, including from *pro bono* lawyers, the right to be accompanied by a legal advocate, and the right to compensation for damage suffered in accordance with Moldova's criminal code; clarify the rules and procedure for the provision of residence permits to trafficking victims; ensure that public officials—especially the judiciary, health-care providers, and social workers—are sensitized to all forms of violence against women, including trafficking in persons; enhance measures aimed at improving the social and economic situation of women, in particular in rural areas, to reduce their vulnerability to trafficking; and enhance efforts to identify victims and potential victims of trafficking among unaccompanied and separated children, children placed in institutions, and other vulnerable children.

Prosecution

The Government of Moldova strengthened its anti-trafficking law enforcement efforts over the last year. In 2012, new leadership of the anti-trafficking investigation unit implemented a series of reforms, including a new case intake policy which directed resources away from less serious crimes to focus more on complex human trafficking cases. The government prohibits all forms of trafficking through Articles 165 and 206 of the criminal code. Prescribed penalties under these articles are five to 20 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government reported 171 trafficking investigations in 2012, an increase from 135 in 2011. Authorities reported prosecuting 41 suspected trafficking offenders in 2012, a decrease from 79 in 2011. The government convicted 35 trafficking offenders in 2012; six convictions were for child trafficking. This was an increase from a total of 22 convictions in 2011. The average sentence for trafficking of children in 2012 was 13 years' imprisonment. The government established a new investigative unit to specialize in Internet investigations of child pornography, investigations of "grooming" and stalking children, creation of a national pedophile database, and international cooperation on cases of child sex tourism and Internet sexual exploitation of children. Trafficking offenders from Norway, Italy, and Moldova were convicted for organizing a major pedophile network, and were sentenced to 10 to 20 years' imprisonment.

Corruption in the judicial system continued to hinder the successful prosecution, conviction, and sentencing of trafficking offenders. Once convictions for trafficking were secured, the judiciary often applied sentences that did not correspond with the severity of the crimes; offenders

regularly served only commuted prison terms or fines. Convictions were frequently reversed on appeal with little to no explanation by judges. Criminal cases span several years through appeals, leaving victims vulnerable to threats and intimidation and providing opportunities for defendants to bribe officials. Government authorities and NGOs noted that law enforcement efforts were strong in the capital, but were not prioritized by chiefs of police in outlying regions. High turnover of government officials in the regions was disruptive to implementation of the NRS. NGOs noted that reforms in the anti-trafficking unit resulted in a more victim-centered approach by police and praised excellent cooperation with civil society. Transnistrian victims received full support and assistance from Moldovan shelters, but law enforcement cooperation was rare, informal, and inadmissible in Moldovan court. The government actively prosecuted officials alleged to be complicit in human trafficking, though none were convicted in 2012. The government made significant and transparent reforms to fight complicity. The national anti-corruption center opened 13 criminal investigations of official complicity in trafficking in persons; three of these cases were sent to trial, three were referred to the prosecutor general, one was referred to the Causeni police commissariat, and six remained under investigation. While individual officials' complicity remained a significant problem, the government took active steps against corruption: one official in the anti-trafficking investigation unit was under investigation for organizing illegal migration to Israel; an investigator from the anti-trafficking unit was investigated for allegedly extorting the equivalent of approximately $6,000 from a suspect to drop a case, but the investigation was dismissed for lack of evidence; a public housing official was prosecuted for having used his position to recruit at least 15 women for sex trafficking in the "Turkish Republic of Northern Cyprus" and the United Arab Emirates; a professor from a state university was prosecuted for trafficking of children; an army official and former police officer were under investigation for subjecting four Moldovans to trafficking in Moscow; and an officer of the national anti-corruption center was removed from his position and was under investigation for arranging the prostitution of a victim of trafficking from Russia.

Protection

The government strengthened its efforts to protect victims of trafficking in 2012, during which it reported identifying 289 new victims of trafficking, a marked increase from 98 victims identified in 2011. One hundred thirty-nine victims were subjected to labor trafficking or forced begging in 2012; of these, 91 victims were men and 24 were children. All of the victims identified were Moldovan. The NRS continued to function in all regions of Moldova in coordination with law enforcement, schools, and NGOs; it provided benefits to 205 victims in 2012, the vast majority of whom spent a period of time in one of Moldova's rehabilitation shelters. Multidisciplinary teams were set up at the regional level in order to coordinate a systematic approach to the identification, protection, and assistance to potential victims of trafficking. In practice, the identification of child victims of trafficking remained weak; a significant number of Moldovan children were subjected to trafficking every year. Children whose parents have migrated abroad and children in out-of-home care remained among the most vulnerable to trafficking in persons.

All adult trafficking victims housed at rehabilitation shelters had the freedom to come and go. Child victims were placed with relatives, in foster care, or in rehabilitation clinics that provided specialized medical and psychological care. Protection centers and shelters assisted 110 victims of trafficking and 701 potential victims in 2012. In 2012, the government continued to fund a specialized short-term rehabilitation and protection center in Chisinau and increased the state's budget contribution by approximately 40 percent to provide the equivalent of approximately $93,000, compared to the equivalent of approximately $67,000 provided in 2011. In addition, the government funded five regional centers in coordination with NGOs and city governments. This network of care provided medium- and long-term assistance, reintegration, and vocational training. The government provided the equivalent of approximately $302,200 to fund shelters for victims of trafficking and domestic violence and the equivalent of approximately $9,000 for repatriation services. NGOs reported that long-term medical care was lacking for victims of trafficking.

