for identifying potential victims of trafficking and referring them to organizations providing protective services. The Interior Ministry's Women and Children's Victim Assistance Unit continued to operate facilities in over 200 police stations throughout the country that provided temporary shelter for an unknown number of trafficking victims and referred victims to NGOs offering services. In 2011, the Institute for Judicial Support, a government body that provides legal advice to the impoverished, began to offer legal assistance to abused women and children, including an unknown number of trafficking victims. The government offered very limited reintegration assistance to repatriated trafficking victims. The government encouraged victims to assist in the investigation and prosecution of trafficking offenders. 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, the lack of formal identification procedures impaired the government's ability to ensure that no trafficking victims received such penalties.

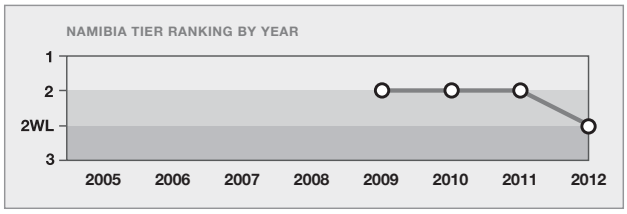
Prevention

The Government of Mozambique demonstrated decreased trafficking prevention efforts during the reporting period and lacks a single national body to coordinate anti-trafficking efforts across ministries. A national action plan to combat human trafficking exists as a subsection of the government's current five-year anti-crime plan, and the MOJ began drafting an independent plan specific to trafficking. The Ministry of Labor employed labor inspectors, but they were too few in number, lacked resources such as transportation, and had generally not received adequate training regarding human trafficking. Consequently, the government did not adequately monitor for child trafficking and labor violations, especially on farms in rural areas, and judges frequently dismissed cases because inspectors did not properly prepare evidence. The number of public awareness campaigns decreased from the previous year, when the government was more active in distributing information on human trafficking to students, outgoing travelers, community leaders, and businesses. The government did not make an effort to reduce the demand for commercial sex acts during the year. In July and August 2011, the Caucus of Women Parliamentarians led delegations of public officials and civil society leaders to the cities of Quelimane and Nampula to conduct two days of training for local officials and to raise awareness among the public of the legal remedies provided by anti-trafficking, spousal protection, and family laws.

NAMIBIA (Tier 2 Watch List)

Namibia is a country of origin, transit, and destination for women, children, and possibly men subjected to forced labor and sex trafficking. Victims lured by promises of legitimate work for adequate wages may instead be forced to work long hours and carry out hazardous tasks in urban centers and on commercial farms. Traffickers in Namibia exploit Namibian children, as well as children from Angola, Zambia, and Zimbabwe, through forced labor in agriculture, cattle herding, fishing, and domestic service as well as in prostitution. Tourists from southern Africa and Europe are among the clientele of children in prostitution in Namibia. Children are forced to care for the children of farm or factory workers and are also coerced to engage in criminal activity, including drug smuggling and robberies. Some adults subject the children of their distant relatives to sex trafficking or forced labor. Among Namibia's ethnic groups, San girls are particularly vulnerable to be trafficked for prostitution and forced labor on farms or in domestic service. Allegations arose during the year regarding the labor conditions at Chinese companies' construction sites in Namibia, including long hours and low wages for both Chinese and Namibian staff.

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 efforts, including its continued investigation of nine suspected traffickers and the initiation of one potential trafficking investigation in 2011, the government did not demonstrate evidence of overall increasing efforts to address human trafficking over the previous year; therefore, Namibia is placed on Tier 2 Watch List. The government failed to prosecute or convict trafficking offenders during the year and has not yet prosecuted or convicted a trafficking offender under any of its laws. During the year, the cabinet approved the Child Care and Protection Bill, which now awaits parliamentary debate and passage. The government also completed its renovation of three additional shelters for victims of gender-based violence, including trafficking. Although the government continued public awareness campaigns, it took no action to prosecute sex trafficking offenders and protect such victims.



Recommendations for Namibia: Greatly increase efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders under existing legislation, including the Prevention of Organized Crime Act (POCA); train law enforcement officials on the anti-trafficking provisions of the POCA and other relevant legislation; establish a formal process for the identification of victims and their subsequent referral to care among law enforcement, immigration, labor, and social welfare officials; continue to dedicate adequate time and resources to complete ongoing shelter and safe house renovations; strengthen coordination of anti-trafficking efforts across the government; conduct national anti-trafficking public awareness campaigns; and collect data and maintain databases on trafficking cases.

Prosecution

The Government of Namibia made modest anti-trafficking law enforcement efforts during the year, as it failed to prosecute or convict trafficking offenders. In May 2009, the government enacted the POCA of 2004, which explicitly criminalizes all forms of trafficking. Under the POCA, persons who participate in trafficking offenses or aid and abet trafficking offenders may be imprisoned for up to 50 years and fined up to the equivalent

of $133,000, penalties which are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape. The government, however, has yet to prosecute or convict a trafficking offender under the POCA or other relevant laws. In August 2011, the government, in partnership with UNODC, held an inter-ministerial workshop to plan its development of comprehensive anti-trafficking legislation that would include specific provisions relating to trafficking crimes committed against children and adults; however, the Ministry of Justice did not begin to draft this legislation during the year. The pending Child Care and Protection Bill, drafted in 2009 – which includes a provision against child trafficking – was approved by the cabinet in March 2012 and referred to parliament for debate and passage.

The government continued to make efforts to address labor trafficking, especially forced child labor. In August and September 2011, the Ministry of Labor and Social Welfare (MLSW), in collaboration with the Police, the Ministry of Gender Equality and Child Welfare (MGECW), and the Namibian Central Intelligence Agency investigated a potential labor trafficking case involving numerous youth and children; although the prosecutor general recommended a criminal complaint be filed as a violation of forced labor provisions of the 2007 Labor Act, no alleged offenders have been arrested. In the previous reporting period, the MLSW followed-up on 111 cases of child labor discovered in 2009, leading the Namibian Police Force's Woman and Child Protection Unit (WACPU) to open criminal investigations in nine cases where employers failed to obey compliance orders received in 2009. In 2011, WACPU reported its continued investigation of these cases, which were then forwarded for prosecution; although prosecutors reported withdrawing the cases due to a lack of evidence, other officials noted that prosecutors did not know how to use existing laws to prosecute these cases and need training on addressing human trafficking. Despite the acknowledged need for training of police and prosecutors on trafficking and relevant existing laws, and while officials participated in trainings sponsored by UNICEF or foreign governments, the government did not provide such training to its staff or support NGOs that did so during the year; human trafficking is not covered as part of any institutionalized basic trainings. However, during the year, in partnership with UNICEF and NGOs, the government began development of a new police curriculum on gender-based violence, including trafficking. Despite its attention to forced labor cases, the government continued to take no action to prosecute sex trafficking in Namibia during the year.

Protection

Overall, the Namibian government did not demonstrate increasing efforts to protect trafficking victims. Although the government discovered children in one suspected labor trafficking ring, it identified fewer victims than in previous years. Despite the existence of government-operated shelters and services for victims of crime, the government did not report their use by trafficking victims in 2011. The government continued to lack systematic procedures for its officials to use in proactively identifying trafficking victims and referring them to care. Police previously had been trained to contact WACPU if they discover a woman or child victim, and WACPU police are subsequently responsible for referring victims – on an *ad hoc* basis, as is done for victims of all crimes – to temporary shelter and medical assistance provided by NGOs or other entities. The MGECW provided social workers to assist police in counseling victims of violent crimes, including human trafficking; however, officials noted that social workers and other first responders remain unaware of trafficking indicators. The government continued its renovation of buildings to be used for long-term accommodation for women and child victims of gender-based violence and human trafficking; two facilities continued operation, while three were renovated during the reporting period. The government continued its operation of three "one-stop" facilities for providing care for victims of gender-based violence, including trafficking, in Windhoek, Oshakati, and Rundu, which offered overnight accommodation, medical examinations, and space for social workers to provide counseling and psychosocial support. There are no such facilities for the care of men who are victims of trafficking. The government may grant temporary or permanent residency to foreign victims on a case by case basis; however, with the quick enforcement of immigration law foreign trafficking victims – including children – were most likely deported for immigration violations before identification as trafficking victims.

Prevention

The Namibian government continued its efforts to prevent human trafficking during the reporting period. Under the leadership of the MGECW, the inter-ministerial committee, which coordinated government activities on gender-based violence and trafficking, began drafting the 2012-2016 national action plan, which awaits finalization. Nonetheless, coordination and communication across government entities on anti-trafficking efforts are not yet effective enough to facilitate understanding of and progress on trafficking issues. The government continued its "Zero Tolerance Against Gender-Based Violence and Trafficking in Persons" media campaign including TV and radio broadcasts on human trafficking. In addition, the police and MGECW partnered with several NGOs on an anti-trafficking and prostitution demand reduction campaign. With donor funding, the MGECW launched an awareness campaign on gender-based violence and trafficking, including TV and radio spots and placement of billboards. Unlike in 2010, the MLSW did not make efforts to raise awareness of child labor issues, including child trafficking.

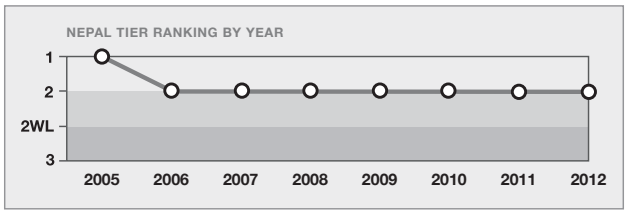
NEPAL (Tier 2)

Nepal is mainly a source country for men, women, and children who are subjected to forced labor and sex trafficking. Nepali men are subjected to forced labor, most often in the Middle East and, to a lesser extent, within the country. Nepali women and girls are subjected to sex trafficking in Nepal, India, and the Middle East, and also are subjected to forced labor in Nepal and India as domestic servants, beggars, factory workers, mine workers, and in the adult entertainment industry. They are subjected to sex trafficking and forced labor in other Asian destinations, including Malaysia, Hong Kong, and South Korea. The Chinese district of Khasa on the border with Nepal is an emerging sex trafficking destination for Nepali women and girls. Nepali boys also are exploited in domestic servitude and – in addition to some Indian boys – subjected to forced labor in Nepal, especially in brick kilns and the embroidered textiles industry. An NGO noted that forced labor of Nepali children in Nepali and Indian circuses has declined dramatically due in large part to the rescues spearheaded by that organization. Bonded labor exists in agriculture, brick

kilns, and the stone-breaking industry, often based on caste. Traffickers generally target uneducated people, especially from socially marginalized and traditionally excluded groups.

Many Nepali migrants seek work in domestic service, construction, or other low-skilled sectors in Gulf countries, Malaysia, Israel, South Korea, and Lebanon with the help of Nepal-based labor brokers and manpower agencies. They migrate willingly but some subsequently face conditions indicative of forced labor, such as withholding of passports, restrictions on movement, nonpayment of wages, threats, deprivation of food and sleep, and physical or sexual abuse. Many are deceived about their destination country, the terms of their contract, or are subjected to debt bondage, which can in some cases be facilitated by fraud and high recruitment fees charged by unscrupulous agents. A recent Amnesty International study found that migrant workers who reported experiencing problems during their migration paid an average of up to the equivalent of approximately $1,400 in fees to recruitment agents before their departure, almost three times the average annual income for Nepalese, and the equivalent of 10 to 12 months worth of average wages in the Gulf labor markets. However, some Nepalese have paid as much as up to the equivalent of $12,000 to recruitment agencies. Many workers migrate via India; this is illegal under the 2007 Foreign Employment Act that requires all workers to leave for overseas work via the Kathmandu airport. Many migrants leave by land to avoid legal migration registration requirements and to avoid paying bribes that some officials require at the airport to secure migration documents. A recent International Trade Union Confederation report noted that many employment agencies force migrant workers to travel via India in order to avoid insurance coverage or a proper documentation system and to avoid obligations to pay workers their entitlements. Unregistered migrants – those who travel via India or independent recruiting agents – are more vulnerable to forced labor. Bangladeshis transit Nepal for employment in the Gulf and are at risk of being trafficked.

The Government of Nepal does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government developed two policy initiatives providing minimum standards for trafficking victim care and standard operating procedures for shelter homes, endorsed a national plan of action on human trafficking, and increased prosecutions. Problems remained, however. Anti-trafficking structures were ineffective, and trafficked Nepali migrant workers did not receive sufficient support from the government. Anti-trafficking laws were not well implemented, and some funds allocated for protection in previous years remain unspent. Victim identification efforts were weak, with child sex trafficking victims sometimes being returned to their abusers in the wake of raids. Incidents of trafficking-related complicity by government officials persisted and were unaddressed through law enforcement means.



Recommendations for Nepal: Increase law enforcement efforts against all forms of trafficking and against government officials who are found to be complicit in trafficking; show evidence of efforts to investigate, prosecute, and punish offenses of labor trafficking involving Nepalese migrants exploited abroad; show evidence of prosecuting and punishing Nepalese labor recruiters for charging excessive recruitment fees or engaging in fraudulent recruitment; institute a formal procedure to identify victims of trafficking and refer them to protection services; ensure that trafficking victims are not punished for involvement in prostitution or forgery of official documents; raise awareness among government officials and the public of the existence of forced prostitution of Nepali women and girls in Nepal; publicize the lift of the ban on women working as domestic workers in the Gulf; work with Indian officials to establish a procedure to repatriate Nepali victims of trafficking in India; decentralize the system to file complaints under the Foreign Employment Promotion Board as a means to facilitate victims' access to legal remedy; develop a comprehensive witness protective mechanism; provide citizenship documents to returnee female victims of trafficking and their children; and ratify the 2000 UN TIP Protocol.

Prosecution

The Government of Nepal maintained law enforcement efforts during the reporting period. Nepal prohibits most – but not all – forms of trafficking in persons, including the selling of human beings and forced prostitution, through its Human Trafficking and Transportation Control Act (2007) and Regulation (2008) (HTTCA). The HTTCA also prohibits other offenses that do not constitute human trafficking, such as people smuggling and purchasing commercial sex. Prescribed penalties range from 10 to 20 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Bonded Labor (Prohibition) Act (2002) prohibits bonded labor but has no penalties. According to the Office of Attorney General, 229 offenders were convicted in 157 district court cases tried under the HTTCA, compared with 174 offenders convicted in the previous fiscal year in 119 cases. It is not known how many of these convictions were for human trafficking since the same law also prohibits other crimes. In addition, labor trafficking cases may be prosecuted as foreign employment violations, resulting in smaller penalties than if tried under the HTTCA. The National Judicial Academy, with foreign funding, managed and conducted a three-day training-of-trainers program in September for 20 government officials. Many government officials do not prosecute under the trafficking law due to lack of awareness about the law and challenges in evidence collection. Some NGOs report that law enforcement authorities do not consider domestic forced prostitution of adults to be a trafficking issue.

The incidence of trafficking-related complicity by government officials remained a problem. Observers report that traffickers use ties to politicians, business persons, state officials, police, customs officials, and border police to facilitate trafficking, including the paying of bribes for protection and favors. Some Nepali officials work with traffickers in providing false information in genuine Nepali passports, or in providing fraudulent documents. Politically connected perpetrators often enjoyed impunity from prosecution and punishment. There were no investigations, prosecutions, or convictions of government officials for complicity in trafficking during the reporting period.

Protection

The Government of Nepal made limited efforts to protect victims of trafficking in the reporting period, but prepared and approved two policy documents to help facilitate victim protection. The Government of Nepal does not have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact and, as a result, some victims were penalized for acts committed as a result of being trafficked. Victim identification did not take place in brothel raids. As a result, some child victims were arrested and then bailed out by their traffickers; this bail further indebted the girls to their exploiters. Some sex trafficking victims were jailed.

Interviewees in a December 2011 Amnesty International study of 149 returned or prospective migrant workers highlighted the lack of support Nepali migrant workers received from the Department of Foreign Employment, the Foreign Employment Promotion Board, and Nepali diplomatic missions in destination countries, when migrant workers sought redress for abuses – including fraudulently advertised employment terms – committed by Nepali labor recruiters. The government continued to run emergency shelters in Saudi Arabia, Qatar, Kuwait, and the United Arab Emirates. The Ministry of Labor's Committee to Hear the Issue of Undocumented Workers established a up to the equivalent of a $125,000 fund to assist exploited undocumented workers, which could include trafficking victims. While the Foreign Employment Promotion Board collected fees from departing registered migrant workers for a welfare fund, most of the funds remain unused, as many migrants are unaware of their entitlement to these benefits.

The Ministry of Women, Children, and Social Welfare (MWCSW), in consultation with NGOs, prepared and approved two policy initiatives: the National Minimum Standards for Victim Care and the Standard Operating Procedures for shelter homes. The MWCSW reported it continued to partially fund eight NGO-run shelter homes for female victims of trafficking, domestic violence, and sexual assault. The MWCSW also reported it continued to fund emergency shelters across the country for victims of trafficking and other forms of abuse, run by local women's cooperatives. The government reported that it assisted 438 females in government-funded shelters in the 2010-2011 fiscal year, although there was no information whether these females were trafficking victims or victims of other forms of abuse. Most of the funds the government has allocated for protection efforts have remained unspent, and in practice many trafficking victims did not receive legally mandated compensation. The government did not have an official process to refer victims to shelters. All facilities that assist trafficking victims were run by NGOs and most provided a range of services, including legal aid, medical services, psychosocial counseling, and economic rehabilitation. Some of these shelters limited victims' freedom of movement and controlled their access to money. There were insufficient facilities to meet the needs of all survivors and there were no protective services for males. Limited protections for victims negatively affected law enforcement efforts. The government did not routinely encourage trafficking victims to participate in investigations against their traffickers, but anecdotal reports noted that individual police officers increasingly encouraged victims' participation.