The anti-trafficking unit actively encouraged victims to assist in the investigation of trafficking offenders by ensuring victims were supported by NGOs and with adequate services. Victims were free to obtain employment or to leave the country pending trial proceedings; access to assistance was not contingent on cooperation with investigations or prosecutions. NGOs reported that 42 potential victims of child trafficking were questioned by law enforcement in the presence of a psychologist using a specialized "children's room." Frequent delays in court hearings were a problem and prosecutors reportedly did not maintain adequate contact with victims. Victims were subjected to intimidation by defendants and their associates in the court room in the presence of police, prosecutors, and judges. Victims were frequently approached by traffickers and pressured to change their testimony, which led to cases being dropped or re-qualified to lesser charges; however, offenders were rarely prosecuted for obstruction of justice. The perception of corruption undermined victims' confidence in judicial proceeding, discouraged victims from filing civil suits for damages, and presented opportunities for alleged traffickers to pay bribes to escape punishment. In 2012, 26 victims filed civil suits against their traffickers. There were no reports of victims of trafficking being deported during the reporting period. Legislation was amended in 2012 to provide residency permits or extensions of permits to foreign or stateless victims of trafficking who are willing to participate in a law enforcement investigation. The criminal code of Moldova exempts victims of trafficking from criminal liability for the commission of offenses related to human trafficking. NGOs reported that victims were not arrested or prosecuted.

The NRS was not active in the separatist region of Transnistria. However, there were efforts to coordinate through informal channels to assist trafficking victims. Local NGOs provided crisis assistance and coordinated with the protection center in Chisinau. Trainings were also replicated in the region. Some cases were reportedly "tried" in Transnistria, and the local police sent victims to Moldovan authorities to testify.

Prevention

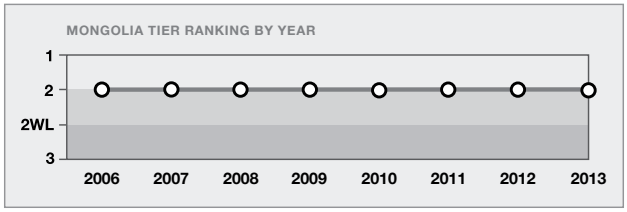
The government maintained efforts to prevent trafficking in persons during the year and organized 30 seminars in high schools and universities for over 2,000 students on preventing and combating human trafficking. Prosecutors participated in public campaigns aimed at combating labor trafficking in agriculture and construction. The national committee

on combating trafficking conducted a week-long campaign with awareness-raising activities including a screening of a film based on testimonies of victims of trafficking and domestic violence. The government led an information campaign targeted to unemployed people on the risks of forced labor. The government signed an agreement with the Government of Israel, which established a mechanism for cooperation on labor disputes, the legal process for hiring, and social protections for Moldovan workers in Israel. Moldovan investigators and prosecutors took part in a conference with law enforcement counterparts from Cyprus, which resulted in improved cooperation on trafficking cases. Government officials trained counterparts from Uzbekistan and Belarus on Moldova's NRS. The government approved the new national action plan for 2012-2013 following considerable input from civil society. The government did not demonstrate specific efforts to reduce the demand for commercial sex acts and forced labor.

MONGOLIA (Tier 2)

Mongolia is a source, transit, and destination country for men, women, and children who are subjected to sex trafficking and forced labor. Mongolian men, women, and children are found in forced labor and forced prostitution in China, Malaysia, the Philippines, Macau, and Singapore. Mongolian men are found in conditions of forced labor in Turkey, Kazakhstan, and the Czech Republic; Mongolian women and girls are subjected to forced prostitution in Macau, Hong Kong, and South Korea. Mongolian women, some of whom are handicapped, are subjected to involuntary servitude or forced prostitution after entering into commercially brokered marriages, often to South Korean or Chinese men. China was the primary source of repatriated Mongolian victims. Mongolia is used as a transit point *en route* to other destinations in northeast Asia for forced prostitution and forced labor originating in China and Russia. Women and girls are subjected to forced prostitution in massage parlors, and girls remained vulnerable to commercial sexual exploitation in hotels, bars, and karaoke clubs in Mongolia. Some Mongolian children are forced to beg, steal, or work in the informal construction, mining, and industrial sectors. There is continued evidence of Chinese laborers in the mining and construction industries being expelled from Mongolia for visa violations without being compensated for their work. A growing area of concern as the country becomes wealthier is the recruitment of undocumented domestic workers from the Philippines into Mongolia. Approximately 2,500 to 5,000 North Koreans are employed in Mongolia as contract laborers. North Korean workers, present in Mongolia through a memorandum of understanding, do not appear to have freedom of movement or choice of employment, and receive only a fraction of the money paid to the North Korean government for their work. Mongolian authorities have reported that recruitment for forced prostitution has become more sophisticated to avoid detection by police. Whereas in the past, trafficking perpetrators would place fraudulent ads in newspapers or on television, traffickers are increasingly using social networking sites and online advertisements to avoid the risk of detection. Anecdotal reports continue to indicate that South Korean and Japanese tourists engage in child sex tourism in Mongolia.

The Government of Mongolia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, including the successful prosecutions of six traffickers assisted by an NGO, the government did not implement its January 2012 anti-trafficking law, including the establishment of a coordinating anti-trafficking body, or prioritize resources to address human trafficking. Moreover, the government failed to conduct anti-trafficking training for law enforcement, prosecutors, or judges. To date, the government has not recognized forced labor as a problem and no forced labor cases have been prosecuted in the last three years. Although government revenues increased substantially in recent years, the government has not allocated funding to combat trafficking.



Recommendations for Mongolia: Implement the 2012 anti-trafficking legislation and establish a government anti-trafficking coordinating body; commence serious efforts to investigate and prosecute labor trafficking cases, including those involving foreign workers; allocate government funds or seek international funding to support anti-trafficking activities; establish formal procedures to guide government officials in victim identification and referral of victims to protective services; train law enforcement officials, judges, and members of the government on trafficking and how to effectively implement the new 2012 law, including prosecuting internal trafficking and child prostitution cases using Article 113; implement the national plans of action on trafficking in persons and sexual exploitation; cease prosecuting trafficking victims for crimes committed as a result of being trafficked; decrease the employment of North Korean laborers; reduce demand for commercial sex; and protect children who are being exploited by those who engage in child sex tourism in Mongolia.

Prosecution

The Government of Mongolia demonstrated diminished anti-trafficking law enforcement efforts during the reporting period. Due to delay surrounding the formation of a new government, implementing regulations to guide law enforcement and judicial authorities on the anti-trafficking law enacted in early 2012 have not yet been issued. Mongolia prohibits all forms of human trafficking through Article 113 of its criminal code, which was amended in the prior reporting period to include internal trafficking, trafficking of children, and labor trafficking. The more commonly used statute, Article 124, which was also amended in 2013, prohibits both non-trafficking offenses such as financially benefitting from prostitution as well as "induced" prostitution. The current law prescribes sufficiently stringent penalties—with up to 15 years' imprisonment—and commensurate with penalties prescribed for other serious offenses, such as rape. During the reporting period, the government prosecuted and convicted six trafficking offenders under Article 113, compared to no reported convictions under this trafficking statute in 2011. The six traffickers received sentences averaging six years' imprisonment. Additionally, 20 suspects were prosecuted

under Article 124 (organized or induced prostitution), of which 17 were convicted during 2012, compared to 15 suspects prosecuted, of which 10 were convicted in 2011. The 17 traffickers convicted in 2012 under Section 124 received lighter sentences than would have been possible under the amended Article 113; it is not clear how many, if any, of these involved human trafficking offenses. Once again, the government obtained no forced labor convictions; when allegations of forced labor were reported, police report that the allegations were not referred for further criminal investigation or prosecution. Corruption among prosecutors, judges, and law enforcement personnel remains a significant problem in the country and a barrier to anti-trafficking progress. The Mongolian government did not report any investigations or prosecutions of government employees for alleged complicity in trafficking-related offenses during the reporting period. The Criminal Police Department's Organized Crime Division held regular training programs on trafficking investigations for provincial and district law enforcement officers and the Tuv provincial government provided the equivalent of approximately $600 to train its law enforcement officers. However, frequent turnover among prosecutors, judges, and law enforcement officers undercut these training efforts and prevented anti-trafficking expertise from being established.

Protection

The Government of Mongolia made limited efforts to protect victims of trafficking during the year. The government did not employ systematic procedures for the proactive identification of trafficking victims, though authorities reported identifying 56 victims of forced prostitution and no forced labor victims during the reporting period. Two NGOs, funded largely by foreign donors and given the equivalent of approximately $5,000 to $8,000 by the Mongolian government, provided the country's only protective services for trafficking victims, both male and female. During the reporting period, these NGOs provided protective services to 51 trafficking victims, providing shelter to 26. The government still lacked a law or policy on victim-witness protection and did not provide long-term resources to victims of trafficking. Victims were not offered protections when testifying; some victims experienced intimidation during court appearances. The government did not provide a mechanism for victims to have legal counsel to assist and protect them during proceedings and did not provide foreign victims with legal alternatives to repatriation where it would constitute a significant risk of hardship, torture, or death. Victims continued to be punished for unlawful acts committed as a direct result of their being trafficked, including Mongolian children in prostitution being arrested, detained, and prosecuted. Foreign trafficking victims in Mongolia, especially Chinese laborers, were routinely fined for violating visa terms and expelled from Mongolia. Police and border officials reported that girls without identification or children crossing borders with adults are interviewed; however, absent a standard operating procedure, interviews were conducted at the discretion of the individual officer.

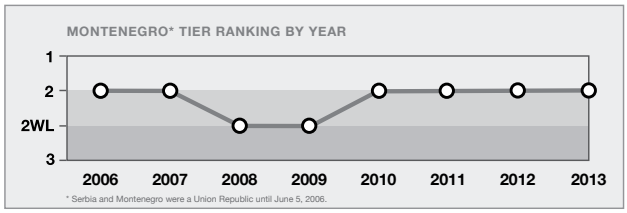
Prevention

The Government of Mongolia made no discernible effort to prevent trafficking during the reporting period. The government did not conduct any public education campaigns to combat trafficking. Local provincial and district governments independently conducted their own community-oriented public awareness campaigns for children, schools, and employers. The January 2012 law mandates a trafficking prevention council to coordinate government efforts to prevent human trafficking, but the council has not been convened. The government failed to implement two national action plans for anti-trafficking efforts and no coordinating body or resource has been dedicated to implement these plans. The government did not take any measures during the reporting period to reduce the demand for commercial sex acts or to address child sex tourism in the country.

MONTENEGRO (Tier 2)

Montenegro is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Victims of sex trafficking identified in Montenegro are primarily women and girls from Montenegro, Serbia, Macedonia, Bosnia, Kosovo, and to a lesser extent, other countries in eastern Europe. Children of ethnic Roma, Ashkali, and Egyptian descent, displaced families, and other vulnerable children from Montenegro, Kosovo, Bosnia, and Serbia are forced to beg on the streets. There have been reports that ethnic Roma girls from Montenegro, who are often forced into domestic servitude, have been sold into servile marriages in Roma communities in Kosovo. Montenegrin women and girls are vulnerable to sex trafficking in other Balkan countries.