Prevention

The Government of Nepal increased its efforts to prevent human trafficking during the reporting period. In August 2011, the National Committee for Controlling Human Trafficking established a secretariat and the government appointed a coordinator under the oversight of a joint secretary. The Secretariat organized the government's participation in the fifth annual national anti-trafficking day. NGOs state that the majority of the District Committees for Controlling Human Trafficking do not function well or are not active. The lack of political stability and resources has hampered translating commitments into actions. The prime minister visited a leading anti-trafficking NGO in October 2011. The government endorsed the National Plan of Action on Trafficking in Persons in March 2012.

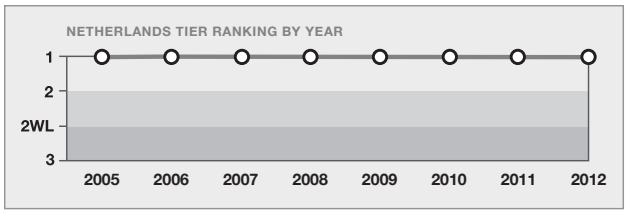
Chapter 9 of the 2007 Foreign Employment Act (FEA) criminalizes the acts of an agency or individual sending workers abroad through fraudulent recruitment promises or without the proper documentation, prescribing penalties of three to seven years' imprisonment for those convicted. Fraudulent recruitment puts workers at significant risk of trafficking. The Foreign Employment Tribunal – which hears cases based on the FEA – is based in Kathmandu without branch offices. This limits the ability of victims outside of the capital to file cases. The government reported data on prosecutions and convictions under the FEA, but given capacity constraints was unable to provide the number of prosecutions and convictions under the fraudulent recruitment section of Chapter 9 of the Act. During the year, the Foreign Employment Promotion Board continued to conduct safe migration radio programs throughout the country, and increased the reach of its programs to all 75 districts, compared to 50 districts the previous year. The government worked with UNICEF and UNHCR to increase birth registrations. In order to reduce the demand for commercial sex acts, the government raided establishments suspected of child sex tourism and arrested clients; however, with poor identification procedures, some sex trafficking victims also were arrested. All Nepali military troops and police assigned to international peacekeeping forces were provided pre-deployment anti-trafficking training funded by a foreign government. Nepal is not a party to the 2000 UN TIP Protocol.

NETHERLANDS (Tier 1)

The Netherlands is a source, destination, and transit country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor. The Netherlands, Nigeria, Hungary, Bulgaria, Poland, Guinea, Romania, and China are the top eight countries of origin for identified victims of mostly forced prostitution, according to the government, although victims from Macedonia and Uganda also were found. Men and boys are subjected to forced prostitution and various forms of forced labor, including in agriculture, horticulture, catering, food processing, cleaning, and illegal narcotics trafficking. Male victims were primarily from Poland, Hungary, Nigeria, Angola, Sierra Leone, and Guinea in 2011 but also were seen from Ghana, China, Romania, Portugal, Suriname, and the Netherlands. There are some reports that foreign diplomats posted in the Netherlands subject their staff to domestic servitude. Groups vulnerable to trafficking include unaccompanied children seeking asylum, women with dependent residence status obtained through

fraudulent or forced marriages, women recruited in Africa, and East Asian women working in massage parlors. Criminal networks often are involved in forced prostitution and forced labor involving foreigners, while those involved in forced prostitution of Dutch residents may work independently and exploit one to two victims at a time. In 2011, the government reported an increased number of underage Dutch residents as victims, who are increasingly controlled through force and violence and recruited over the Internet.

The Government of the Netherlands fully complies with the minimum standards for the elimination of trafficking. The government continued to employ a multi-disciplinary approach to its anti-trafficking efforts, which resulted in the detection of more trafficking victims, increased investigation of forced labor, and an overall increase in the conviction of trafficking offenders. It continued to pursue pragmatic approaches to improve victim care and increase victim incentives to cooperate with law enforcement. Sentences for convicted traffickers, however, remained consistently low during the year.



Recommendations for the Netherlands: Ensure convicted trafficking offenders receive sentences commensurate with the seriousness of the crime; continue to develop pragmatic approaches to victim outreach within illegal and legal labor sectors, including potential victims inadvertently held in detention centers; ensure sufficient shelter capacity for the delivery of comprehensive and specialized services for trafficking victims; continue to employ innovative methods to uncover and prosecute forced labor; continue to offer anti-trafficking training to improve identification of victims and prosecution of traffickers in Bonaire, St. Eustatius, and Saba islands; expand the government's international leadership role to share best practices with other countries, in particular its practices on victim identification and assistance, protection of unaccompanied foreign minors, and its pragmatic, self-critical approach to improving anti-trafficking results.

Prosecution

The Dutch government continued to develop and pursue innovative and effective approaches to addressing human trafficking through law enforcement means. The Netherlands prohibits all forms of trafficking through criminal code Article 273, which prescribes maximum sentences ranging from eight to 18 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2010, the last year for which final trafficking statistics were available, the government prosecuted 135 suspected trafficking offenders, convicting 107. This is a significant increase from the 69 offenders convicted in 2009. The average sentence for convicted trafficking offenders was approximately 21 months, the same average for sentences imposed in 2009 and 2008. In accordance with the law, convicted offenders generally serve only two-thirds of their sentences, suggesting that many convicted trafficking offenders likely serve little more than a year in jail. Local police complain that low sentences for traffickers continued to result in the reappearance of the same offenders and thus the continued exploitation of trafficking victims within the regulated commercial sex sector. In February 2012, the government submitted a draft amendment to Parliament to amend the trafficking law to increase the maximum prison sentence from eight to 12 years' imprisonment for a single trafficking offense.

The government continued to increase its prosecution for forced labor in 2011; the National Prosecutor's office reported it registered 24 labor exploitation investigations in 2011, compared to 11 in 2010. Furthermore, it reported there were 10 labor trafficking cases since 2010, and the government obtained convictions for 12 persons. In April 2011, police, public prosecutors, and the local government launched a major operation to investigate human trafficking in The Hague's red-light district. The operation resulted in the identification of 54 potential trafficking victims and five ongoing criminal investigations. In December, police launched an investigation of suspected forced labor along the country's highways involving Bulgarian toilet cleaners. In October, police and the labor inspectorate began a joint large-scale investigation into allegations of forced labor involving Philippine seamen working in the country's inland shipping sector. In October, a court imposed a prison sentence of 2.5 years on an asparagus farmer for subjecting Polish, Romanian, and Portuguese workers to conditions of forced labor.

One local official noted judges consistently hand down more severe penalties for rape than for sex trafficking. There were no reported official cases of trafficking-related complicity in 2011; however, Amsterdam police believe that police assigned to anti-prostitution law enforcement efforts carry inherent temptations for corruption. The force therefore requires anti-trafficking officers in Amsterdam to pass three examinations in a specialized, 256-hour training course focused on working with trafficking victims and policing of the sex industry. Potential officers also must sign a code of conduct before they are eligible to work in this sensitive sector.

Protection

The Netherlands made appreciable progress in its efforts to proactively identify and assist trafficking victims. In 2011, *Comensha*, the government-funded national victim registration center and assistance coordinator, registered 1,222 potential trafficking victims, an increase from 993 victims registered in 2010 and a consistent increase from previous years. The majority of these 1,222 victims were identified by the police. The government continued to operate an extensive network of facilities providing a full range of trafficking-specialized services for children, women, and men; the government provided victims with legal, financial, and psychological assistance, shelter, medical care, social security benefits, and education financing. Victims in government shelters were not detained involuntarily. *Comensha* reported a shortage of accommodation for trafficking victims requiring shelter in 2011. Dutch authorities provided temporary residence permits to allow foreign trafficking victims to stay in the Netherlands during a three-month reflection period, during which victims received immediate care and services while they considered whether to assist law enforcement. The government provided permanent residence status to some victims. In 2011, the government granted 347 temporary residency permits to

trafficking victims, approximately the same number it granted in 2010; 280 permits were granted in 2009.

During the year, the government increased its focus on horticultural and agricultural sectors in the country, resulting in an increase in men identified in forced labor sectors. Authorities identified 226 males, compared to 113 the previous year. Since January 2008, the government has provided unaccompanied children who are seeking asylum with intensive counseling in secure shelters that protect them from traffickers; the government extended this pilot until the end of 2014. The government encouraged victims to assist in the investigation and prosecution of traffickers although it lacked figures on the percentage of trafficking victims that filed charges against their traffickers during 2011. The National Prosecutor's Office reported that most victims did not file a complaint, fearing retaliation by traffickers or deportation by officials.

During the reporting period, the government continued to house trafficking victims in three specialized shelters based on the success of an initial pilot project to determine whether the practice increases victim cooperation; according to the government, 72 of the 112 victims participating in the project filed charges against their traffickers. The government also decided to extend a pilot project in which male trafficking victims are offered shelter until the end of 2012. There were no reports that any victims were punished for unlawful acts committed as a direct result of being trafficked. However, one NGO expressed concern that some unidentified trafficking victims may be mistakenly detained by law enforcement who may have missed signs of trafficking. To facilitate safe and voluntary repatriation, the Ministry of Foreign Affairs has developed a system to evaluate victims' safety in five countries of return.

Prevention

The government continued to pursue innovative approaches to prevent trafficking and address demand for commercial sex acts and forced labor during the reporting period. In 2011, the Foreign Ministry began informing foreign diplomats' domestic staff members, without their employers present, how to report cases of abuse. The government-funded victim protection agency launched a social media campaign to raise public awareness about other forms of trafficking outside of the sex industry. Furthermore, in August 2011, national police conducted an Internet chat session to inform young adults about the practice of local pimps seducing young women and then coercing them into sex trafficking and forced prostitution in the Netherlands. The human trafficking task force presented its 2011-2014 action plan in July 2011; one activity includes a field study analysis of seven human trafficking cases involving forced labor and sex trafficking identified as sources of best practices in criminal investigations. The Task Force also published a separate 2011-2014 National Action Plan to address trafficking that occurs within the country involving locally-resident pimps and Dutch girls in December 2011.

The government continued to demonstrate strong anti-trafficking leadership by transparently reporting and publishing self-critical, public reports on its anti-trafficking efforts. According to a survey published by police forces in May 2011, only nine out of 25 regional police forces complied with strict internal guidelines on combating human trafficking. The government-funded, autonomous Office of the Dutch National Rapporteur on Trafficking monitored the government's anti-trafficking efforts and, in January 2012, published an inventory of human trafficking cases prosecuted between 2006 and 2010. In 2011, the Social Affairs Ministry continued its awareness campaign informing citizens and certain target groups, including trade unions and work councils, about the existence of labor exploitation in the Netherlands. The military provided training on the prevention of trafficking and additional training on recognizing trafficking victims for troops being deployed abroad on missions as international peacekeepers.

Bonaire, St. Eustatius and Saba

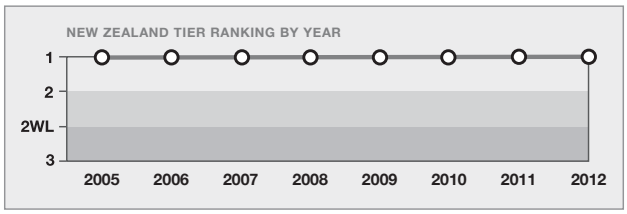
On October 10, 2010, the Kingdom of the Netherlands obtained a new constitutional structure under which the "Netherlands Antilles" ceased to exist as an entity within the Kingdom. As of that date, Bonaire, St. Eustatius and Saba (the BES islands) became part of the Netherlands. On September 27, 2010, the government adjusted the Criminal Code of the BES islands to reflect the new structure. The criminal code contains a prohibition of trafficking in persons, both for sexual and labor exploitation (Art 286f). The government reported this article is similar to the human trafficking article in the country's criminal code, although prescribed penalties are lower, ranging from six years for the lowest-level single offense, to 15 years in the case of a trafficking victim's death. The BES islands are a transit and destination area for women and children who are subjected to trafficking in persons, specifically forced prostitution, and for men and women in conditions of forced labor. The women in prostitution in both the BES islands' regulated and illegal commercial sex sectors are highly vulnerable to human trafficking, as are unaccompanied children on the islands. Local authorities believe that men and women also have been subjected to involuntary domestic servitude and other forms of forced labor in the agricultural and construction sectors. Some migrants in restaurants and local businesses may be vulnerable to debt bondage.

In June 2011, the Netherlands, also representing BES, signed a new memorandum of understanding (MOU) with Aruba, Curacao and St. Maarten to increase cooperation on anti-trafficking to improve victim identification and prosecution of traffickers on the islands. Part of the MOU includes establishment of a "twinning" system for officials from the four countries of the Kingdom and the BES to provide each other with technical support toward developing anti-trafficking investigations and prosecutions, as well as shelter and information campaigns. In January 2012, anti-trafficking experts from the Netherlands delivered a two-day anti-trafficking training in the BES islands involving 40 officials from 10 organizations. Although formal interagency anti-trafficking working groups operated in Bonaire, Saba, and St. Eustatius, neither local authorities nor the Government of the Netherlands reported the identification of any potential trafficking victims. Moreover, no trafficking prosecutions or convictions were initiated on these islands during the reporting period. The central government continued to provide in-kind support for human trafficking hotlines in St. Maarten and Bonaire, but there were no awareness campaigns specifically targeting potential clients of the sex trade in the BES islands in an effort to reduce demand for commercial sex acts.

NEW ZEALAND (Tier 1)

New Zealand is a source country for underage girls subjected to internal sex trafficking and a destination country for foreign men and women subjected to forced labor. Foreign men, largely from Indonesia, Cambodia, Vietnam, and Thailand, are subjected to conditions of forced labor, including debt bondage, aboard foreign-flagged fishing vessels in New Zealand waters. Alleged conditions experienced by workers on these boats – most of which are Republic of Korea (South Korea)-flagged – include confiscation of passports, imposition of significant debts, physical violence, mental abuse, and excessive hours of work. Prior press reports and the UN Inter-Agency Project on Human Trafficking have indicated that fishermen from Vietnam and elsewhere in Southeast Asia are also allegedly victims of forced labor on fishing vessels in New Zealand waters. Foreign women, including some from China and Southeast Asia, may be recruited from their home countries by labor agents for the purpose of prostitution and may be at risk of coercive practices. A small number of girls and boys, often of Maori or Pacific Islander descent, are trafficked domestically to engage in street prostitution while some are victims of gang-controlled trafficking rings. Some Asian and Pacific Islander individuals migrate voluntarily to New Zealand to work in the agricultural sector and are subsequently forced to work in conditions different from what was stipulated in their contracts. Some foreign workers report being charged excessive – and escalating – recruitment fees, experiencing unjustified salary deductions and restrictions on their movement, having their passports confiscated and contracts altered, or being subjected to a change in working conditions without their permission – all indicators of human trafficking.

The Government of New Zealand fully complies with the minimum standards for the elimination of trafficking. During the reporting period, the government initiated research to investigate the extent of human trafficking in the fishing sector and in the legalized sex trade; however, it made no convictions or prosecutions under the country's trafficking legislation. Additionally, the government is undertaking a legal review of national anti-trafficking legislation to ensure its compliance with international norms. While a trafficking investigation continued at the end of the reporting period, and potential victims were identified and provided with some services, the government did not formally identify any persons as trafficking victims during the year.



Recommendations for New Zealand: Draft and enact legislation that will expand New Zealand's current anti-trafficking legal framework to prohibit and adequately punish all forms of human trafficking; update the 2009 national plan of Action to reflect the current trafficking in persons situation in the country; make greater efforts to assess the full extent of sex and labor trafficking occurring in New Zealand; significantly increase efforts to investigate and prosecute both sex and labor trafficking offenders; investigate and prosecute employment recruiting agencies or employers who subject foreign workers to debt bondage or involuntary servitude; continue and increase efforts to proactively screen vulnerable populations, including women in prostitution, foreign workers, and illegal migrants, in order to identify and assist trafficking victims; increase efforts to identify and assist child sex trafficking victims; continue to make proactive efforts to identify victims of labor trafficking, particularly among populations of vulnerable foreign laborers; and implement an ongoing anti-trafficking awareness campaign directed at clients of both the legal and illegal sex trades.

Prosecution

The Government of New Zealand made efforts to investigate suspected trafficking offenses but failed to convict and punish any trafficking offenders during the reporting period. New Zealand does not have a comprehensive anti-trafficking law. Although the government maintains that its trafficking laws comply under the 2000 UN TIP Protocol, it announced during the year that it would undertake a review of its laws to ensure that they are in fact consistent with international anti-trafficking norms and the 2000 UN TIP Protocol. Current New Zealand statutes which explicitly define human trafficking provide a narrow definition of trafficking as a transnational offense, while other provisions, specifically those found in the Crimes Act of 1961, address some forms of forced labor and domestic trafficking offenses. It appears that New Zealand law does not criminalize all forms of forced labor. First, although slavery is prohibited, its definition only covers situations of debt bondage and serfdom; thus, this prohibition does not cover forced labor obtained by means other than debt, law, custom, or agreement that prohibits a person from leaving employment. Because the prohibition of trafficking is limited to transnational actions such as the abduction, use of force or threat, or force, coercion, or deception to arrange entry into New Zealand – and does not include reference to exploitation, there appears to be no legal prohibition on the domestic recruitment, transfer, or transportation of adults for the purpose of exploitation. Furthermore, there do not appear to be additional prohibitions covering types of forced labor, such as that which is coerced by overt force or compelled by other means, which do not fit into the laws' narrow definition of slavery. The Dealing in Slaves statute and the Prostitution Reform Act criminalize sex trafficking. These statutes prohibit inducing or compelling a person to provide commercial sexual services and, with regard to children, provide a broader prohibition to include facilitating, assigning, causing, or encouraging a child to provide commercial sexual services. While statutory penalties for these crimes are generally commensurate with those prescribed for other serious crimes, such as rape, the maximum penalty of seven years' imprisonment prescribed for the sex trafficking of children is not commensurate with penalties imposed for rape or with the maximum penalty of 14 years' imprisonment prescribed for inducing or compelling the commercial sexual services of an adult. Previous research indicates that children have been prostituted, including by gangs, and the government acknowledges the risk of exploitation of some children. However, there were no such victims identified or cases reported during the year.