The Government of Montenegro does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government increased funding for victim protection during the reporting period. The government initiated prosecutions against more trafficking offenders, but investigations and convictions remained low. The government's practice of recognizing only those trafficking victims who have agreed to participate in criminal proceedings that result in convictions may limit efforts to identify and assist the much larger population of victims.



Recommendations for Montenegro: Vigorously pursue sex trafficking and forced labor investigations, prosecutions, and convictions, including against complicit officials; collect and share detailed data on the number of prosecutions, convictions, and victims identified within the country and abroad; encourage proactive formal identification of victims even in cases for which there may not be active criminal proceedings against the trafficking offenders; ensure that police, social workers, and other officials working with high risk populations are trained to proactively identify and refer trafficking victims to services; increase proactive screening and assistance to potential victims of trafficking among Roma, Ashkali, and Egyptian populations and other vulnerable children; encourage trafficking victims' participation in prosecutions against traffickers; and implement a national referral mechanism with a multidisciplinary approach to proactive victim identification and defined responsibilities for frontline responders.

Prosecution

The Government of Montenegro demonstrated modest law enforcement efforts in 2012; the numbers of investigations and convictions declined. Montenegro prohibits sex and labor trafficking through Article 444 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. During the reporting period, the government investigated only one suspected trafficking offender in a case involving seven victims, two of whom were children. The government initiated the prosecution of 23 alleged trafficking offenders and obtained the conviction of one offender in 2012, compared to no new prosecutions and 14 convictions in 2011. The conviction, a retrial following extradition of a trafficker initially done *in absentia*, resulted in a sentence of two years' and nine months' imprisonment. The government did not conclude the sentencing for three public officials convicted of complicity in human trafficking during the previous reporting period. The Government of Montenegro did not report any new investigations or prosecutions of public officials for alleged complicity in trafficking-related offenses during the reporting period. A former government official alleged to be complicit in a 2002 human trafficking case appealed the dismissal of his defamation lawsuit filed against a victim of trafficking. A 2012 report on Montenegro by the Council of Europe's Group of Experts on Action Against Trafficking in Human Beings (GRETA) noted serious concerns with the country's legislative and institutional framework for prosecuting trafficking and protecting victims; courts did not consider the case against complicit officials alleged to have physically and sexually assaulted the victim named in the lawsuit, despite extensive evidence collected during the investigation.

Protection

The government increased its protection of trafficking victims over the last year, though its efforts to identify victims remained inadequate. The government reported identifying eight new potential victims of trafficking in 2012, including two children, an increase from one victim identified in 2011. The government coordinated with the Government of Serbia for the safe return of an internally displaced Roma child from a camp in Podgorica who was transported to Serbia and subjected to forced begging. The government reported that police in the organized crime unit conducted numerous anti-trafficking raids in bars, nightclubs, and other commercial sex trade outlets, investigated escort agencies, and monitored street begging for labor trafficking. However, NGOs reported that proactive identification needed to improve in light of the low number of victims assisted in the country. GRETA noted that the government's legal definition of a trafficking victim is limited to those victims who take part in a successful prosecution and sentencing of their trafficker, which may narrow the number of formally identified victims. Limiting victim identification to those who assist in successful prosecutions excluded victims who chose not to cooperate with police and those who did cooperate but whose trafficker was not convicted. GRETA cited concerns that social workers' and other officials' stereotypes and views of Roma impeded progress on identifying and intervening in child trafficking cases.

The government encouraged victims to participate in investigations and prosecutions of trafficking offenders by providing free legal assistance and involving a psychologist when taking victims' statements. Seven victims cooperated with investigations in 2012. The government fully funded one NGO-run shelter for trafficking victims that was open to both domestic and foreign victims. During the reporting period, the government moved the shelter to a new facility where children could be housed separately from adults. Two newly identified victims were housed in the shelter during the reporting period; four victims identified in prior years continued to reside in the shelter. The national office for combating trafficking had a budget of the equivalent of approximately $182,000; approximately half of this funding was allotted for the shelter's operations, an increase from the equivalent of approximately $52,200 spent on the shelter in 2011. Victims in the shelter were provided with medical, psychological, social, and legal assistance. Victims were free to come and go from the shelter following an assessment by police and social welfare officials. Montenegro's law on foreigners provides for a temporary residence permit for trafficking victims lasting from three months to one year, though no victims applied for residency during the last year. NGOs reported that victims of trafficking were not punished for acts committed as a direct result of being subjected to trafficking.

Prevention

The government maintained its human trafficking prevention efforts in 2012, supporting an anti-trafficking public awareness campaign on television, displaying anti-trafficking messages publicizing the 24-hour national hotline for potential victims of trafficking on air and railway tickets in coordination with a regional campaign, and displaying posters with the hotline number at all border crossings. The government allocated the equivalent of approximately $3,900 to an NGO to operate the hotline. The government distributed flyers in schools informing youth about the risks of human trafficking and publicizing anti-trafficking resources and an educational brochure on forced early child marriage among ethnic Roma and Egyptian communities in Montenegro. In coordination with experts from various ministries and NGOs, the government adopted a new anti-trafficking strategy for 2012 to 2018 and a new national action plan for 2012 to 2013. The national anti-trafficking coordinator announced his resignation, but remained in his position during the reporting period. The government did not demonstrate efforts to reduce demand for commercial sex acts or forced labor during the reporting period. The Montenegrin government provided anti-trafficking training to its military personnel prior to their deployment abroad for international peacekeeping missions.

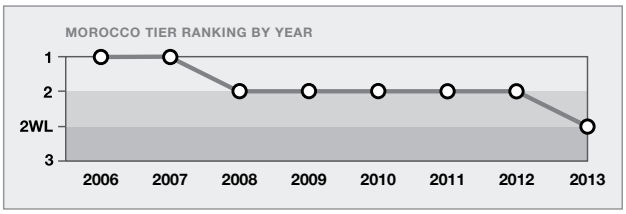
MOROCCO (Tier 2 Watch List)

Morocco is a source, destination, and transit country for men, women, and children who are subjected to forced labor and sex trafficking. Some Moroccan girls from rural areas as young as six or seven years old are recruited to work as maids in cities and often experience conditions of forced labor, such as nonpayment of wages, threats, restrictions on movement, and physical, psychological, or sexual abuse; however, an NGO reports that the incidence of child maids has decreased since 2005, in part due to government-funded programs promoted in primary school, especially in rural areas, and awareness programs funded by UN agencies and NGOs. Some Moroccan boys experience forced labor as apprentices in the artisan and construction industries and in mechanic shops. Men, women, and an increasing number of children primarily from sub-

Saharan Africa and south Asia enter Morocco voluntarily but illegally with the assistance of smugglers; once in Morocco, some of the women and older girls are coerced into prostitution or, less frequently, forced into domestic service. International organizations and local NGOs report that unaccompanied children and women from Cote d'Ivoire, the Democratic Republic of the Congo, and Nigeria are highly vulnerable to sex trafficking and to a lesser extent forced labor in Morocco. Some women from Cote d'Ivoire, Philippines, and Indonesia are recruited to work as domestic workers in Morocco; some report being subjected to conditions of forced labor, including withheld wages and passports and physical abuse at the hands of their employers. Criminal networks operating in the northern border town of Oujda on the Algerian border commonly force undocumented foreign migrant women into prostitution and begging; these networks also reportedly force children into begging. Some female migrants transiting Oujda, particularly Nigerians, were forced into prostitution once they reached Europe. There is some sex tourism committed by foreigners in major cities in Morocco. Due to conflicts in the region, there has been a small increase in the number of irregular migrants and asylum seekers in this reporting period, including from Syria and the Central African Republic.

Moroccan men, women, and children are exploited for forced labor and sex trafficking in Europe and the Middle East. Moroccan women are forced into prostitution in the United Arab Emirates, Bahrain, Jordan, Libya, Syria, and European countries; some of them experience restrictions on movement, threats, and emotional and physical abuse. Some Moroccan men reportedly are promised jobs in the Gulf but experience confiscation of their passports and are coerced into debt bondage after arrival. A few Moroccan men and boys are lured to Europe by fraudulent job offers and are subsequently forced to sell drugs.

The Government of Morocco does not comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate evidence of overall increasing efforts to address human trafficking since the previous reporting period; therefore Morocco is placed on Tier 2 Watch List. The government did not demonstrate progress in investigating, prosecuting, convicting, and adequately punishing trafficking offenders and failed to provide law enforcement data. It did not show progress in proactively identifying trafficking victims among vulnerable groups, especially the sub-Saharan migrant community, nor did it ensure that foreign trafficking victims were not subject to arrest and deportation. The government made some efforts, however, to offer protective services to Moroccan women and child victims of trafficking. The government continued to lack adequate anti-trafficking legislation.



Recommendations for Morocco: Complete the drafting and enactment of comprehensive anti-trafficking legislation that prohibits all forms of trafficking and increases prescribed penalties for forced labor; significantly increase investigations, prosecutions, and convictions of trafficking offenders with sufficiently stringent penalties for all forms of trafficking; institute a victim identification and referral mechanism to guide officials in the identification and assistance of trafficking victims; provide additional funds to NGOs providing specialized services for human trafficking victims; ensure that identified victims are not punished for acts committed as a direct result of being subjected to human trafficking, such as immigration violations or physical abuse by police; encourage victims to participate in investigations against their traffickers, including by offering relief from deportation; significantly improve data collection and reporting, including the disaggregation of data between human trafficking and human smuggling; and conduct public awareness campaigns addressing all forms of trafficking and encompassing child sex tourism.

Prosecution

The government made little progress in its law enforcement response to human trafficking during the reporting period. Morocco lacks a single comprehensive anti-trafficking law, which remained a serious obstacle to successfully prosecuting human trafficking and contributed to confusion among officials in differentiating human smuggling and human trafficking. Morocco's penal code prohibits forced child labor through Article 467-2, which prescribes punishment of one to three years' imprisonment. The penal code also prohibits forced prostitution and child prostitution through articles 497-499, which prescribe punishment of up to 10 years' or life imprisonment if found to have occurred with aggravated circumstances. Penalties prescribed by these various statutes for sex trafficking offenses are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In contrast, penalties prescribed for labor trafficking offenses do not appear to be sufficiently stringent. Article 10 of Morocco's labor code prohibits forced labor of a worker; this offense is punishable by a fine for the first offense and a jail term of up to three months in subsequent offences. Penalties for coerced child labor under Article 467 range from one to three years' imprisonment.