The Crimes Act of 1961 and the Wages Protection Act of 1983 prohibit fraudulent employment and recruiting practices, though the government has never prosecuted suspected trafficking offenders under these laws, which prescribe sufficiently stringent penalties of up to 20 years' imprisonment

and a fine in an amount equivalent to $250,000. These penalties are commensurate with those prescribed for other serious crimes, such as rape. The Immigration Act prohibits retention or control of a person's passport or any other travel or identity document, though there were no prosecutions for passport confiscation during the year. During the reporting period, the government initiated six criminal investigations concerning forced labor on South Korean-flagged fishing vessels operating in New Zealand waters and under charter by New Zealand registered companies; these investigations remained ongoing at the close of the reporting period. Reports regarding forced labor on the South Korean-flagged fishing vessels revealed several abuses, including mental and physical abuse, sexual harassment, and withholding of payment or altered compensation. Although the government has charged the six South Korean-flagged fishing vessels for environment – related offenses, including the dumping of fish to evade quotas, it has yet to charge them with alleged forced labor of crew members.

Protection

The government demonstrated efforts to protect human trafficking victims during the reporting period. The country's laws require that victims of crime, including human trafficking, receive access to and information about services including medical care, legal aid, and psycho-social counseling; the government offers these services to individuals on a case-by-case basis. Also on a case-by-case basis, the New Zealand police, provide amenities, such as food and shelter, to meet the immediate needs of victims of crime and refer them to NGOs or other service providers.

Over 120 possible victims of forced labor aboard foreign chartered vessels in the commercial fishing industry were identified by NGOs and the government during the reporting period. The majority of these individuals, all men, claimed severe underpayment of wages, and some also alleged experiencing additional abuse. These conditions aboard the vessels led to several crews leaving their ships *en masse* during the reporting period. Thirty-two Indonesian fishermen were provided immediate welfare, including short-term shelter and food during the initial phase of one subsequent investigation. Additionally, immigration officials granted six crew members temporary visas, with work rights, to remain in the country to represent the crews' interests in the recovery of wages, to provide testimony regarding fish dumping in contravention of environmental regulations, and to assist in the ongoing investigation of human trafficking aboard the vessels. The remaining members of this crew returned to Indonesia. Members of other crews have been repatriated.

New Zealand's laws authorize temporary residency to victims of trafficking for up to 12 months and makes them eligible for a variety of government-provided or government-funded services. During the reporting period, a citizen of New Zealand was repatriated from the Philippines after being subjected to human trafficking. Upon her return to New Zealand, she received appropriate trafficking victim support services, including medical and counseling services.

Prevention

The Government of New Zealand continued to make efforts to prevent trafficking during the reporting year. The Ministry of Social Development continued to distribute brochures on trafficking indicators in six languages to regional departments, which distributed them to community groups, as well as those in the sex trade and the horticulture and viticulture industries. At the Auckland, Wellington, and Christchurch international airports, the Department of Labor displayed posters warning people of trafficking vulnerabilities and providing websites where migrant workers can seek additional help. In the months preceding the Rugby World Cup, hosted by New Zealand in September and October 2011, Immigration New Zealand worked with law enforcement agencies in potential source countries, such as Australia, South Africa, Hong Kong, and Singapore to develop a strategy to prevent transnational trafficking, including through the relocation of law enforcement staff and other resources.

During the reporting period, Immigration New Zealand started a nationwide operation increasing the monitoring of brothels to ensure compliance with applicable laws and to identify victims of human trafficking, including forced labor or debt bondage. The Department of Labor established a working group to examine issues that affect vulnerable migrant workers, specifically those on dairy farms, and the government funded a study based in Auckland on migrant women in the legal sex trade to explore conditions that may lead to their exploitation and coercion.

In response to a series of academic, NGO, and press reports on the significant prevalence of forced labor aboard South Korean-flagged fishing vessels operating in New Zealand waters, the Government of New Zealand commissioned a ministerial inquiry in September 2011 to examine the extent of allegations of trafficking and mistreatment of crews, complaints of underpayment, questions about vessel safety standards, and reported breaches of fisheries and environmental regulations. The ministerial inquiry released its final report in March 2012, outlining 15 recommendations, of which six were immediately accepted by the government; other recommendations, some requiring legislative changes, are said to be long-term and remain under consideration. Perhaps the most significant recommendations are those that call on the government to amend the Fisheries Act of 1996 to restrict foreign chartered vessels operating within New Zealand's exclusive economic zone to those under direct charter agreements, and to require all crews on these vessels to be covered under New Zealand employment contracts guaranteeing adequate wages and working conditions.

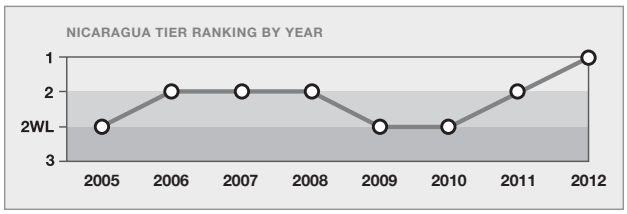
The government's inter-agency working group on trafficking, led by the Department of Labor, met twice during the reporting period. The government did not take significant steps to reduce the overall demand for commercial sex acts in the decriminalized commercial sex industry. During the reporting period, the Department of Labor developed an online training module on trafficking in persons to make compulsory for all new staff. The government trained customs, immigration, labor, and police officers on identifying victims of trafficking and on victim interview techniques. Front-line customs officers received training aimed at raising their awareness of trafficking indicators and were provided templates of possible questions to ask if they encounter suspected victims of human trafficking. No women in prostitution were identified as trafficking victims by compliance inspectors during their interviews of women in brothels. In November 2011, a man was found guilty for facilitating child sex tourism to Thailand through a website. He was the first person in New Zealand to be charged with such an offense, and in February 2012 he was sentenced to three years' imprisonment. The government provided anti-trafficking

training to military personnel prior to their deployment abroad on international peacekeeping missions.

NICARAGUA (Tier 1)

Nicaragua is principally a source and transit country for men, women, and children subjected to sex trafficking and forced labor. Nicaraguan women and children are subjected to sex trafficking within the country as well as in neighboring countries, most often in other Central American states, Mexico, and the United States. Trafficking victims are recruited in rural areas for work in urban centers, particularly Managua, Granada, and San Juan del Sur, and subsequently coerced into prostitution. Nicaraguan girls are reportedly subjected to sex trafficking along the country's Atlantic Coast. To a lesser extent, adults and children are subjected to conditions of forced labor in agriculture and domestic servitude within the country and in Costa Rica, Panama, and other countries in the region. During the year, authorities reported a potential forced labor case involving 18 Nicaraguan men who were falsely recruited for work in Guatemala and were instead taken to Mexico to be trained in criminal activity by a drug trafficking organization; 10 of the men escaped and returned home. Nicaragua is a destination country for a limited number of women and children from neighboring countries exploited in sex trafficking. Managua, Granada, Esteli, and San Juan del Sur are destinations for foreign child sex tourists from the United States, Canada, and Western Europe.

The Government of Nicaragua fully complies with the minimum standards for the elimination of trafficking in persons. The government significantly improved its anti-trafficking law enforcement efforts during the reporting period, specifically through an increased number of investigations, prosecutions, and convictions of traffickers. During the year, authorities opened a shelter for human trafficking victims, despite limited resources; however, victim services remained uneven across the country. The government maintained anti-trafficking prevention efforts in partnership with civil society organizations.



Recommendations for Nicaragua: Continue to investigate and prosecute all forms of human trafficking, and convict and punish trafficking offenders; institute clear, formal, and proactive procedures for identifying trafficking victims among vulnerable populations; ensure that victims identified within the country and repatriated Nicaraguan victims are referred to appropriate services; provide adequate funding for specialized services for trafficking victims, including the new shelter, as well as for specialized anti-trafficking police units; develop a unified system for tracking trafficking law enforcement data and statistics; partner with civil society organizations to ensure that victims receive long-term care and reintegration services; provide foreign victims with legal alternatives to deportation; increase training and resources for government officials in order to identify and provide services to victims of sex trafficking and forced labor; institute efforts to reduce the demand for commercial sexual exploitation of children; continue to strengthen mechanisms at the local level to raise awareness and to identify and respond to trafficking cases; and continue to raise awareness of all forms of human trafficking through increased public awareness efforts and campaigns.

Prosecution

The Government of Nicaragua sustained progress in its law enforcement efforts against human trafficking during the reporting period. Nicaragua criminalizes all forms of human trafficking through Article 182 of its penal code, which prohibits trafficking in persons for the purposes of slavery, sexual exploitation, and adoption, prescribing penalties of seven to 12 years' imprisonment. In January 2012, this article was amended, increasing penalties to 10 to 14 years' imprisonment and broadening the scope of offenses that can be prosecuted as human trafficking; these reforms will come into effect in May 2012. A separate statute, Article 315, prohibits the submission, maintenance, or forced recruitment of another person into slavery, forced labor, servitude, or participation in an armed conflict; this offense carries penalties of five to eight years' imprisonment. These prescribed punishments are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Authorities maintained anti-trafficking units in the capital, established in late 2010, within the intelligence and judicial police forces, as well as within the Women's Police Commission, with a total of 14 officers in these central offices. Additionally, a police officer was designated as an anti-trafficking point person in each of the country's 16 departments and each of the capital's 10 districts; these officers received anti-trafficking training and were appointed to work with the specialized units in investigating cases. although authorities held quarterly working meetings to develop and track case data, a lack of centralized data often resulted in conflicting data on law enforcement efforts.

During the reporting period, police investigated 26 potential trafficking cases, including two labor trafficking cases, and judicial authorities initiated 21 prosecutions, compared with 19 investigations and five prosecutions initiated during the previous reporting period. All accused trafficking offenders apprehended during the year were reported to be in preventive detention. The government convicted nine trafficking offenders during the reporting period, and sentenced them to seven to 12 years' imprisonment; in comparison, during the previous reporting period, authorities reported five convictions. Nicaraguan authorities collaborated with the governments of neighboring countries to investigate jointly trafficking cases and repatriate returning trafficking victims from abroad. In partnership with civil society organizations, authorities provided specialized training on trafficking investigative techniques to over 1,500 law enforcement officers, and the Nicaraguan foreign ministry trained its consular officials in several countries on how to identify trafficking victims. There were no reported investigations, prosecutions, or convictions for official complicity during the year.

Protection

The Government of Nicaragua significantly increased efforts to protect trafficking victims during the last year by opening a dedicated shelter in the capital and identifying

a greater number of victims, although specialized services remained uneven across the country. There were no formal procedures for identifying trafficking victims among high-risk populations, such as adults and children in prostitution. Police reported identifying 85 potential trafficking victims in 2011, a significant increase from 18 victims identified in 2010. It is unclear, however, how many of these victims received specialized services, though 16 were assisted at the new government-run shelter opened in Managua in 2011, which cost up to the equivalent of $100,000. During the reporting period, 16 adult women received services at the shelter, which is managed by the women's police anti-trafficking unit with a staff of five officers. Authorities were still in the process of developing protocols to govern the use of the shelter, which is designed to provide temporary lodging. The regional departments most affected by human trafficking lacked adequate services. However, NGOs operated shelters for at-risk children and female adult victims of domestic abuse in Rio San Juan, Esteli, Rivas, and Managua, and the government operated one short-term shelter for children who are victims of domestic or sexual abuse in Managua. It was unclear how many trafficking victims were assisted at these shelters during the reporting period, though one NGO reported assisting 15 child trafficking victims, 10 of whom were referred by the government. While the government did not provide funding to these NGOs, officials referred victims to them for assistance. Victims received limited medical and psychological assistance from the government, as well as education when appropriate, though longer-term care was minimal. Services and shelter for male victims remained limited.

The government encouraged victims to participate in trafficking investigations and prosecutions, though some were reluctant to do so due to social stigma and fear of retribution from traffickers. During the year a record 44 victims testified in the prosecution of their traffickers. There were no reports of victims being penalized for unlawful acts committed as a direct result of being trafficked. Although there is no trafficking-specific legal alternative to the removal of foreign victims to countries where they may face hardship or retribution, victims often were allowed to remain in the country temporarily.

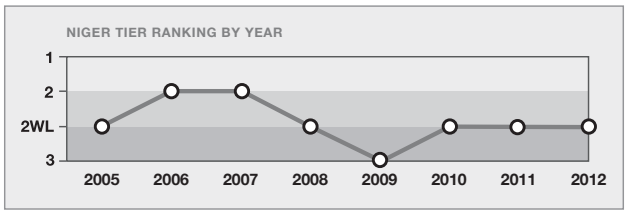
Prevention

The Nicaraguan government maintained efforts to prevent trafficking during the last year, mostly in partnership with civil society organizations and with foreign government funding. The government-run anti-trafficking coalition, which is composed of government and civil society actors, was responsible for coordinating anti-trafficking efforts and implementing its strategic plan, and met every two months. The coalition continued to organize regional working groups to address trafficking at the local level in the country's 15 departments and two autonomous regions, and trained over 500 members of these groups. The regional groups varied in effectiveness, with some still in the developmental stage. Different government entities coordinated with the coalition on awareness efforts and reported reaching over 22,000 Nicaraguans with messages on general women's issues and human trafficking. There were no reported investigations of child sex tourism during the reporting period. The government reported no initiatives to reduce demand for commercial sexual acts or for forced labor.

NIGER (Tier 2 Watch List)

Niger is a source, transit, and destination country for children, women, and men subjected to forced labor and sex trafficking. Caste-based slavery practices continue primarily in the northern part of the country. Nigerien boys are subjected to forced begging or forced labor within the country, as well as in Mali and Nigeria, by corrupt *marabouts* (religious instructors); these individuals, or other loosely-organized clandestine networks, may also place Nigerien girls into domestic servitude or the sex trade. Nigerien children are subjected to forced labor in gold mines, agriculture, and stone quarries within the country. Girls are subjected to prostitution along the border with Nigeria, particularly along the main highway between the towns of Birni N'Konni and Zinder. Nigerien girls reportedly enter into "marriages" with citizens of Nigeria and foreign nationals living in Saudi Arabia and the United Arab Emirates, after which they are forced into domestic servitude upon arrival in these countries. In the Tahoua region of Niger, girls born into slavery are forced to marry men who buy them as "fifth wives" and subsequently subject them to forced labor and sexual servitude; their children are born into slave castes. Traditional chiefs play a primary role in this form of exploitation, either through enslaving children in their own families or arranging "marriages" for other powerful individuals. A small number of girls in forced marriages may be prostituted by their "husbands," and a larger number are exploited in the sex trade after fleeing their nominal marriages. Nigerien women and children are recruited from Niger and transported to Nigeria, North Africa, the Middle East, and Europe where they are subsequently subjected to domestic servitude and sex trafficking. There were unconfirmed reports during the year that Chinese workers were forced to labor at a petroleum refinery in Niger. Niger is a transit country for men, women, and children from Benin, Burkina Faso, Cameroon, Gabon, Ghana, Mali, Nigeria, and Togo migrating *en route* to Algeria, Libya, and Western Europe; some may be subjected to forced labor in Niger as domestic servants, mechanics, welders, laborers in mines and on farms, or in bars and restaurants.

The Government of Niger does not fully comply with the minimum standards for the elimination of trafficking. The government has not shown evidence of increasing efforts to address human trafficking compared to the previous year; therefore, Niger is placed on Tier 2 Watch List for a third consecutive year. Niger 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 that plan. During the year, the government took some steps to finalize a national legal framework to combat trafficking and the president spoke publicly about the government's commitment to pursue vigorous law enforcement action against slavery, child prostitution, exploitive child begging, and other forms of human trafficking. It was notable that this public proclamation explicitly referenced particular forms of trafficking and included a vow to apply severe penalties to traffickers, as senior Nigerien officials had previously exhibited an unwillingness to acknowledge the persistence of traditional slavery, and government efforts to apply criminal penalties to those who exploit others for compelled service have been virtually nonexistent.



Recommendations for Niger: Issue policy guidance to relevant agencies for full implementation of the anti-trafficking law; continue to respond to legal complaints filed by NGOs while increasing efforts to initiate investigations and punish trafficking offenders, particularly those guilty of slavery offenses, using the anti-trafficking law; hand down adequate sentences for individuals convicted of committing trafficking crimes, and enforce court judgments; train law enforcement and judicial officials throughout the country on the provisions of the anti-trafficking law and ensure the text of the law is widely distributed; in coordination with NGOs and international organizations, train law enforcement officials to identify trafficking victims proactively among vulnerable populations, such as women in prostitution, girls born into slave castes, and children at worksites; develop systematic procedures to refer identified victims to protective services and support NGO partners in providing victim care; increase efforts to rescue victims of traditional slavery practices; initiate law enforcement investigations into suspected cases of local officials colluding with traffickers or accepting bribes to obstruct criminal investigations of trafficking crimes, particularly traditional slavery; include civil society representatives in anti-trafficking policy discussions and ensure they are given a platform to provide meaningful input to policymaking decisions; allocate funding for the operation of the National Commission for the Coordination of the Fight against Trafficking in Persons and the National Agency for the Fight against Trafficking in Persons; and implement an initiative to raise public awareness about the new anti-trafficking law, specifically targeting vulnerable populations, and encourage victims to exercise their rights under the law.