At the end of the reporting period, the government did not report data on investigations, prosecutions, or convictions of sex and labor trafficking offenders. The government has not developed an effective system to collect anti-trafficking law enforcement data, which continued to prevent the government from being able to report trafficking statistics in a timely manner. NGOs and the media reported that a woman was convicted and sentenced to 10 years' imprisonment in 2012 for beating her child maid to death; however, the details of this case were unavailable. The media also reported that an unspecified number of Filipina domestic workers, some of whom may be trafficking victims, filed lawsuits against their former employers for abusive conditions indicative of forced labor, including physical abuse and confiscated passports.

The government continued to provide and fund a variety of trafficking training events to law enforcement and judicial officials in 2012. In November and December 2012, the Ministry of Justice in collaboration with UNHCR provided anti-trafficking and victim identification training for judges, judicial police officers, *gendarmes*, and representatives of civil society. The Ministry of Interior also reported that security

officials received trafficking awareness training at the Training Institute for Auxiliary Forces.

Protection

The Moroccan government demonstrated minimal efforts to protect victims of trafficking over the past year. It did not develop or employ systematic procedures to proactively identify victims of trafficking, and it continued to show weak efforts in identifying victims of all forms of trafficking. The government was also limited in its ability to provide sufficient staffing and funding resources to protect victims of human trafficking. The government did not provide long-term shelter or housing benefits or other protection services to victims of trafficking. Some local and international NGOs, however, reported having an active working relationship with local law enforcement officials, who reportedly referred cases of at-risk children, some of whom may be trafficking victims, to local NGOs for assistance. The government did not provide official statistics on the number of identified victims of trafficking; however, an international NGO reported assisting 36 victims of trafficking in 2012. The Ministry of Employment and Professional Development (MOEPT) employed 463 labor inspectors for the entire country, and 51 of which were designated to child labor cases. The inspectors were hindered by inadequate staffing and did not have the legal authority to enter homes, preventing them from investigating and identifying instances of child labor or trafficking in domestic service situations. The government continued to protect child victims of violence found within the country, some of whom may be victims of trafficking, through its 75 children reception centers and five child protection centers for child victims; however, these centers often lacked adequate personnel, and it is unknown how many of the child victims receiving services at these centers were trafficking victims. The government reportedly provided assistance to Moroccan trafficking victims overseas with travel documents and transportation home; however, the government was unable to provide statistics for the number of victims assisted during the reporting period. The government lacked a policy to protect trafficking victims from being prosecuted for crimes committed as a direct result of being trafficked. Anecdotal information from NGOs suggested that authorities arrested, detained, and deported some foreign trafficking victims during the year. Undocumented migrants who arrived from Algeria, some of whom may be trafficking victims, were usually deported back to the Algerian border, reportedly often without food or water, and were susceptible to being robbed, assaulted, and sexually abused by criminal gangs operating in the area. During this reporting period, local media outlets and NGOs reported that government authorities conducted mass raids and arrests of sub-Saharan migrants in Oujda, expelling 5,400 irregular migrants into Algeria. There was no evidence to suggest that authorities made efforts to identify potential trafficking victims among those who were arrested and deported.

The government did not report whether it encouraged victims to participate in investigations against trafficking offenders. The government did not offer legal alternatives to the removal of foreign victims of trafficking to countries where they might face retribution or hardship. Sub-Saharan African women who were forced into prostitution in Morocco were unlikely to report crimes for fear of being treated as undocumented migrants and deported, though in reality, undocumented migrant women were rarely deported. Undocumented migrants were also allowed access to basic medical care at public health institutions.

Prevention

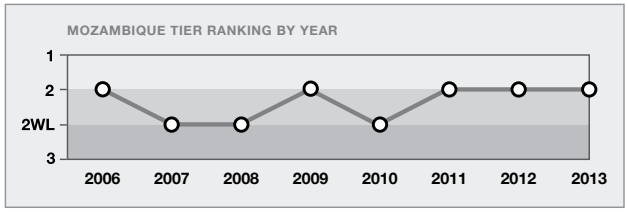
The Moroccan government made minimal efforts to prevent human trafficking over the last year. The government did not undertake campaigns to raise public awareness about human trafficking. Most child labor prevention programs focused on poverty reduction and providing financial support and education to targeted families to ensure that children stay in school. In 2012, the MOEPT continued to allocate the equivalent of approximately $187,500 to nine Moroccan NGOs focusing on child labor issues, and the Ministry of Solidarity, Women, Family, and Social Development provided the equivalent of approximately $2 million to NGOs focusing on women and child welfare. Two government-operated child protection units, an emergency telephone hotline, a mobile assistance program, and women and children focal points continued to assist vulnerable women and children in major cities in Morocco. An inter-ministerial committee on coordination for trafficking issues comprised of representatives from multiple ministries met occasionally during the reporting period. Authorities made no discernible efforts to raise public awareness of child prostitution or sex trafficking of women and did not take any reported measures to reduce the demand for commercial sex acts or child sex tourism, though media outlets reported several instances of alleged sexual tourism during the reporting period and the topic of child sexual exploitation became more widely discussed in the media and within the government during the reporting period. The government provided training on the issue of sexual exploitation to Moroccan soldiers prior to their deployment abroad on UN peacekeeping missions.