Prosecution

The Government of Niger demonstrated weak efforts to investigate and prosecute trafficking cases during the year, failing to implement its anti-trafficking law, Order No. 2010-86 on Combating Trafficking in Persons. This law prohibits all forms of trafficking, including slavery and practices similar to slavery, and prescribes a punishment of five to 10 years' imprisonment for committing trafficking crimes against adults. These prescribed penalties are sufficiently stringent, but not commensurate with penalties prescribed for other serious crimes, such as rape. The law prescribes an increased penalty of 10 to 30 years' imprisonment when the victim is a child. The law defines slavery and practices similar to slavery and specifically prohibits exploitative begging. During the year, the law remained nonoperational, as it lacked the necessary guidance for its implementation. In March 2012, the government established, via decree, two coordinating bodies charged with developing Niger's anti-trafficking policies and guidance for implementing its laws, the first step toward making the anti-trafficking law operational. Other statutes prohibit some forms of trafficking, but were not used to prosecute cases during the reporting period. The country's pre-existing penal code prohibits slavery, procurement of a child for prostitution, and the encouragement of or profiting from child begging in articles 270 (as amended in 2003), 292-293, and 181, respectively, and its labor code outlaws forced and compulsory labor in Article 4. The penal code's prescribed penalty of 10 to 30 years' imprisonment for slavery offenses is sufficiently stringent. The penalties prescribed in the labor code for forced labor – fines ranging from up to the equivalent of $48 to $598 and from six days' to one month's imprisonment – are not sufficiently stringent.

During the reporting period, the government investigated two suspected trafficking cases, but did not prosecute or convict any offenders, representing a decline in its efforts from the previous year. It continued to fail to identify cases and initiate investigations independently, and only took law enforcement action in a small number of instances after cases were brought to its attention by local NGOs. Structural barriers impeded victims' access to justice, as they were often uninformed about their legal rights and lacked the necessary capacities and resources to seek punitive action against their exploiters. In December 2011, police arrested five *marabouts* suspected of forcing children to beg, but released all suspects after two days in police custody. In the same month, the government reported arresting two additional suspected child traffickers who remained in pre-trial detention at the close of the reporting period; it did not provide details about the nature of the case. There were no reported developments in a 2010 case in which a man was accused of re-enslaving two former slaves, and information was not available on a slavery case pending since 2006, suggesting it is no longer pending. An NGO in Tahoua reported a small number of slavery prosecutions that have been ongoing for years remained pending, but no alleged traffickers have been detained. In one infamous case during the year, the government failed to initiate an investigation or prosecution against a *marabout* in Agadez who was known to be forcing 350 children to beg on the streets; some children remained in the custody of the suspected trafficker at the end of the reporting period. The government did not provide specialized training to law enforcement officers on the identification and investigation of trafficking cases, but foreign donors provided some training to officials. In September 2011, Nigerien officials met with counterparts in northern Nigeria to discuss cross-border trafficking, but this meeting did not yield discernible progress toward a bilateral MOU between the two governments. There were reports that local officials chose not to pursue slavery cases brought to their attention due to social or political connections of the alleged traffickers. There is no evidence of public officials' complicity in trafficking, though civil society representatives argued that judicial failure to focus adequately on slavery cases brought to their attention amounted to tacit complicity. No government officials were investigated, prosecuted, or convicted for involvement in trafficking or trafficking-related criminal activities during the reporting period.

Protection

The government undertook few efforts to protect trafficking victims during the year, and it relied almost exclusively on NGOs and international organizations to identify victims and provide them with services. Authorities did not develop or employ proactive measures to identify trafficking victims among vulnerable populations, such as women and girls born into traditional slave castes or children at worksites. Moreover, there were no formal procedures to guide officials in referring identified victims to protective services; police often did not know where to refer victims for care. The government provided

medical assistance and temporary shelter in social service facilities to a small number of child victims and referred others on an *ad hoc* basis to local NGOs for care, but it did not provide services to adult victims or victims of hereditary servitude. The majority of victims were identified and cared for by NGOs without government involvement, and NGO capacity was inadequate. Victims were often forced to return to their villages after a few months if NGO resources ran out, and some children spent the night in police stations when shelter space was not available. The government and NGOs identified 490 victims during the year, 315 of whom were removed from situations of exploitation and some of whom received protective services and temporary shelter. In June 2011, local government officials worked with a local NGO and an international organization to rescue 175 children who had been subjected to forced begging by a *marabout* in Agadez; the children were returned to their families, but did not receive additional services. Due to a lack of funding, an additional 175 victims were not rescued during this operation and remained in the custody of the *marabout*. Recent reports indicate that, as a result of NGO awareness campaigns, additional children were removed from forced begging by their parents and relatives and returned to their villages, and only a small number of children remain at the *marabout*'s school.

The government did not assist any foreign victims with repatriation to their home country during the year, and an NGO reported some repatriations were on hold due to a lack of funds or of government cooperation or both. The regional government of Agadez continued to operate a committee comprised of police and local officials to assist in returning Nigerien migrants deported from North Africa to their countries or communities of origin, though it did not make efforts to identify trafficking victims among this population. The government reported that adult victims would be encouraged to assist in the investigation and prosecution of trafficking cases, though none were identified during the year. There were no reports that identified victims were detained, fined, or jailed for unlawful acts committed as a direct result of being trafficked; however, the government did not make adequate efforts to identify trafficking victims, which may have led to some victims being treated as law violators. Front-line officials did not receive training to identify victims and refer them to protective services, and border guards often denied entry to suspected traffickers and victims, rather than attempting to rescue victims and place them in protective care.

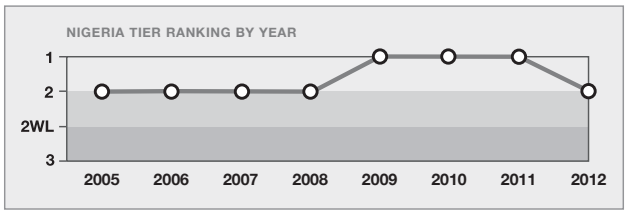
Prevention

The Government of Niger made some efforts to prevent human trafficking during the year. The president spoke publicly about his administration's commitment to combating human trafficking, including domestic slavery, and senior government officials provided remarks at anti-trafficking training sessions funded by international donors. In May and September 2011, the National Statistics Institute released studies on forced labor it produced in partnership with an international organization. There was no coordinating body for the government's anti-trafficking efforts during the year; the multi-stakeholder National Commission against Forced Labor and Discrimination discontinued its work due to a lack of funding. The National Commission for the Coordination of the Fight against Trafficking in Persons and the National Agency for the Fight against Trafficking in Persons, required by the 2010 law to develop and implement Niger's anti-trafficking policies, came into existence via an implementing decree in March 2012. The government did not, however, appoint staff or distribute funding necessary to make these bodies fully operational. During the year, the government drafted a five-year action plan to combat trafficking. It took no discernible measures to address the demand for forced labor or commercial sex acts. Bylaws governing Niger's armed forces require troops to receive anti-trafficking training prior to their deployment abroad on international peacekeeping missions, though there is no evidence the government implemented this training.

NIGERIA (Tier 2)

Nigeria is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Trafficked Nigerians are recruited from rural, and to a lesser extent urban, areas within the country: women and girls for domestic servitude and sex trafficking, and boys for forced labor in street vending, domestic service, mining, stone quarries, agriculture, and begging. Nigerian women and children are taken from Nigeria to other West and Central African countries, as well as South Africa, where they are exploited for the same purposes. Children from West African countries, primarily Benin, Ghana, and Togo, are forced to work in Nigeria, and many are subjected to hazardous labor in Nigeria's granite mines. Nigerian women and girls, primarily from Benin City in Edo State, are subjected to forced prostitution in Italy, while Nigerian women and girls from other states are subjected to forced prostitution in Spain, Scotland, the Netherlands, Germany, Turkey, Belgium, Denmark, Finland, France, Sweden, Switzerland, Norway, Ireland, Slovakia, the Czech Republic, Greece, and Russia. Nigerian women and children are recruited and transported to destinations in North Africa, the Middle East, and Central Asia, where they are held captive in the sex trade or in forced labor. Nigerian women are trafficked to Malaysia where they are forced into prostitution and to work as drug mules for their traffickers. Nigerian traffickers rely on threats of voodoo curses to control Nigerian victims and force them into situations of prostitution or labor. Nigerian gangs traffic large numbers of Nigerian women into forced prostitution in the Czech Republic and Italy, and EUROPOL has identified Nigerian organized crime as one of the largest law enforcement challenges to European governments.

The Government of Nigeria does not fully comply with the minimum standards for the elimination of trafficking, but is making significant effort to do so. During the reporting period, the government did not demonstrate sufficient progress in its anti-trafficking law enforcement efforts. Roughly a third of convicted traffickers received fines in lieu of prison time, and despite identifying 386 labor trafficking victims the government prosecuted only two forced labor cases. The National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP), established by the 2003 Anti-Trafficking in Persons Law to coordinate and facilitate the government's anti-trafficking agenda, did not increase its funding for protective services and its victim shelters offered limited reintegration services and were not always well-maintained. Despite documentation of a staggering number of Nigerians trafficking victims identified in countries around the world, the government inconsistently employed measures to provide services to repatriated victims. However, NAPTIP did execute its first joint law enforcement exercise with the Government of Mali which led to the arrest of trafficking perpetrators and to the rescue of Nigerian trafficking victims.



Recommendations for Nigeria: Ensure that the activities of NAPTIP are funded sufficiently, particularly for prosecuting trafficking offenders and providing adequate care for victims; increase investigations and prosecutions of labor trafficking offenses, and convictions and punishments of labor trafficking offenses; vigorously pursue trafficking investigations, prosecutions, and convictions and impose adequate sentences on convicted trafficking offenders, including imprisonment whenever appropriate; train police and immigration officials to identify trafficking victims among vulnerable populations, such as women in prostitution and young females traveling with non-family members; provide mandatory training to all NAPTIP shelter counselors, specifically addressing key trauma issues unique to trafficking victims; increase the provision of educational and vocational training services to victims at all government shelters; develop a formal system to track the number of victims repatriated from abroad, and upon repatriation ensure they are aware of available protective services; ensure NAPTIP productively interacts with and receives support from other government agencies that come in contact with trafficking issues; and take proactive measures to investigate and prosecute government officials suspected of trafficking-related corruption and complicity in trafficking offenses.

Prosecution

The Government of Nigeria did not demonstrate adequate progress in its anti-trafficking law enforcement efforts during the year. After a severe reduction in prosecutions in 2010, the percentage of investigations of suspected trafficking offenses that resulted in court proceedings increased slightly in 2011; however the number of cases prosecuted remained low compared to the large numbers of trafficking investigations. Furthermore, sentencing of offenders was inadequate and, despite large numbers of identified forced labor victims, the government continued to neglect the prosecution of labor trafficking crimes. The 2003 Trafficking in Persons Law Enforcement and Administration Act, amended in 2005 to increase penalties for trafficking offenders, prohibits all forms of human trafficking. The law prescribed penalties of five years' imprisonment or a fine not to exceed the equivalent of $645 or both for labor trafficking offenses; these are sufficiently stringent, but the law allows convicted offenders to pay a fine in lieu of prison time for labor trafficking or attempted trafficking offenses, which is a penalty that is not proportionate to the crime committed. The law prescribes penalties of 10 to 15 years' imprisonment for sex trafficking offenses and a fine of the equivalent of $1,250, or both. For sentences that include only a fine, penalties are not sufficiently stringent.

NAPTIP initiated 279 new investigations during the reporting period, prosecuted 15 trafficking cases, and convicted 23 traffickers. Despite identifying almost 400 forced labor victims, NAPTIP only prosecuted two forced labor cases, in comparison with 13 forced prostitution cases. All cases were tried under articles within the 2003 Trafficking in Persons Law Enforcement and Administration Act. Sentences ranged from six months' to 14 years' imprisonment and fines ranged from the equivalent of $63 to $316 – below the maximum fines to the equivalent of $645 to $1,250. Of the 23 offenders convicted, eight received a jail sentence with the option of a fine in lieu of time served, 13 offenders received jail time with no option of a fine, and two received both jail time and a fine. NAPTIP officials held workshops with federal and state judges to educate them on the trafficking in person's law, the particular challenges faced in prosecuting this crime, and on the need to apply stricter penalties in trafficking cases. NAPTIP proposed draft legislation to the national assembly that would eliminate the option of handing down only a fine in trafficking convictions. The national assembly has yet to pass these amendments into law and judges continued to use fines in lieu of prison sentences. At the conclusion of the reporting period, 118 trafficking cases remained pending. NAPTIP's funding levels have remained static for the past few years and the limited number of prosecutions indicates the Government of Nigeria needs to prioritize increased funding to the agency.

Although NAPTIP demonstrated an ability to obtain convictions from the prosecutions it initiated, a small number of investigations conducted during the year resulted in prosecutions, suggesting a need to enhance the investigation and prosecution skills of relevant officials. NAPTIP funded the training of 90 senior NAPTIP officials at the Nigerian Defense Intelligence School in Karu in March and July 2011, where they received training in basic security and intelligence skills necessary for any law enforcement officer. Throughout the reporting period, the government reported collaborating with law enforcement agencies in Germany, the United Kingdom, Greece, Sweden, France, Slovakia, Belgium, The Netherlands, and Italy on trafficking investigations involving Nigerian nationals. In some cases this cooperation led to the successful prosecution of a suspect in the host country; however, specific details on these cases was unavailable. The government did not initiate any investigations, pursue prosecutions, or obtain convictions of government officials for involvement in trafficking-related corruption during the reporting period, although such corruption was known to have occurred.

Protection

The Government of Nigeria made limited efforts to protect trafficking victims during the year, despite the government's considerable resources. NAPTIP maintained a database of trafficking victims identified by the government and NGOs and reported a total of 949 victims identified within the country in 2011, including 386 victims of forced labor, 563 victims of sex trafficking, and 467 children. The government paid a monthly stipend of the equivalent of $2,500 to a local NGO and provided in-kind donations and services to NGOs and other organizations that afforded protective services to trafficking victims. It reported spending about one fifth of its operational budget, or the equivalent of $671,000, on victim protection during 2011. NAPTIP continued to operate eight shelters with the total capacity for 210 victims at a time; this constitutes a 50 percent decrease in capacity from 2010. NAPTIP claimed this reduction was intended to provide more comfortable accommodations for victims. Given NAPTIP's ongoing reported difficulty in adequately staffing and caring for victims in shelters, this reduction of beds is worrisome, especially because the number of identified Nigerian trafficking victims continues to increase. During the reporting period, NAPTIP completed the

relocation of its primary and largest shelter to a higher-capacity facility devoted solely to trafficking victims.

In November 2011, senior NAPTIP officials conducted a joint raid with Malian officials in order to rescue previously identified Nigerian sex trafficking victims in Bamako-based brothels. While screening mechanisms in Bamako remained limited, upon arrival in Nigeria victims were referred to local NAPTIP shelters for care; most victims chose to return to their homes after a brief stay in shelters. Within Nigeria, government officials continued to lack systematic procedures for identifying victims among vulnerable populations, such as women in prostitution. Authorities outside of NAPTIP – such as police and immigration officers assigned to other units – were not well-trained to identify victims. In one particular case, and for unknown reasons, Nigerian officials did not assist prosecutors, representing a Nigerian victim in a foreign country, in locating a Nigerian trafficker who was in Nigeria during the case proceedings. Nigerian diplomats in a neighboring West African country referred most of the Nigerian trafficking victims identified in that country to local NGOs rather than arranging for their repatriation to NAPTIP shelters in Nigeria. Despite the growing number of Nigerian trafficking victims identified abroad, the government has yet to implement formal procedures for the repatriation and reintegration of Nigerian victims.

Victims in NAPTIP's shelters were offered counseling, legal services, and basic medical treatment, and victims who required specialized care received treatment from hospitals and clinics through existing agreements with these institutions. Some shelter staff, however, lacked previous training or professional experience in treating the trauma of trafficking victims, and the government did not provide such specialized training to staff members during the reporting period. Victims were allowed to stay in NAPTIP shelters for up to six weeks – a limit which was extended by up to four additional weeks in extenuating circumstances – during which time they received informal education or vocational training; after this time, those who needed long-term care were referred to a network of NGOs that could provide additional services, though few long-term options were available for adult victims. Victims were not allowed to leave the shelters without a chaperone, a practice that is known to risk re-traumatization of trafficking victims. Government officials adhered to the explicit provision of the 2003 Trafficking in Persons Law Enforcement and Administration Act, which ensures that trafficking victims are not penalized for unlawful acts committed as a result of being trafficked. Officials encouraged victims to assist in the investigation and prosecution of trafficking cases, and NAPTIP reported that 29 victims served as witnesses or gave evidence during trial in 2011. All victims were eligible to receive funds from the victims' trust fund, which was financed primarily through confiscated assets of convicted traffickers. During the reporting period the equivalent of $21,500 was disbursed to 45 victims, although not necessarily in equal amounts and for purposes ranging from medical costs to school tuition. The government provided a limited legal alternative to the removal of foreign victims to countries where they face hardship or retribution; short term residency that could not be extended.

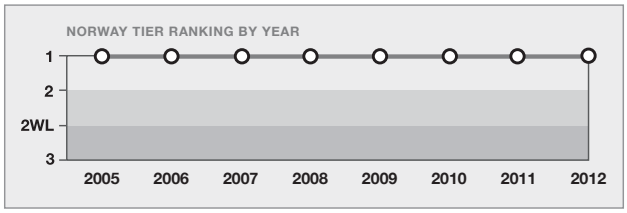
Prevention

The Government of Nigeria sustained modest efforts to prevent human trafficking through campaigns to raise awareness and educate the public about the dangers of trafficking. NAPTIP's Public Enlightenment Unit continued to conduct national and local programming through radio and print media in all regions of the country to raise awareness about trafficking, including warning about the use of fraudulent recruitment for jobs abroad. The objective of these and several related programs was to sensitize vulnerable people, sharpen public awareness of trends and tricks traffickers used to lure victims, warn parents, and encourage community members to participate in efforts to prevent trafficking. In December 2011, NAPTIP and the Dutch national police agency signed a memorandum of understanding to use a "train-the-trainers" format to build the capacity of NAPTIP in combating trafficking. The government took no discernible steps to decrease the demand for forced labor and, in fact, cut its labor inspection force from 500 to 50. Additionally, labor inspectors at headquarters lacked any vehicles with which to monitor field conditions. In efforts to reduce participation in child sex tourism, the government arrested Nigerian nationals for child sex tourism in the Philippines during the reporting period. The government, with foreign donor support, provided anti-trafficking training to Nigerian troops prior to their deployment abroad on international peacekeeping missions.

NORWAY (Tier 1)

Norway is a destination and, to a lesser extent, a transit and source country for women and girls subjected to sex trafficking and for men and women subjected to forced labor in the domestic service and construction sectors. Children are subjected to forced begging and forced criminal activity, such as shoplifting and drug sales. Most trafficking victims identified in Norway originate in Nigeria, while others came from Eastern Europe (Lithuania, Romania, Hungary, and Bulgaria), Africa (Algeria, Ghana, Eritrea, Cameroon, Kenya, Somalia, and the Democratic Republic of Congo), Brazil, China, and the Philippines. These victims usually travel to Norway on Schengen visas issued by other European countries, and transit several countries, such as Italy, Spain, and Morocco. African trafficking offenders often coerce victims into prostitution through threats to family at home and threats of voodoo. Traffickers from Eastern Europe are typically members of small family mafias; offenders seduce young women in their home countries and convince them to come to Norway, where they are forced into prostitution. Men from the United Kingdom have been forced to work in construction in Norway. Some foreign *au pairs*, including those from the Philippines, were victims of trafficking in Norway.

The Government of Norway fully complies with the minimum standards for the elimination of trafficking. The Norwegian government has adopted a victim-centered approach to victim protection, offering generous and diverse victim services through specialized NGOs and local governments. Norwegian law obligates municipalities to offer trafficking victims shelter, regardless of residence status and the victim's willingness to testify in court. The government successfully concluded labor trafficking prosecutions involving atypical trafficking scenarios. Nevertheless, services to and identification of male victims of trafficking remain less developed than those for women. NGOs report that referrals to care by the police reduced this year.



Recommendations for Norway: Continue efforts to vigorously prosecute and convict both sex and labor trafficking offenders, and analyze why some criminal investigations into suspected human trafficking offenses are dropped or downgraded to pimping; investigate why few labor trafficking investigations result in prosecutions; consider options for the provision of longer-term victim assistance in non-emergency shelters; ensure that male and child trafficking victims also receive adequate protection and that all governmental anti-trafficking efforts are structured to address male as well as female victims of trafficking; determine why police referrals to NGOs dropped this year; offer assistance to trafficking victims who experience difficulties obtaining permanent residence permits due to identity papers; ensure that front-line responders understand and offer a "reflection period" to identified victims, during which victims can receive services and recover from their trauma; and fund a national anti-trafficking awareness campaign.

Prosecution

The Norwegian government sustained its law enforcement efforts during the reporting period. Norway prohibits all forms of trafficking in persons through Criminal Code Section 224, which prescribes a maximum penalty of 10 years' imprisonment – a penalty sufficiently stringent and commensurate with punishments prescribed for other serious offenses, such as rape. The Coordination Unit for Victims of Trafficking – the police unit specializing in human trafficking offenses – was made permanent in 2011. Major cities, including Oslo and Bergen, also had specialized police officers trained to investigate trafficking offenses. Norwegian authorities initiated 32 sex trafficking investigations and 12 labor trafficking investigations in 2011, compared with 26 sex trafficking and 11 labor trafficking investigations initiated in 2010. The government prosecuted a total of at least seven alleged trafficking offenders – six for sex trafficking and one for labor trafficking – under Section 224, compared with 11 sex trafficking offenders and no labor trafficking offenders in 2010. At least seven trafficking offenders were convicted in 2011, compared with eight offenders convicted in 2010. In 2011, all of the convicted trafficking offenders received jail sentences. The highest sentences awarded were 4.5 years in prison, in a case in which two Lithuanian children had been forced to shoplift. In 2010, the highest sentence imposed was ten years' imprisonment for a sex trafficking offense involving children. NGOs report that the duration of a criminal trafficking trial from initial review to conviction is approximately three years.

Norwegian law enforcement investigated a few high profile labor trafficking cases during the reporting period, including the alleged forced labor of hospital workers from the Philippines and the alleged forced labor of British men in construction in Norway. The police coordination unit completed a study during the reporting period surveying possible victims of forced labor to update labor identification criteria. Norwegian authorities collaborated with several European governments to investigate trafficking cases, including Estonia and Finland. The Norwegian government did not report the investigation, prosecution, or conviction of any government employees for complicity in trafficking in persons.

Protection

The Government of Norway sustained strong victim protection efforts during the reporting period. The Norwegian government provided protection to trafficking victims through government-funded NGOs, church associations, and municipalities. These NGOs offered both foreign and domestic victims a generous range of assistance, including shelter, legal aid, stipends for food, psychological care, medical assistance, fitness facilities, and Norwegian language classes. An NGO specializing in caring for trafficking victims who have received a reflection period offered vocational programs, education, and sponsored internships for victims who had completed a reflection period. Although some of the specialized NGOs primarily offered services to women, a few programs opened new facilities, including apartments, for men. By law, Norwegian municipalities were obligated to offer trafficking victims shelter, regardless of their immigration status. One of the main government-funded institutions for trafficking victim care received 128 contacts from trafficking victims in 2011, in contrast to 131 contacts in 2010. Nineteen of these initial contacts were men. Of these 128 initial contacts, 44 trafficking victims ultimately were housed by the victim care institution, including one man. The primary government-funded project received the equivalent of approximately $420,000 in funding for trafficking victim care; this sum does not include the costs for majority of the aid given to victims by municipalities, including free medical care, nor the financial allocations to other trafficking NGO projects. NGOs report that some trafficking victims reside in shelters for long periods of time; 22 victims lived more than a year in trafficking shelters. In 2011, the Norwegian government reported providing services for 272 trafficking victims, including 223 women and 51 men, compared with 319 trafficking victims in 2010. NGOs observed that there was a need for more longer-term shelter options for the rehabilitation of trafficking victims no longer in trauma situations.

The government empowered and trained a diverse set of actors to proactively identify and refer victims of trafficking, including municipal authorities, police, international organizations, and NGOs. In 2011, however, NGOs reported that the number of persons in prostitution or sex trafficking victims referred by the police for care dropped dramatically. Although the majority of trafficking victims identified by the government were sex trafficking victims, the government and NGOs suspected that labor trafficking victims were more likely to escape their detection and identification as trafficking victims.

Victims were permitted to stay in Norway without conditions during a six-month reflection period, a time for them to receive immediate care and assistance while they consider whether to assist law enforcement with the prosecution of their case. Under new regulations adopted in 2010, the Norwegian government also offered a permanent residency permit for victims facing retribution or hardship in their countries of origin, on the condition that they give statements to the police outside of court. Any victim of trafficking, regardless of potential retribution or hardship at home, who made a formal complaint to the police, could remain in Norway for the duration of trial;

victims who testified in court were entitled to permanent residency. NGOs reported some difficulties in obtaining permanent residency for Nigerian trafficking victims who had testified in court, due to Norwegian government skepticism about the validity of the Nigerian identity documents. At least eight trafficking victims supported by the government-funded NGO testified in three separate trafficking trials in 2011. Only 17 out of the 44 victims cared for by the government-funded NGO project chose to report their situations to the police. According to the NGO, some of the victims chose to use the six-month reflection period, some feared reprisals of traffickers during trial, and others were advised by their attorneys not to report their trafficking case, either because of absence of information or because the victim was struggling with mental illness. NGOs did not report the detention or punishment of any identified trafficking victims.

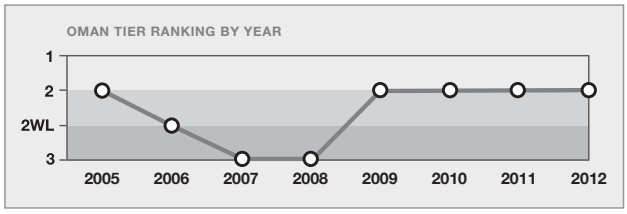
Prevention

The Norwegian government sustained its trafficking prevention efforts during the reporting period. It framed many of its anti-trafficking prevention efforts in terms of preventing trafficking from the source countries. The Norwegian government continued to be a leading international anti-trafficking donor, significantly supporting victim care throughout the world, including in Nigeria, Kenya, Malawi, and Mozambique. The government allocated to the equivalent of approximately $9 million to foreign anti-trafficking assistance. Norway named human trafficking as its priority during its 2010-2011 chairmanship of the Council of Baltic Sea States, leading other countries in high-level policy discussions on coordinated trafficking responses. The Norwegian government funded an anti-trafficking hotline that offered information to potential trafficking victims, government officials, and other NGOs. The government undertook steps to address the demand for commercial sex acts, including through investigating 211 cases involving the purchase of sexual services of an adult. Norwegian law enforcement authorities collaborated with United States and Italian investigators on potential child sex tourism cases in Europe. The Norwegian national criminal investigation service mapped the situation of Norwegian nationals travelling to child sex tourism destinations. The government did not, however, fund any broad-based national trafficking awareness campaigns targeting labor or sex trafficking. The head of the Norwegian National Advisory Group Against Organized, Illegal, Unreported and Unregulated Fishing took efforts to raise awareness about potential for forced labor on fishing vessels. The national coordinator enhanced transparency by publishing statistical reports on the government's anti-trafficking efforts. The government provided anti-trafficking training to Norwegian troops prior to their deployment abroad on international peacekeeping missions.

OMAN (Tier 2)

Oman is a destination and transit country for men and women, primarily from India, Pakistan, Bangladesh, Sri Lanka, the Philippines, and Indonesia, who are subjected to conditions indicative of forced labor and, to a lesser extent, forced prostitution. Most migrants travel willingly and legally to Oman with the expectation of employment in domestic service or as low-skilled workers in the country's construction, agriculture, or service sectors. Some subsequently face conditions indicative of forced labor, such as the withholding of passports and other restrictions on movement, nonpayment of wages, long working hours without food or rest, threats, and physical or sexual abuse. Government sources note that runaway domestic workers are also susceptible to coercion into forced prostitution. Unscrupulous labor recruitment agencies and their sub-agents in migrants' original communities in South Asia, as well as labor brokers in the United Arab Emirates (UAE), Oman, and Iran, may deceive workers into accepting work that constitutes forced labor. Many of these agencies provide false contracts for employment either with fictitious employers or fictitious wages and charge workers high recruitment fees (often in an amount exceeding the equivalent of $1,000) at usurious rates of interest, leaving workers vulnerable to trafficking. Oman is also a destination and transit country for women from China, India, Morocco, Eastern Europe, and parts of South Asia who may be forced into commercial sexual exploitation, generally by nationals of their own countries. The majority of women identified as sex trafficking victims are from countries in East Africa, namely Ethiopia, Somalia, Kenya, Uganda, and Burundi. Male Pakistani laborers and others from India, Bangladesh, Sri Lanka, and East Asia transit Oman *en route* to the UAE; some of these migrant workers are exploited in situations of forced labor upon reaching their destination.

The Government of Oman does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to prosecute suspected sex trafficking offenders and sentence convicted sex traffickers to imprisonment; however, it failed to ensure that some trafficking victims were not punished for prostitution they that may have engaged in at the outset of their victimization by sex traffickers. The government failed to report any criminal prosecutions or punishment of labor trafficking offenders. The government continued to refer and assist victims of trafficking to a government-run shelter for trafficking victims. Nonetheless, Omani authorities continued to lack formal procedures to proactively identify trafficking victims among those detained for immigration violations. As a result, the government may not have adequately identified victims of forced labor or punished their traffickers. The government continued to provide anti-trafficking training to its law enforcement.



Recommendations for Oman: Continue to investigate and prosecute trafficking offenses and sentence convicted traffickers to imprisonment; make greater efforts to investigate and prosecute forced labor offenses, including those perpetrated by recruitment agents and employers; ensure that victims of trafficking are not punished for acts committed as a direct result of being trafficked; institute formal procedures for identifying trafficking victims among all vulnerable populations, such as illegal immigrants; refer all suspected victims of trafficking, including victims of both forced labor and forced prostitution, to a shelter, regardless of whether there is a corresponding prosecution of an alleged offender; as a measure to prevent labor trafficking, enact and enforce

penalties for employers who withhold their employees' passports; increase and enforce legal protections for domestic workers, including coverage under the labor laws of Oman; continue training government officials in all relevant departments to recognize and respond appropriately to human trafficking crimes; and increase public awareness campaigns or other prevention programs to reduce the demand for forced labor and commercial sex acts.

Prosecution

The Government of Oman sustained modest anti-trafficking law enforcement efforts during the reporting period. Through its Royal Decree No. 126/2008, also known as the Law Combating Human Trafficking, issued in 2008, the Omani government prohibits all forms of trafficking and prescribes punishments of three to 15 years' imprisonment, in addition to financial penalties, for trafficking crimes. These punishments are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. A legally-enforceable government circular prohibits employers from withholding migrant workers' passports, a practice known to contribute to forced labor. Although the circular does not specify penalties for noncompliance, courts frequently enforced this prohibition by requiring employers to return passports to their employees; the government did not report the number of such cases during the reporting period. Withholding of employees' passports remains widespread among employers in Oman, including government officials. The government failed to report on investigations and prosecutions of trafficking offenses in this reporting period that did not lead to convictions or acquittals. During the reporting period, the Government of Oman prosecuted and convicted twelve individuals for sex trafficking offenses, an increase over the number of convictions for sex trafficking reported last year. Each offender received a sentence of three to three-and-a-half years' imprisonment and a fine in an amount equivalent to $13,000. Another individual was convicted of failing to report a crime of trafficking in persons and sentenced to three months in prison and a fine in an amount equivalent to $50. Despite these convictions, the victims in these cases received six-month prison sentences for prostitution and were then deported. The government did not report any prosecutions or convictions of labor trafficking offenders. All Royal Oman Police officers receive training as cadets on human rights issues, including how to recognize trafficking in persons.

Protection

The government's efforts to identify and protect victims of trafficking remained weak. The Royal Oman Police continued to operate and fund a permanent shelter, which opened in January 2011, that can accommodate up to 50 men, women, and children who are victims of forced labor or sex trafficking. Victims in this shelter may not leave the premises unchaperoned, but they can readily access shelter employees to accompany them offsite. The shelter remains underutilized due to strict government entry requirements; most victims are cared for by shelters run by the embassies of their home countries. The Public Prosecution only refers trafficking victims to the government shelter if it determines the case against the alleged offender(s) will go to trial; it remains unclear where the victims are housed prior to this decision. During the reporting period, the Public Prosecution – the only entity who can refer victims to the shelter – referred 14 identified victims of sex trafficking to the government care facility for assistance, a decrease from the 24 victims the government referred to its shelter last year. There were no reports of child victims or victims of labor trafficking referred to the shelter during this reporting period. The government continued to lack formal procedures to proactively identify victims of trafficking among all vulnerable groups, including migrants detained for immigration violations and women in prostitution. Due to a lack of comprehensive victim identification procedures, the Government of Oman failed to ensure that migrant workers subjected to forced labor or sex trafficking were not inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. Government authorities report that victims can be identified through the government's 24-hour hotline, during the course of prosecution by trained prosecutors and police, or through random labor inspections of workplaces; however, government authorities have never reported the identification of a labor trafficking victim. The government encouraged suspected trafficking victims to assist in trafficking investigations and prosecutions, but it did not provide them with a standard legal alternative to removal to countries in which they may face retribution or hardship. Some victims, however, were permitted to stay in Oman on a case-by-case basis. Victims were not permitted to work while awaiting court proceedings.

Prevention

The government sustained modest efforts to prevent human trafficking during the reporting period. It continued to distribute brochures in numerous languages, highlighting the rights and services to which workers are legally entitled, to source country embassies and to new migrant laborers upon arrival in the country at airports, recruitment agencies, and in their places of work. In a move to prevent forced labor, the government amended provisions in the Omani labor law in October 2011 by issuing Royal Decree 113/2011, which requires employers to pay all wages by electronic deposit to the employee's local bank account; fines are prescribed for violations of this law, though the government did not report conducting investigations or imposing fines under this law during the reporting period. The government continued to operate an anti-trafficking hotline, but the government did not report how many calls the hotline received during the reporting period. The government also requires that all employers post labor law regulations in the languages of their workers in prominent locations at worksites. In addition, the government continued its public awareness campaign, which included the placement of at least one article or editorial about the labor law and trafficking issues in the press each month. There were no reported efforts by the government to reduce the demand for commercial sex acts in Oman.

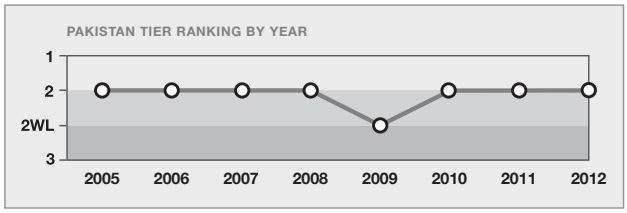
PAKISTAN (Tier 2)

Pakistan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. NGOs, international organizations, and the media describe an increase in trafficking during the past year, due to flooding and the country's deteriorating security situation. The country's largest human trafficking problem is bonded labor, in which traffickers or recruiters exploit an initial debt assumed by a worker as part of the terms of employment. Bonded labor is concentrated in the Sindh and

Punjab provinces in agriculture and brick-making, and to a lesser extent in the mining, carpet-making, glass bangle, and fishing industries. Bonded labor also exists in the fisheries, mining, and agricultural sectors of Balochistan and Khyber Pakhtunkhwa provinces. Estimates of bonded labor victims, including men, women, and children, vary widely. The Asian Development Bank estimates that 1.8 million people – one percent of Pakistan's population – are bonded laborers, though many NGOs place the estimate much higher. In extreme scenarios, such as when bonded laborers attempt to seek legal redress, landowners have kidnapped them and their family members, holding laborers and their families in private jails. Boys and girls are also bought, sold, rented, or kidnapped to work in organized forced begging rings, domestic servitude, and prostitution. NGOs report increased public visibility and awareness of the issue of violence in child domestic servitude, including sexual abuse, torture, and death. Illegal labor agents charge high fees to parents with false promises of decent work for their children, who are later exploited and subjected to forced labor in domestic servitude, unskilled labor, small shops, and other sectors. Children and adults with disabilities are forced to beg in Iran. Girls and women are also sold into forced marriages; in some cases their new "husbands" move them across Pakistan's land borders and force them into prostitution in Iran or Afghanistan. Non-state militant groups kidnap children or coerce parents with fraudulent promises or threats into giving away children as young as nine to spy, fight, or die as suicide bombers in Pakistan and Afghanistan. The militants often sexually and physically abuse the children and use psychological coercion to convince the children that the acts the children commit are justified.