MOZAMBIQUE (Tier 2)

Mozambique is a source, transit, and, to a lesser extent, destination country for men, women, and children subjected to forced labor and sex trafficking. The use of forced child labor is common in agriculture, and in commercial activities in rural areas of the country, often with the complicity of family members. Women and girls from rural areas, lured to cities in Mozambique or South Africa with promises of employment or education, are exploited in domestic servitude and the sex trade. Underage Mozambican girls are exploited in prostitution in bars, roadside clubs, and restaurants in border towns and overnight stopping points along Mozambique's southern transport corridor that links Maputo, Swaziland, and South Africa. Child prostitution—which is most prevalent in Maputo, Nampula, and Beira—is reportedly increasing in Maputo, Beira, Chimoio, and Nacala, which have highly mobile populations and large numbers of transport workers. Young Mozambican men and boys are subjected to forced labor on farms and in mines in South Africa, where they often labor for months without pay and under coercive conditions before being turned over to police for deportation as illegal migrants. Mozambican boys migrate to Swaziland for work washing cars, herding livestock, and selling goods; some subsequently become victims of forced labor. Some Mozambican adults are subjected to forced labor and forced prostitution in Portugal. Some women and girls from Zimbabwe, Swaziland, and Malawi who voluntarily migrate to Mozambique are subsequently subjected to sex trafficking or domestic servitude. Mozambican

or South African trafficking networks are typically informal; larger Chinese and Nigerian trafficking syndicates are reportedly also active in Mozambique. South Asian people smugglers who move undocumented South Asian migrants throughout Africa reportedly transport trafficking victims through Mozambique; recent reports indicate that South Asian citizens and companies in Mozambique pay the initial travel costs of illegal Bangladeshi and Pakistani migrants who they later maintain in bonded labor. During the year, a Mozambican woman and two girls were intercepted in Zambia *en route* to Europe to be subjected to forced prostitution, and five Mozambican victims of forced prostitution were discovered in South Africa.

The Government of Mozambique does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated an increase in anti-trafficking efforts in 2012, more than tripling the number of convictions. It continued its institutional training of officials at its police academy. The Attorney General's office coordinated the government's anti-trafficking efforts during the year by finalizing the first draft of a national action plan and establishing anti-trafficking coordinating bodies in four provinces. The Ministry of Justice collected anti-trafficking law enforcement data from provincial authorities. The government increased its efforts to cooperate with governments in the region through the signing of cooperation agreements that include anti-trafficking components with Tanzania and Swaziland, and by coordinating meetings and awareness campaigns with South African officials. Although it continued to provide in-kind support to NGOs assisting victims, and developed a referral mechanism for victims of all crimes, including trafficking, the government demonstrated weak provision of protective services to trafficking victims.



Recommendations for Mozambique: Take concrete steps to finalize and issue necessary regulations to implement the protection and prevention provisions of the 2008 anti-trafficking law; develop a formal system to identify proactively trafficking victims among vulnerable populations; build the capacity of the police anti-trafficking unit, the labor inspectorate, and the Women and Children's Victim Assistance Units (GAMC) to investigate trafficking cases and provide short-term protection to victims; continue training for law enforcement officers in victim identification, particularly at border points; investigate reports of official complicity in human trafficking and vigorously prosecute, where appropriate, those implicated in trafficking offenses; and launch anti-trafficking awareness campaigns in additional provinces.

Prosecution

The government continued to make significant progress in anti-trafficking law enforcement efforts during the reporting period, increasing the number of offenses prosecuted and offenders convicted. The Law on Preventing and Combating the Trafficking of People, enacted in 2008, prohibits recruiting or facilitating the exploitation of a person for purposes of prostitution, forced labor, slavery, or involuntary debt servitude. Article 10 prescribes penalties of 16 to 20 years' imprisonment for these offenses, penalties which are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape.

The government continued compiling anti-trafficking law enforcement data, which it began in 2011; however, it did not provide details on specific cases. During the year, the government prosecuted 19 trafficking cases, leading to the conviction of 23 defendants and eight acquittals, a significant increase over 11 prosecutions and six convictions in 2011. In one case, the Manica Provincial Court sentenced two convicted offenders to 16 years' imprisonment for unspecified trafficking offenses. All nine provinces and the city of Maputo reported conducting investigations during the year; 16 trafficking investigations continued from 2011, and 21 new investigations were opened, 18 of which remained ongoing at the close of the reporting period. Police investigative techniques, training, capacity, and forensic abilities continue to be weak, particularly outside of the capital.

The government, in partnership with UNICEF, continued offering a two-week anti-trafficking course at the police training center for all newly recruited police officers, border guards, customs and immigration agents, and rapid intervention (riot) police; taken by 3,500 recruits in 2012, the course covered recognition of trafficking cases, protection of victims, child rights, and child custody law. In addition, 54 judges were trained on trafficking at the Judicial Training Academy during the year. The government did not report investigations or prosecutions of public officials for alleged complicity in trafficking-related offenses, including officials bribed to allow traffickers and smugglers to move persons within the country and across national borders into South Africa and Swaziland. During the year, the government increased its cooperation with governments in the region by participating in a cross border meeting with officials from South Africa's Mpumalanga provincial anti-trafficking task team to discuss the repatriation of children, including child trafficking victims, and signing a joint agreement with Swaziland on security issues, including trafficking in persons.

Protection

The Government of Mozambique made modest progress in its efforts to protect victims of trafficking during the year, in particular through its development of a referral mechanism for victims of crime, and continued in-kind support to NGOs providing victim care. In July 2012, the president signed into effect the Law on the Protection of Witnesses and Victims of All Crimes, including trafficking victims and those who cooperate with law enforcement in the investigation and prosecution of human trafficking cases. Additionally, in March 2012, the Council of Ministers approved the Multi-Sectoral Mechanism on Integrated Care for Women Who are Victims of Violence, which outlines the role of each ministry in providing assistance to victims of violence, including trafficking victims; this would not cover male trafficking victims. However, the government did not formalize procedures for identifying potential victims of trafficking. The Attorney General's office continued its drafting of regulations to implement the portions of the anti-trafficking law that address assistance to victims.