Many Pakistani women and men migrate voluntarily to the Gulf states, Iran, Turkey, South Africa, Uganda, Greece, and other European countries for low-skilled employment such as domestic work, driving, or construction work; once abroad, some become victims of labor trafficking. False job offers and high recruitment fees charged by illegal labor agents or sub-agents of licensed Pakistani overseas employment promoters increase Pakistani laborers' vulnerabilities and some laborers abroad find themselves in involuntary servitude or debt bondage. Employers abroad use practices including restrictions on movement, nonpayment of wages, threats, and physical or sexual abuse. Moreover, traffickers use violence, psychological coercion, and isolation, often seizing travel and identification documents as a means to coerce Pakistani women and girls into prostitution. There are reports of child sex trafficking between Iran and Pakistan. Pakistan is a destination for men, women, and children from Afghanistan, Iran, and, to a lesser extent, Bangladesh, who are subjected to forced labor and prostitution. Religious minorities, often in the lowest socio-economic stratum, and Afghan refugees are particularly vulnerable to human trafficking.

The Government of Pakistan does not fully comply with the minimum standards for the elimination of human trafficking; however, it is making significant efforts to do so despite the severe floods the country experienced in 2010 and 2011. The government incorporated information about the differences between trafficking and smuggling in its routine anti-trafficking training, but did not criminally convict any bonded labor offenders or officials who facilitated trafficking in persons. The lack of adequate governmental protection for trafficking victims continued.



Recommendations for Pakistan: Significantly increase law enforcement activities, including imposing adequate criminal punishments for labor and sex traffickers; vigorously investigate and prosecute government officials suspected of being complicit in trafficking and convict public officials at all levels who participate in or facilitate human trafficking; develop a comprehensive criminal anti-trafficking law; pass or strengthen anti-trafficking laws and develop anti-trafficking action plans at the provincial level; consider establishing a federal-level agency with a mandate to combat internal trafficking to work in coordination with the Federal Investigation Agency (FIA); continue to raise awareness and increase enforcement of the provisions of the Bonded Labor System (Abolition) Act among law enforcement officers; continue to sensitize government officials to the differences between human trafficking and smuggling; improve methods for identifying victims of trafficking; strengthen provincial labor departments' capacity to combat human trafficking, including bonded labor, through training and awareness-raising and by adopting provincial-level anti-trafficking action plans; undertake local-language awareness campaigns on human trafficking, targeted to parents who sell their children; and improve efforts to collect, analyze, and accurately report counter-trafficking data.

Prosecution

The Government of Pakistan made limited progress in responding to human trafficking offenses through law enforcement means over the last year. Due to severe floods in 2010 and 2011, government officials focused their attention primarily on disaster relief and recovery; as a result, the government's ability to prosecute trafficking crimes and provide data continued to be hampered. Several sections in the Pakistan Penal Code criminalize some forms of human trafficking, such as slavery, selling a child for prostitution, and unlawful compulsory labor, prescribing punishments for these offenses that range from fines to life imprisonment. The Bonded Labor System (Abolition) Act (BLSA) prohibits bonded labor, with prescribed penalties ranging from two to five years' imprisonment, a fine, or both. Pakistani officials have yet to secure a conviction under this law. Under the devolution process that started in 2010, federal laws apply to provinces until corresponding provincial laws are enacted. The Punjab provincial government enacted the Punjab Bonded Labor System (Abolition) (Amendment) Act in February 2012, but did not make any substantive improvement to the federal-level BLSA. Pakistan prohibits transnational trafficking in persons, as well as some non-trafficking offenses – such as people smuggling and fraudulent adoption – through the Prevention and Control of Human Trafficking Ordinance, 2002 (PACHTO), which prescribes penalties of seven to 14 years' imprisonment. In 2011, the government passed the Anti-Women Practices Act, which, among other things, prohibits forced marriages in which women are used to settle debts. Offenders face sentences of between three and seven years' imprisonment.

Prescribed penalties for the penal code and PACHTO offenses are sufficiently stringent and commensurate with those for other serious crimes, such as rape. The government did not report any trafficking convictions under the penal code. The government prosecuted at least 55 traffickers in 2011 compared with at least 68 traffickers in 2010 under the penal code: one for sex trafficking and 19 for labor trafficking, and 35 that were undifferentiated between sex and labor trafficking. Government officials sometimes conflated human smuggling and human trafficking, and the FIA's anti-trafficking units dealt with undocumented migration and smuggling, in addition to human trafficking. During 2011, the government reported that it convicted trafficking offenders under PACHTO. However, since PACHTO also prohibits non-trafficking offenses, and since some government officials conflate trafficking and smuggling, the actual number of convicted trafficking offenders is unknown. A regional anti-bonded labor unit in Mirpurkhas, Sindh, established in 2010, continued to operate, but did not result in prosecutions or convictions for bonded labor offenses.

Government employee' complicity in human trafficking remained a significant problem. Some feudal landlords are affiliated with political parties or are officials themselves and use their social, economic, and political influence to protect their involvement in bonded labor; a recent ILO report asserted that those who use bonded labor have been able to do so with impunity. Additionally, media and NGOs reported that some police received bribes from brothel owners, landowners, and factory owners who subjected Pakistanis to forced labor or forced prostitution, to ignore these human trafficking activities. There were media and NGO reports that some low-level officials in the FIA anti-trafficking unit, including police, did not register trafficking cases in exchange for bribes or out of concern for their personal safety. The government did not report prosecutions or convictions for officials complicit in human trafficking. The FIA continued to train officials on transnational trafficking issues at the FIA academy. In these trainings, the FIA incorporated teachings of the differences between smuggling and trafficking.

Protection

The Government of Pakistan made little progress in the protection of victims of human trafficking during the reporting period. Pakistani authorities continued to lack adequate procedures and resources for proactively identifying victims of trafficking among vulnerable persons with whom they come in contact, especially child laborers, women in prostitution, and agricultural and brick kiln workers. However, the FIA identified and referred some transnational victims to protective services. There were no credible data on the number of victims identified by the government. NGOs reported that trafficking victims were sometimes detained, fined, or jailed as a result of crimes committed in the course of their trafficking. Some victims were also detained in jails due to a shortage of appropriate shelters. Various government-run shelters are available to female trafficking victims, but there is no information as to how many such trafficking victims were assisted in shelters in 2011; furthermore, there were reports of abuse and lack of freedom of movement in the shelters. In partnership with NGOs, the government continued to provide some services to rehabilitate child laborers, some of whom may be victims of forced labor. The FIA reported that in partnership with NGOs, it provided some medical support, transportation, shelter, and limited legal services to victims of trafficking. There was no information as to how many trafficking victims received this support.

The government did not provide information on whether it made progress in implementing its 2001 National Plan of Action for Abolition of Bonded Labour and Rehabilitation of Freed Bonded Labourers. Under the government's devolution process, which started in 2010, all civil labor issues became the sole responsibility of the provinces, necessitating provincial-level action plans against bonded labor. There was no information on whether the Sindh provincial government continued to implement its project providing protection for freed bonded laborers, as noted in the 2011 TIP Report. There was no information on whether the government encouraged victims of trafficking to participate in investigations against their traffickers. The government did not report providing foreign victims with legal alternatives to their removal to countries where they may face hardship or retribution.

Prevention

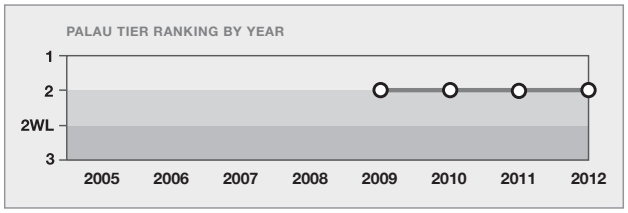
The Pakistani government made limited progress in its efforts to prevent human trafficking. FIA officials participated in NGO-supported anti-trafficking public awareness campaigns, and distributed NGO-published awareness materials. FIA officials also gave speeches at universities and did radio and television interviews. Many of the district vigilance committees to curb bonded labor, mandated by law, are either inactive or ineffectual. As a measure to establish the identity of local populations, the National Database and Registration Authority continued to register women in rural areas and internally-displaced people. In 2011, various governmental academies reportedly provided training for all Pakistani UN Peacekeeping Mission forces, including in combating human trafficking, prior to their deployment abroad for international peacekeeping missions. The government took measures to reduce the demand for commercial sex acts by prosecuting some clients of prostitution. Pakistan is not a party to the 2000 UN TIP Protocol.

PALAU (Tier 2)

Palau is a destination country for women subjected to sex trafficking and for women and men subjected to forced labor. Some men and women reportedly are recruited for legitimate work from their home countries through fraudulent representation of contracts and conditions of employment. Excessive hours without pay, threats of physical or financial harm, confiscation of travel documents, and the withholding of salary payments are used as tools of coercion to obtain and maintain their compelled service. Palau's foreign population, including workers and dependents, is estimated at 6,000 – nearly one-third of the county's population of 20,000 – with the majority hailing from the Philippines, China, and Bangladesh. Some men and women from the Philippines, China, and Bangladesh pay thousands of dollars in recruitment fees and willingly migrate to Palau for jobs in domestic service, agriculture, restaurants, or construction, although upon arrival are forced to work in conditions substantially different than what was presented in contracts or recruitment offers. Women from China and the Philippines migrate to Palau expecting to work as waitresses or clerks, but subsequently are forced into prostitution in karaoke bars and massage parlors. Recent reports indicate that some Indonesian men who voluntarily

migrate to Palau for work on fishing boats face fraudulent recruitment, altered working conditions, and the withholding of salaries. Noncitizens are officially excluded from the minimum wage law, and regulations make it extremely difficult for foreign workers to change employers once they arrive in Palau, consequently increasing their vulnerability to involuntary servitude and debt bondage.

The Government of Palau 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 investigated several cases of forced labor and assisted victims in obtaining new employment and housing. However, it failed to provide any training for law enforcement officials on how to recognize, investigate, and prosecute instances of trafficking.



Recommendations for Palau: Continue efforts to proactively investigate, prosecute, and punish trafficking offenders; continue publicly to highlight the issue and to recognize and condemn incidences of trafficking; increase resources devoted to address anti-trafficking efforts; prohibit the confiscation of identity documents of foreign workers; develop a national plan of action to combat human trafficking; continue to make vigorous efforts to combat corruption by officials involved in regulating the immigration and employment of foreign workers; monitor employment agents recruiting foreign men and women for work in Palau for compliance with existing labor laws to prevent their facilitation of trafficking; establish formal procedures for front-line officers to identify and refer trafficking victims to protective services; continue to develop and implement anti-trafficking information and education campaigns; and accede to the 2000 UN TIP Protocol.

Prosecution

The Government of Palau demonstrated increased law enforcement efforts to address human trafficking during the year. Palau's Anti-Smuggling and Trafficking Act of 2005 prohibits all forms of trafficking in persons and prescribes sufficiently stringent penalties for these offenses, ranging from 10 to 50 years' imprisonment and fines of up to $500,000; these are commensurate with penalties prescribed for other serious crimes, such as rape. The government reported investigating four suspected trafficking cases, one of which remains ongoing and involves the forced labor of a Filipina domestic worker. Two other investigations were completed and determined not to be human trafficking. Investigation of the fourth case was not completed because the victims – three Indonesian fishermen subjected to exploitation on a fishing boat – returned to Indonesia before they could be further interviewed.

The government did not train law enforcement officers to proactively identify and assist victims or to identify victims among vulnerable populations, such as foreign workers or foreign women in prostitution. During the reporting period, the former director of the Bureau of Immigration was charged with participating in a scheme to assist irregular migrants in avoiding standard immigration procedures, but the case was dropped due to insufficient evidence. The former chief of the Division of Labor, also charged in the scheme, was convicted and sentenced in July 2011 for violation of the code of ethics; he was placed under probation and ordered to pay a $2,500 fine while his three-year sentence was suspended.

Protection

The Government of Palau made modest efforts to identify and protect victims of trafficking during the reporting period. With the help of the Department of Labor, victims in ongoing trafficking investigations – specifically the three Indonesian fishermen involved in one of the four reported investigations of suspected human trafficking – obtained new employment. The government sustained partnerships with local churches to offer shelter, food, and housing to potential trafficking victims; however, no victims were assisted through these partnerships during the year. While the government did not have a policy of identifying and referring trafficking victims to legal services, the Attorney General's Office has increased its efforts to encourage victims' participation in investigations and prosecutions by holding counseling sessions to address victims' trauma and reduce their possible fear of reprisals from traffickers.

Prevention

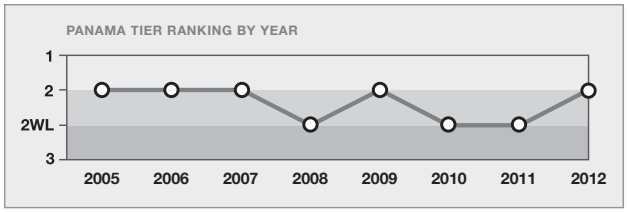
The Government of Palau sustained its efforts to prevent human trafficking during the reporting period. In January 2012, the government held an interagency meeting, titled "Universal Periodic Review – Human Rights," which focused on the government's efforts to address human trafficking, including heightening public awareness and undertaking investigations. During the reporting period, the government appointed an ombudsman dedicated to labor issues and trafficking in persons. It also forged an effective relationship with the Philippines embassy in which the embassy identified employers involved in labor abuses and tracked egregious or "repeat" offenders who had used illegal recruiters, repeatedly engaged in some form of labor or contract abuse, or refused to make an appropriate settlement. The Philippines Embassy regularly and formally notified the Palau government by diplomatic note when it added an employer to the blacklist. At least 11 Palauan citizens are currently blacklisted, including a serving senator and an owner of one of Palau's two newspapers. In addition, administrative as well as legal action is taken against employers suspected of labor abuses, including sanctions by the Bureau of Labor and Human Resources against the recruitment of new workers. A draft bill to prohibit restrictions on the movement of foreign workers was submitted to Palau's Congress for approval. The government did not provide any training for law enforcement officials on how to recognize, investigate, and prosecute instances of trafficking. The government made no discernible effort to address the demand for commercial sex acts or the demand for forced labor during the reporting period. Palau is not a party to the 2000 UN TIP Protocol.

PANAMA (Tier 2)

Panama is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced

labor. Although Panamanian women and girls reportedly have been subjected to sex trafficking in other countries in the Western Hemisphere, most Panamanian trafficking victims are exploited within the country. Most foreign trafficking victims found in Panama are adult women from Colombia and, to a lesser extent, from neighboring Central American countries and the Dominican Republic. Some victims migrate voluntarily to Panama to work, but are subsequently exploited in sex trafficking through the entertainment industry or in domestic servitude. During the year, authorities identified several East European women working in nightclubs as potential sex trafficking victims. NGOs report that some Panamanian children, mostly young girls, are subjected to domestic servitude. Some Chinese men and women have been smuggled into the country to work in grocery stores and laundries, apparently in situations of debt bondage.

The Government of Panama 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 passed comprehensive anti-trafficking legislation, increased the number of sex trafficking investigations, and identified a significant number of potential trafficking victims. However, the government provided no funding for specialized victim services, did not report how many victims were assisted, and, for a second consecutive year, convicted no trafficking offenders.



Recommendations for Panama: Increase funding for specialized victim services, particularly for adult victims, possibly through funding a dedicated shelter; intensify law enforcement efforts to investigate and prosecute both labor and sex trafficking crimes and convict and sentence trafficking offenders, including complicit officials; strengthen government-provided training for police officers, immigration officials, social workers, and other government officials in anti-trafficking laws and victim identification and care; develop formal guidelines for identifying trafficking victims among vulnerable populations, particularly women in prostitution and migrant workers, in order to standardize victim identification efforts; increase funding and training on how to investigate trafficking cases for anti-trafficking police and prosecutors; and strengthen interagency coordination mechanisms.

Prosecution

The Government of Panama increased investigations of trafficking crimes and strengthened its legal framework during the reporting period, although it achieved no trafficking convictions during the year. In January 2012, authorities enacted a law prohibiting all forms of trafficking, with prescribed sentences ranging from six to 30 years' imprisonment, depending on the nature of the offense. These punishments are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The new law also prohibits moving people for the purposes of prostitution and illegal adoption, offenses that are not considered trafficking under the 2000 UN TIP Protocol. Previously, Panamanian law had not criminalized forced labor.

During the reporting period, authorities investigated nine sex-trafficking cases and initiated the prosecution of four accused trafficking offenders. However, authorities reported that no trafficking offenders were convicted during the year. During the previous reporting period, authorities initiated five prosecutions, but convicted no traffickers. Authorities maintained a small law enforcement unit to investigate sex trafficking and related offenses, but the unit remained understaffed. The organized crime prosecutorial unit continued to be responsible for trafficking cases and increased its staff from two to 12 prosecutors. The lack of systematic data collection for trafficking crimes remained an impediment. Authorities continued to prosecute six former immigration officials for their roles in a possible trafficking case. In addition, officials opened investigations against two senior immigration officials for complicity in trafficking-related offenses, but charges were subsequently dropped. In 2011, the government trained 80 government tourist officials on how to identify trafficking victims. Other Panamanian officials participated in training on how to investigate trafficking cases provided by international organizations and foreign governments in collaboration with Panamanian authorities.

Protection

Despite increased victim identification and the efforts of individual Panamanian officials to assist some victims during the year, specialized services for trafficking victims remained virtually nonexistent in the country. Authorities did not employ formal procedures for identifying trafficking victims among vulnerable populations, such as detained undocumented migrants and people in prostitution. However, authorities investigating drug crimes collaborated with organized crime prosecutors when conducting raids on commercial sex sites in order to assist identification of trafficking victims. Officials reported identifying 80 potential trafficking victims, but did not report how many of these victims received services. While authorities reported referring some victims to NGOs and other institutions providing care services, it is unclear if they did so in a systematic fashion. Specialized services for trafficking victims remained inadequate, and authorities did not report funding NGOs to provide services or shelter. NGO and government shelters for child victims of abuse and violence could provide services to child trafficking victims, although there were no reports that they did so in practice in 2011. In the absence of shelters for adults, authorities noted that they could house adult victims in hotels on an *ad hoc* basis, although they did not report doing so in practice during the year, and some victims identified by authorities had to pay for their own lodging after being rescued.

Officials reported that victims identified by law enforcement officials received a psychological evaluation as well as medical, psychological, and legal services, although these services were not continuous. There were no long-term services available to trafficking victims. Panamanian authorities encouraged victims to assist with the investigation and prosecution of trafficking offenders, although officials reported difficulties in obtaining victim participation in investigations and did not report how many victims they assisted during the year. The new anti-trafficking law provided legal alternatives to the removal of foreign victims of trafficking to countries where

they might face hardship or retribution. However, authorities did not provide information on the number of victims, if any, who received such immigration relief during the reporting period. Law enforcement officials facilitated the voluntary repatriation of some foreign victims, paying out of their own pocket for travel expenses in at least one case. Trafficking victims were not penalized for unlawful acts committed as a direct result of being trafficked. Due to the lack of victim identification guidelines, not all foreign victims may have been identified before their deportation.

Prevention

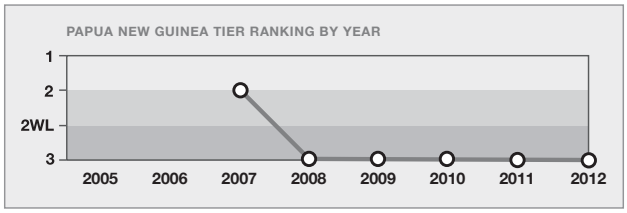
During the reporting period, the Government of Panama, in partnership with an international organization, maintained efforts to prevent human trafficking through a campaign to raise awareness about the commercial sexual exploitation of children. The new law established an anti-trafficking committee, which met twice during the reporting period and began drafting a national anti-trafficking action plan. Child sex tourism is prohibited by law, and authorities partnered with an NGO and the tourism sector to raise awareness about this problem. However, there were no investigations, prosecutions, or convictions of child sex tourists reported during the year. The government did not undertake any other efforts to reduce the demand for commercial sex acts or initiatives to reduce the demand for forced labor.

PAPUA NEW GUINEA (Tier 3)

Papua New Guinea is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. Women and children are subjected to sex trafficking and domestic servitude and men are forced to labor in logging and mining camps. Children, especially young girls from tribal areas, are most vulnerable to commercial sexual exploitation; they are also subjected to forced labor by members of their immediate family or tribe. Families traditionally sell girls into forced marriages to settle debts, leaving them vulnerable to forced domestic service, and tribal leaders trade the exploitative labor and service of girls and women for guns and political advantage. Young girls sold into marriage are often forced into domestic service for the husband's extended family. In more urban areas, some children from poorer families are prostituted by their parents or sold to brothels. Migrant women and teenage girls from Malaysia, Thailand, China, and the Philippines are subjected to sex trafficking, and men from China are transported to the country for forced labor.

Asian crime rings, foreign logging companies, and foreign businesspeople arrange for some women to voluntarily enter Papua New Guinea with fraudulently issued tourist or business visas. Subsequent to their arrival, many of the women are turned over to traffickers who transport them to logging and mining camps, fisheries, and entertainment sites to exploit them in forced prostitution and domestic servitude. Foreign and local men are exploited for labor at commercial mines and logging camps, where some receive almost no pay and are compelled to continue working for the company indefinitely through debt bondage schemes. Employers exacerbate workers' indebtedness by paying substandard wages and charging artificially inflated prices at a the company's store. In such circumstances, an employee's only option becomes to buy food and other necessities on credit. Filipino men, brought into the country without proper documentation, may be exploited in the fishing industry. Government officials facilitate trafficking by accepting bribes to allow illegal migrants to enter the country or to ignore victims forced into prostitution or labor, by receiving female trafficking victims in return for political favors, and by providing female victims in return for votes.

The Government of Papua New Guinea does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Despite overall low awareness of trafficking among many government officials, the government acknowledged that human trafficking was a problem in the country and expressed its commitment to increasing law enforcement's capacity to address it. It did not, however, enact legislation to criminalize all forms of trafficking, investigate or prosecute suspected trafficking offenders under existing laws, or identify or assist any trafficking victims during the year.



Recommendations for Papua New Guinea: Enact legislation prohibiting and punishing all forms of trafficking; investigate, prosecute, and punish trafficking offenders, including officials who facilitate or directly benefit from trafficking; develop and institute a formal procedure to identify victims of trafficking among vulnerable groups, such as individuals in prostitution and foreign women arriving for work in Papua New Guinea; train law enforcement officers to proactively identify victims and refer them to protective services; ensure that victims of trafficking are not arrested, deported, or otherwise punished for acts committed as a direct result of being trafficked; work with NGOs and international organizations to increase protective services to victims of trafficking; increase collaboration with civil society, religious, and tribal leaders to raise awareness of and reduce demand for forced labor and commercial sex acts; and accede to the 2000 UN TIP Protocol.

Prosecution

The Government of Papua New Guinea did not demonstrate significant progress in its anti-trafficking law enforcement efforts during the year. Authorities did not report investigating, arresting, or prosecuting any trafficking offenders. Papua New Guinea's laws do not prohibit all forms of trafficking. In October 2011, tentative action was taken on draft anti-trafficking legislation that has been with the Department of Justice and Attorney General (DJAG) for a number of years. The legislation, which would amend the country's criminal code to include a provision prohibiting human trafficking, was endorsed by the National Executive Council and subsequently forwarded to the Office of the First Legislative Counsel for final approval. The office issued a certificate of compliance, but the certified bill must be resubmitted to the National Executive Council before submission to parliament, and this did not occur during the reporting period. Papua New Guinea's existing criminal code contains provisions prohibiting some forms of human

trafficking, such as the trafficking of children for commercial sexual exploitation and slavery and the forced labor and slavery of adults. Its legal definition of forced labor, however, may exclude victims who initially agreed to a particular job, but were subsequently held through coercion. Penalties prescribed for the crime of child trafficking are up to life imprisonment and are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The criminal code prescribes various penalties under different definitions of forced prostitution of women. These offenses, including holding a woman in a brothel against her will, prescribe insufficiently stringent penalties of low fines or sentences of up to two years' imprisonment. Prescribed penalties of up to seven years' imprisonment for perpetrators who use fraud, violence, threats, abuse of authority, or drugs to procure a person for purpose of forced prostitution are sufficiently stringent. However, there is no indication that any of these statutes have been used to prosecute trafficking cases. Trafficking-related crimes in rural areas were referred to village courts, which administered customary law, rather than to criminal courts, and adjudicated cases resulted in restitution paid by the trafficking offender to the victim rather than criminal penalties assigned to the offender. Some victims of internal trafficking (or their parents) who received customary compensation payments from the offender were reluctant to notify police or bring additional criminal charges against traffickers.

Eight foreign individuals implicated in the production of child pornography, who may have also committed trafficking crimes, were placed in detention for immigration violations and an additional suspect was deported. The government took no action to criminally prosecute the alleged offenders or to protect suspected victims. The government did not train any police officers or front-line officials on trafficking during the year. During the year, the government cooperated with an international organization in the planning and implementation of anti-trafficking training provided to law enforcement officers and community members with the funding support of foreign donors. Wealthy businesspeople, politicians, and police officials who benefitted financially from the operation of commercial sex establishments were not prosecuted. Law enforcement agencies were underfunded, and most government offices remained weak as the result of corruption, cronyism, a lack of accountability, and a promotion system based on patronage. The government did not investigate or prosecute any government officials for complicity in trafficking-related crimes during the year, including a senior police officer implicated in the child pornography case.

Protection

The Government of Papua New Guinea did not make any efforts to identify or assist victims of trafficking during the reporting period. The government did not proactively identify trafficking victims among vulnerable populations, nor did it refer victims to NGO service providers. It did not operate any victim care facilities for trafficking victims. Shelters run by NGOs may be available to trafficking victims, but none of these organizations reported identifying or assisting any victims of trafficking during the year. The government did not provide funding to any international organizations or NGOs to assist trafficking victims. Due to poor victim identification by authorities, potential victims who came to the attention of police may have been punished for crimes committed as a direct result of being trafficked. This was especially true for victims of sex trafficking, who may have been prosecuted for violation of the country's prostitution laws. While laws are in place to protect sex trafficking victims from being penalized for unlawful acts they might have committed as a direct consequence of their being trafficked, there are no such provisions for victims of forced labor. Fifty Filipino men, brought illegally to Papua New Guinea as fisherman for a local government company, are currently stranded, facing arrest if they attempt to leave the country without proper documentation. No efforts have been made to determine whether these men were trafficking victims. The government did not offer legal alternatives to the removal of foreign victims of trafficking to countries where they may face hardship or retribution.

Prevention

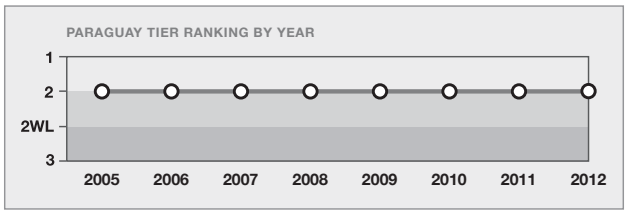
During the past year, the Government of Papua New Guinea initiated modest efforts to prevent human trafficking. The government did not conduct any public awareness campaigns on the dangers of human trafficking. From February through May 2011, the DJAG, in partnership with an international organization and with funding from a foreign donor, conducted research on human trafficking in four provinces. This research is expected to yield a report on the occurrence and nature of human trafficking and human smuggling in the country, with recommendations for future government actions to address these problems. The national human trafficking committee, chaired by the DJAG and including members from other government agencies as well as international organizations and NGOs, held only two of its four regularly-scheduled meetings during the reporting period. The committee did not report taking any additional actions during the year and attendance at its meetings remained poor. The government took no discernible actions to decrease the demand for forced labor or commercial sex acts, and it did not provide anti-trafficking training to Papua New Guinean troops prior to their deployment abroad on international peacekeeping missions. Papua New Guinea is not a party to the 2000 UN TIP Protocol.

PARAGUAY (Tier 2)

Paraguay is a source country for women and children subjected to sex trafficking and for men, women, and children subjected to forced labor. To a more limited extent, Paraguay is a destination and transit country for men and women subjected to forced labor and forced prostitution. Paraguayan trafficking victims are found in Argentina, Chile, Bolivia, and Spain. During the year, a significant number of Paraguayan sex trafficking victims were identified in Argentina, while a group of 57 Paraguayans were exploited in forced labor in a vineyard in Chile. Officials identified new destinations for Paraguayan victims of sex trafficking, including South Korea, Japan, Mexico, and the United States. Authorities reported a pattern of Paraguayan women smuggling drugs through North Africa who are subsequently sent to Europe, reportedly to be exploited in forced prostitution. An NGO reported that transgender Paraguayan teenagers were exploited in sex trafficking in Italy, as well as within the country. Domestic servitude and sex trafficking of women and girls within the country remain a serious problem, with many victims recruited from rural areas, in particular for the department of Caazapa, and exploited in urban centers such as Asuncion, Ciudad del Este, and Encarnacion. Indigenous persons are particularly

at risk of being subjected to forced labor and sex trafficking. Street children remained vulnerable to human trafficking.

The Government of Paraguay 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 law enforcement efforts through record conviction numbers and maintained provision of victim services for sex trafficking victims during the year. However, the legal framework failed to adequately prohibit internal cases of forced labor or sex trafficking; specialized victim services remained limited outside of the capital; and authorities lacked a formal system to proactively identify trafficking victims.



Recommendations for Paraguay: Address deficiencies in anti-trafficking laws to prohibit forced labor and sex trafficking occurring within the country's borders; ensure access to comprehensive services and shelter for victims of sex and labor trafficking alike through increased funding for victim services; intensify efforts to investigate and prosecute trafficking offenses, including forced labor crimes and crimes involving official complicity, as well as efforts to convict and punish trafficking offenders; consider increasing resources for dedicated police and prosecutorial units; increase training for government officials, including law enforcement officials, judges, and social workers on how to identify and respond to trafficking cases; consider strengthening interagency efforts through passing a national plan; and strengthen efforts to raise public awareness about all forms of human trafficking, including internal trafficking.

Prosecution

The Paraguayan government's anti-trafficking law enforcement increased during the past year, as authorities convicted a significant number of traffickers. Paraguay's penal code does not sufficiently prohibit all forms of trafficking in persons. Articles 129(b) and (c) of the penal code, which came into force in July 2009, prohibit transnational sex and labor trafficking that involve the use of force, threats, deception, or trickery, prescribing penalties up to 12 years' imprisonment. All of these prescribed penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Although Paraguayan law does not specifically prohibit internal trafficking, prosecutors could draw on exploitation of prostitution, kidnapping, and servitude statutes, as well as other penal code provisions, to prosecute internal trafficking offenses. A draft comprehensive trafficking law was introduced to congress during the year.

The police maintained anti-trafficking units in Asuncion, Puerto Elisa, Colonel Oviedo, Encarnacion, and Ciudad del Este. The dedicated anti-trafficking unit in the attorney general's office had a total of two prosecutors and 10 assistants, and this unit worked across the country to investigate and prosecute human trafficking cases. Some civil society and government actors noted that the units had limited human and material resources, and awareness of internal trafficking crimes was weak among many officials. In 2011, Paraguayan prosecutors reported investigating at least 146 possible trafficking cases, compared with 107 possible cases opened in 2010; most cases involved sex trafficking. Authorities initiated 30 new prosecutions and achieved nine convictions of trafficking offenders; six cases involved transnational sex trafficking and one involved transnational forced labor, while prosecutors used other statues to convict two traffickers for internal sex trafficking. Sentences ranged from two to four years' imprisonment, and all convicted traffickers reportedly were serving jail sentences. This is a significant increase compared with the previous reporting period, when officials reported no convictions for trafficking crimes. Some government officials, including police, border guards, judges, and public registry employees, reportedly facilitated trafficking crimes, including by protecting brothels where minors were prostituted. One case against a police officer for involvement in sex trafficking remained pending. Paraguayan officials continued to cooperate with Argentine and Chilean counterparts on trafficking investigations.

Protection

The Government of Paraguay maintained efforts to protect female victims of sex trafficking during the reporting period, but victim assistance remained uneven outside of the capital. Authorities did not employ formal procedures for proactively identifying trafficking victims among vulnerable populations such as those in prostitution, domestic workers, or street children. Officials referred identified victims to services on an *ad hoc* basis. During the reporting period, prosecutors identified 145 trafficking victims, including 88 sex trafficking victims who were referred to care facilities. The coordinator of the anti-trafficking roundtable reported that 192 victims were identified during the year, while the Directorate of Expatriates reported assisting 314 victims abroad. The differing figures reflect the difficulties in collecting comprehensive and accurate victim data.

The government's Women's Secretariat (SMRP) ran one shelter in Asuncion for female trafficking victims; the shelter did not detain adult victims involuntarily, and during the year it assisted 38 victims. SMRP also continued to fund other assistance programs, including three drop-in centers for female victims of violence or trafficking. Most victim services, however, were funded at least in part by international donors and were provided by NGOs. During the year the government opened and staffed a second shelter dedicated for female trafficking victims in Ciudad del Este; however, it shut down after three months when a private donor supporting the shelter ceased paying rent. Twenty-five girls housed at the shelter were returned to their families, some of whom were complicit in their exploitation. A report published during the year highlighted the lack of specialized services, including shelters, available for child sex trafficking victims. The Paraguayan government did not offer shelter facilities for male victims.

Paraguayan authorities encouraged victims to participate in the investigation and prosecution of their traffickers, and some victims filed complaints to open investigations. Victims generally avoided the court system, however, due to social stigma, fear of retaliation, and the lengthy judicial process. Identified victims generally were not jailed, deported, or otherwise penalized for acts committed as a direct result of being trafficked. The Government of Paraguay could offer

temporary or permanent residency status for foreign trafficking victims through its liberal immigration system, but did not report doing so in the past year.

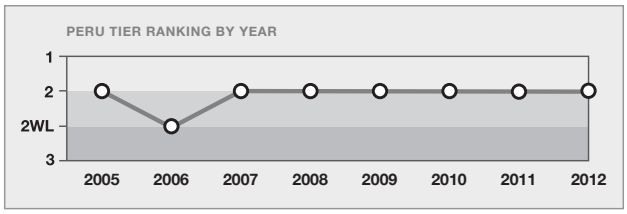
Prevention

The Paraguayan government maintained prevention activities during the reporting period. Government agencies, civil society organizations, and foreign diplomatic missions participated in a government-run anti-trafficking roundtable, which met several times during the year, and whose four sub-committees each met 10 times during the year. The roundtable drafted a national anti-trafficking plan, which awaited the president's signature. No new awareness campaigns were initiated during the year, although the government continued to distribute "know your rights" pamphlets to educate Paraguayans seeking work abroad. The government reported no efforts to reduce demand for commercial sex acts or forced labor. Some government agencies issued public reports of their anti-trafficking efforts. Paraguay was not a known destination for child sex tourists,although foreign citizens from Brazil and Argentina are reported to engage in commercial sexual exploitation of children in the tri-border area. The government provided human rights training, which included a human trafficking component, to Paraguayan troops prior to their deployment abroad on international peacekeeping missions.