Government officials continued to rely on NGOs to provide shelter, counseling, food, and rehabilitation to victims, and to proffer only limited in-kind government support; it is unknown how many victims benefitted from such services during the year. An NGO managed the country's only permanent shelter for child trafficking victims, with the Ministry for Women and Social Action (MMAS) funding the shelter staff's salaries and the district of Moamba providing the land. MMAS staff at the shelter coordinated both the search for trafficking victims' families and, if necessary, their placement with foster families; in advance of victims' return or placement, MMAS staff counseled children and sensitized families, which were also able to receive government funding on a case-by-case basis. The Interior Ministry's GAMC continued to operate facilities in more than 200 police stations and 20 "Victims of Violence" centers throughout the country that provided temporary shelter, food, limited counseling, and monitoring following reintegration for an unknown number of trafficking victims; GAMC staff also referred and transported victims to NGOs or foster families for longer-term assistance. In 2012, GAMC staff provided food, shelter, and psycho-social support to a potential child trafficking victim from Kenya who was intercepted at the Maputo airport with a suspected trafficker; Mozambican officials worked with Kenyan officials to repatriate the child. Similar services were provided to an unknown number of Mozambican children returned from South Africa during the year, some of whom may have been trafficking victims; however, the government offered very limited reintegration assistance to repatriated trafficking victims overall. The Institute for Judicial Support offered legal assistance to abused women and children, but did not provide such assistance to trafficking victims during the year. The government encouraged victims to assist in the investigation and prosecution of trafficking offenders; however, this did not occur during the year. The government did not provide temporary residency status or legal alternatives to the removal of foreign victims to countries where they might face hardship or retribution and it continued to deport foreign trafficking victims without screening them for possible victimization. Although NGO contacts reported no instances of trafficking victims having been detained, fined, or jailed for unlawful acts committed as a result of having been trafficked, and the 2008 anti-trafficking act exempted victims from prosecution for such acts, the lack of formal identification procedures impaired the government's ability to ensure that no trafficking victims received such penalties.

Prevention

The government made increased efforts to prevent trafficking in persons during the reporting period through its establishment of provincial coordinating bodies, finalization of a national action plan, and organization of awareness-raising events in Mozambique and South Africa. The Attorney General's office completed drafting a national action plan on trafficking in persons, which now awaits approval by the Council of Ministers. Although the government lacks a single national body to coordinate anti-trafficking efforts across ministries, the Attorney General's office continued to demonstrate leadership in overseeing national anti-trafficking efforts. For example, in 2012, with the encouragement of the Attorney General's office, provincial governments created inter-ministerial "reference groups" in Nampula, Gaza, and Manica consisting of provincial officials, police, border guards, social workers, NGOs, and faith based organizations; roll-out is planned for all provinces by 2014. The Maputo-based reference group, in existence since 2010, organized an awareness campaign in November 2012 in the border town of Ressano Garcia. The one-day campaign, funded in partnership with an NGO, involved the district attorney general; district chief administrator; and border, customs, and local police, reaching 200 community members with a march through the town and official speeches on trafficking risks within their community. As part of the event, trafficking awareness messages were broadcast on state-run radio. In December 2012, the Mozambican Consulate in Nelspruit, South Africa, worked with the Mpumalanga provincial task team to host a trafficking awareness meeting for members of the Mozambican community that provided instructions on how to report a suspected case of human trafficking. State-run Radio Mozambique and several district-run community radio stations ran anti-trafficking messages in January 2013. Although the Ministry of Labor acknowledged that child labor is pervasive and often abusive, it employed an inadequate number of labor inspectors, who lacked training and resources to adequately monitor for child trafficking and other labor violations, especially on farms in rural areas. The government did not make an effort to reduce the demand for commercial sex acts during the year.

NAMIBIA (Tier 2 Watch List)

Namibia is predominantly a country of origin and destination for children and, to a lesser extent, women subjected to forced labor and sex trafficking. Some victims are offered legitimate work for adequate wages, but eventually may be forced to work long hours and carry out hazardous tasks in urban centers and on commercial farms. Traffickers in Namibia exploit Namibian children in forced labor in agriculture, cattle herding, and domestic service. Children from Angola, Zambia, and Zimbabwe are subjected to prostitution in Namibia. Some Angolan boys may be brought to Namibia for forced labor in cattle herding; however, no such cases were reported during the year. Foreign nationals or persons resident in Namibia from southern Africa and Europe are among the clientele of children in prostitution in Namibia. Children are also coerced to conduct criminal activity, including drug smuggling and robbery. Namibians commonly house and care for children of distant relatives in order to provide expanded educational opportunities; however, in some instances, such children are exploited by their relatives in sex trafficking or forced labor. Among Namibia's ethnic groups, San girls are particularly vulnerable to forced labor on farms or in homes, and to a lesser extent, are exploited in prostitution.

The Government of Namibia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, including its prosecution of two suspected sex traffickers, the government did not demonstrate evidence of overall increasing efforts to address human trafficking during the previous reporting period; therefore, Namibia is placed on Tier 2 Watch List for a second consecutive year. Although the Ministry of Gender Equality and Child Welfare (MGECW) launched a National Plan of Action on Gender-Based Violence in 2012, which includes actions to address human trafficking, the government did not undertake systematic anti-trafficking efforts to ensure lasting progress, particularly in regard to the prosecution of trafficking crimes. Although the government developed a referral process for victims of gender-based violence, including trafficking, it failed to