PERU (Tier 2)

Peru is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Peruvians are exploited in forced labor within the country, mainly in mining, logging, agriculture, brick making, and domestic service. Peruvian women and girls, and to a lesser extent boys, are recruited and coerced into prostitution in Peru's urban areas and mining centers, often through false employment offers or promises of education. The Madre de Dios province, as well as the cities of Cuzco and Lima, were identified as some of the main destinations for sex trafficking victims. Indigenous persons are particularly vulnerable to debt bondage. Forced child labor remains a problem, particularly in informal gold mines, among begging rings in urban areas, in domestic service, and in cocaine production and transportation. There are continued reports that the terrorist group *Sendero Luminoso*, or Shining Path, recruited children to serve as combatants and in the illicit narcotics trade. To a lesser extent, Peruvian women are found in forced prostitution in Ecuador and Argentina, and men and women are found in forced labor in Argentina, Chile, Ecuador, Brazil, and the United States, among other countries. Peru also is a destination country for some foreign female trafficking victims, particularly from Ecuador, and some Bolivian nationals in conditions of forced labor. Child sex tourism is present in areas such as Cuzco, Lima, and the Peruvian Amazon.

The Government of Peru does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government again failed to make sufficient efforts to address the high incidence of forced labor in the country and, given the magnitude of Peru's trafficking problem and the high number of cases identified, convictions and sentences remained low. Government funding for specialized victim services remained inadequate, particularly in light of the significant number of victims, and law enforcement officials repeatedly conflated sex trafficking and prostitution. The government also failed to take action against government employees facilitating human trafficking. However, authorities maintained law enforcement efforts against sex trafficking offenders, achieved the country's first forced labor conviction, and enacted a national plan against trafficking that had been pending since 2006.



Recommendations for Peru: Significantly increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, especially for forced labor crimes; fund dedicated shelters and specialized services for all victims of trafficking, including adults, or fund NGOs with capacity to provide these services; initiate proactive investigations of forced labor crimes through enhanced partnerships between law enforcement officials, labor officials, and civil society organizations; create and implement formal victim identification and referral mechanisms; ensure that law enforcement officials conduct intelligence-based raids and employ effective victim screening during operations; offer enhanced anti-trafficking training for local prosecutors, judges, labor inspectors, social workers, and law enforcement personnel; hold corrupt officials who may facilitate trafficking activity accountable through criminal investigations and prosecutions; increase funding for resources and training for specialized anti-trafficking police and prosecutorial units; dedicate funding to implementation of the new national plan; improve data collection for trafficking crimes; and continue to strengthen local government efforts to combat trafficking and to raise public awareness on all forms of human trafficking.

Prosecution

The Government of Peru demonstrated mixed anti-trafficking law enforcement efforts over the last year. It continued to combat forced prostitution through law enforcement measures, though it again demonstrated weak efforts to investigate and prosecute forced labor offenses. Law 28950 of 2007 prohibits all forms of trafficking in persons, as well as people smuggling, prescribing penalties of eight to 25 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. However, NGOs continued to report that some law enforcement investigators, prosecutors, and judges often opt to classify human trafficking cases as less serious criminal offenses and prescribe lower penalties. In 2011, police registered 199 potential trafficking cases; these cases involved sex trafficking, labor trafficking, and forced begging, and several cases were registered as both sex and labor trafficking. During 2011, prosecutors initiated prosecutions in 84 trafficking cases and secured four sex trafficking convictions and one forced labor conviction. In 2010, the government reported achieving 12 trafficking convictions, when in fact it achieved only six, highlighting the need for better data collection. Reported sentences for the five convicted offenders in 2011 ranged from four to eight years' imprisonment, in addition to fines;

the labor trafficking offender received a suspended sentence, while one sex trafficking offender was convicted *in absentia*. There continued to be very few prosecutions and convictions reported for forced labor offenses.

The government's dedicated anti-trafficking police division consisted of 50 officers and was based in the capital, with a smaller unit in Iquitos. The division's effectiveness, particularly outside the capital, was hampered by limited resources. Police maintained uneven use of an electronic case tracking system for human trafficking investigation; this system did not track prosecutions and convictions, was not utilized by officers in all parts of the country, and temporarily ceased functioning for two months due to lack of funding for Internet connection. Furthermore, an NGO noted that some police officers erroneously entered prostitution cases as human trafficking cases in the system, reflecting a wider pattern of law enforcement officials conflating prostitution and sex trafficking.

Corruption among low-level officials facilitated trafficking in certain instances, and individual police officers tolerated the operation of unlicensed brothels and commercial sexual exploitation of children. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking. In partnership with civil society organizations and often with international organization and foreign government funding, the government provided training on human trafficking to police officers, prosecutors, diplomats, and other officials.

Protection

The Peruvian government provided minimal assistance to trafficking victims last year. Authorities did not develop or employ systematic procedures for identifying trafficking victims among vulnerable populations, such as people in prostitution or child laborers, and a prominent NGO questioned law enforcement's ability to distinguish between people in prostitution and sex trafficking victims. Labor inspections focused on the formal sector, and inspectors had not received training on forced labor. Law enforcement officials reported identifying 870 potential trafficking victims in 2011, including 700 adults and 170 children, a significant increase from the 191 identified in 2010. It appears, however, that these numbers included a significant number of adult women in prostitution who were not trafficking victims. In previous years, the majority of victims identified were children. The government had no formal process for referring trafficking victims to services. Authorities reported referring female child victims of sex trafficking to the network of 38 government-run children's homes for at-risk youth, including two shelters for teenage girl victims of sexual exploitation that were not specialized for trafficking victims. Adult female victims could receive services through the government's network of over 140 emergency centers, though these centers do not offer shelter services and none are specifically equipped or staffed to care for trafficking victims. The Peruvian national police maintained preventive centers for vulnerable minors where some child victims of trafficking were temporarily housed. In some cases, however, if other shelters are full, victims have been known to stay for months. NGOs and international organizations provided most services to victims without government funding, and services remained unavailable in many parts of the country, particularly for adults or forced labor victims.

Victim participation in the investigation or prosecution of traffickers remained limited, and Peruvian officials cited lack of funding for victim protection programs as one of the key challenges. Peruvian prosecutors reported providing 170 victims with legal, social, or psychological services, and an NGO study published during the year found that victims received inadequate protection and assistance during the legal process, noting that the identities of adult victims were made public in all cases analyzed. The government did not, however, penalize victims for unlawful acts committed as a direct result of being trafficked. Foreign trafficking victims were eligible for temporary and permanent residency status under Peruvian refugee law, though there were no reports of victims requesting or receiving this status during the year.

Prevention

The Government of Peru maintained anti-trafficking prevention efforts during the year. In October 2011, authorities enacted the national plan to combat trafficking. Government entities were directed to designate funds from their own budgets to implement the plan: while the Ministry of Interior reported dedicating funding for the operation of the interagency committee, most ministries did not have trafficking-designated funding to fulfill their responsibilities. The government's interagency committee, which also included civil society actors, continued to meet to coordinate anti-trafficking efforts and published an extensive annual report on government efforts over the past year. Although they conducted few public awareness efforts, authorities continued to partner with civil society organizations in awareness campaigns and events. The government continued to advertise its anti-trafficking hotline, which received 36 reports of trafficking in 2011; however, some NGOs noted that the hotline was of limited use, as it does not accept calls from cellular phones. Several regional governments maintained anti-trafficking working groups or worked on regional anti-trafficking plans during the year. Some areas of the country are known child sex tourism destinations, and Peruvian laws prohibit this crime. During the reporting period, Peruvian authorities trained tourist service providers on this issue, but reported no investigations, prosecutions, or convictions of child sex tourists in 2011. The government provided Peruvian peacekeepers with human rights training, including human trafficking awareness, prior to their deployment abroad on international peacekeeping missions. No efforts to reduce demand for commercial sex acts or forced labor were reported.

PHILIPPINES (Tier 2)

The Philippines is a source country and, to a much lesser extent, a destination and transit country for men, women, and children subjected to sex trafficking and forced labor. A significant number of Filipino men and women who migrate abroad for work are subsequently subjected to conditions of involuntary servitude worldwide. Men, women, and children are subjected to conditions of forced labor in factories, at construction sites, on fishing vessels, on agricultural plantations, and as domestic workers in Asia and increasingly throughout the Middle East. A significant number of Filipino women working in domestic service in foreign countries also face rape, physical violence, and sexual abuse. Skilled Filipino migrant workers, such as engineers and nurses, are also subjected to conditions of forced labor abroad. Women were subjected to sex trafficking in

countries such as Malaysia, Singapore, Hong Kong, Republic of Korea, and Japan and in various Middle Eastern countries. For example, from January to March 2012, the government repatriated 514 Filipina domestic workers from Syria; over 90 percent were identified as trafficking victims who had suffered physical, psychological, and verbal abuse from employers in Syria.

Trafficking of men, women, and children within the country also remains a significant problem in the Philippines. People are trafficked from rural areas to urban centers including Manila, Cebu, the city of Angeles, and increasingly cities in Mindanao, as well as within other urban areas. Men are subjected to forced labor and debt bondage in the agriculture, fishing, and maritime industries. Women and children were trafficked within the country for forced labor as domestic workers and small-scale factory workers, for forced begging, and for exploitation in the commercial sex industry. Hundreds of victims are subjected to forced prostitution each day in well-known and highly visible business establishments that cater to both domestic and foreign demand for commercial sex acts. Filipino migrant workers, both domestically and abroad, who became trafficking victims were often subject to violence, threats, inhumane living conditions, nonpayment of salaries, and withholding of travel and identity documents.

Traffickers, in partnership with organized crime syndicates and corrupt law enforcement officers, regularly recruit family and friends from villages and urban neighborhoods, often masquerading as representatives of government-registered employment agencies. Fraudulent recruitment practices and the institutionalized practice of paying recruitment fees often leave workers vulnerable to forced labor, debt bondage, and commercial sexual exploitation. Reports that illicit recruiters increased their use of student, intern, and exchange program visas to circumvent the Philippines government and receiving countries' regulatory frameworks for foreign workers are not uncommon. Recruiters adopted new methods in attempts to avoid government-run victim detection units at airports and seaports. Traffickers utilized budget airlines, inter-island ferries and barges, buses, and even chartered flights to transport their victims domestically and internationally.

Child sex tourism remained a serious problem in the Philippines, with sex tourists coming from Northeast Asia, Australia, New Zealand, Europe, and North America to engage in the commercial sexual exploitation of children. Increasingly, Filipino children are coerced to perform sex acts for Internet broadcast to paying foreign viewers.

Children in conflict-afflicted areas faced increased vulnerability to trafficking. One NGO estimated that over 900,000 Filipinos, most of whom are based in Mindanao, lack identity documents; the lack of birth registrations or other official documentation is widely recognized as contributing to this population's vulnerability to trafficking. The Moro Islamic Liberation Front, a separatist group, and the New People's Army were identified by the United Nations as among the world's persistent perpetrators of violations against children in armed conflict, including forcing children into service. During the year, the UN reported on the Abu Sayyaf Group's continued targeting of children for conscription as both combatants and noncombatants.

The Government of the Philippines does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government significantly increased funding of the Inter-Agency Council Against Trafficking (IACAT) from the equivalent of approximately $230,000 in 2010 to the equivalent of $1.5 million in 2011. The government continued to prosecute and convict trafficking offenders and implemented a new program to protect and rehabilitate victims. Additionally, authorities continued to make efforts to address trafficking-related corruption, filing criminal cases against 18 officials during the year. The government made notable efforts to prevent trafficking, including through training public officials, strengthening and expanding structures to screen for trafficking indicators before Filipino migrant workers' departure overseas, and negotiating bilateral agreements to protect its workers employed in foreign countries. The government did not, however, make progress on efforts to criminally prosecute labor recruitment companies involved in the trafficking of migrant workers abroad, and overall victim identification and protection efforts remained inadequate. Rampant corruption at all levels continues to enable traffickers and undermines efforts to combat trafficking.

Recommendations for the Philippines: Sustain the intensified effort to investigate, prosecute, and convict an increased number of both labor and sex trafficking offenders in the trafficking of Filipinos within the country and abroad; increase funding for anti-trafficking programs within IACAT member agencies; address the significant backlog of trafficking cases by developing mechanisms to track and monitor the status of cases filed with the Department of Justice (DOJ) and those under trial in the courts; conduct immediate and rigorous investigations of complaints of trafficking complicity by government officials and ensure accountability for leaders that fail to address trafficking-related corruption within their areas of jurisdiction; strengthen anti-trafficking training for police recruits, front-line officers, and police investigators; improve collaboration between victim service organizations and law enforcement authorities with regard to law enforcement operations; make efforts to expand the use of victim processing centers to additional localities to improve identification of adult victims and allow for victims to be processed and assisted in a safe environment after a rescue operation; increase victim shelter resources and expand the government shelter system to assist a greater number of trafficking victims, including male victims of both sex and labor trafficking; increase funding for the DOJ's program for the protection of witnesses and entry of trafficking victims into the program; increase efforts to identify trafficking victims in destination countries and to pursue criminal investigation and prosecution of their traffickers; and develop and implement programs aimed at reducing the demand for commercial sex acts.

Prosecution

The government continued to prosecute and convict sex and labor trafficking offenders at a rate similar to the previous year. The Philippines criminally prohibits both sex and labor

trafficking through its 2003 Anti-Trafficking in Persons Act, which prescribes penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the government convicted 29 trafficking offenders, compared with 28 traffickers convicted during the previous year. Two of the 29 traffickers were convicted of labor trafficking. Sentences for the convicted offenders ranged from one year to life imprisonment, with the majority of offenders sentenced to life imprisonment. The government reported that it concurrently pursued civil cases on behalf of victims, unless the victims opted to pursue such a case independently. Nevertheless, hundreds of victims continue to be trafficked each day in well-known, highly visible establishments, many of which have never been the target of anti-trafficking law enforcement action. Five of the 29 convictions were the results of cases filed and prosecuted by an NGO on behalf of victims, as the Philippines justice system allows private attorneys to prosecute cases under the direction and control of public prosecutors.

Although the DOJ continued to encourage courts' expedited processing of trafficking cases, inefficiencies in the judicial system continue to pose serious challenges to the successful prosecution of some trafficking cases. Philippine courts have over 680 pending or ongoing trafficking cases and an additional 129 cases remained pending at the DOJ. In 2011, the DOJ increased its number of designated trafficking prosecutors from 36 to 58 individuals in various national, regional, and airport task forces to work on anti-trafficking cases. In this task force model, prosecutors are assigned to assist law enforcement in building cases against suspected trafficking offenders, a notable difference from the normal practice in which prosecutors wait until an investigation is complete to review a case.

The government increased its efforts to provide anti-trafficking training to law enforcement officials: IACAT conducted 81 training sessions for 3,000 government and NGO stakeholders, police trained 2,105 officers, including nearly half of the officers working on women and children's desks, and NGOs and foreign donors provided additional training to law enforcement officers. Nevertheless, NGOs continue to report a lack of understanding of trafficking and the country's anti-trafficking legal framework among many judges, prosecutors, social service workers, and law enforcement officials – a significant impediment to successful prosecutions. Prosecutors continue to have difficulty distinguishing labor trafficking crimes from labor contract violations, which may be one reason more criminal forced labor cases are not filed.

Law enforcement officials' complicity in human trafficking remains a pervasive problem in the Philippines, and corruption at all levels of government enables traffickers to prosper. Officials in government units and agencies assigned to enforce laws against human trafficking reportedly permitted trafficking offenders to conduct illegal activities, allowed traffickers to escape during raids, extorted bribes, and accepted payments or sexual services from establishments known for trafficking women and children. Allegations continued that police officers at times conducted indiscriminate or fake raids on commercial sex establishments to extort bribes from managers, clients, and women in the sex industry, sometimes threatening women with imprisonment for solicitation.

During the last year, the government continued to take some steps to identify and prosecute officials complicit in trafficking and it dismissed officials who may have facilitated trafficking for administrative violations, but no public officials were convicted for trafficking or trafficking-related corruption during the reporting period. The DOJ filed criminal cases against 18 officials for trafficking-related offenses, but none of the cases had been concluded as of the end of the reporting period. While the government began a partnership in 2009 with three NGOs to jointly prosecute corrupt officials, and several investigations have resulted in this partnership, no criminal cases have been filed under this program. Cases against six officials accused of trafficking-related corruption were dismissed during the year.

Protection

The government increased its efforts to protect trafficking victims during the year. In 2011, the government allocated the equivalent of approximately $577,000 to the Department of Social Welfare and Development (DSWD) to fund the Recovery and Reintegration Program for Trafficked Persons, which it began implementing in June 2011. Over 1,000 victims received skills training, shelter, and legal assistance under this program, and almost half of those received financial assistance to seek employment or start their own businesses. The DSWD continued to operate 42 temporary shelters for victims of all types of abuse, and some victims continued to receive support through its residential and community-based services. The government referred victims to both government and private short- and long-term care facilities and provided a small amount of funding to NGOs to provide victim care, although the government did not provide reliable statistics for the total number of victims identified and assisted during the year. Government shelters did not detain victims against their will, although victims who chose to reside in shelters were not permitted to leave the premises unattended. Identification of adult trafficking victims remained inadequate, which left victims vulnerable to being charged, fined, and imprisoned for vagrancy. Three children reportedly were detained by the government's armed forces for alleged association with armed groups. No foreign trafficking victims were identified during the year. IACAT operated an anti-trafficking hotline; during the year, the line received 68 trafficking-related calls leading to the identification of 17 trafficking cases. The government encouraged victims to assist in the investigation and prosecution of their traffickers, but the government's serious lack of victim and witness protection, exacerbated by a lengthy trial process and fear of retaliation by traffickers, caused many victims to decline or withdraw cooperation. The DOJ's witness protection program assisted 18 victims, including nine children, during the year. However, this program lacked funding, and inadequate witness protection and shelter remained a significant deficiency in the government's response to victims' need for protection and assistance. The DSWD conducted training for 552 government and non-governmental social workers on recovery and reintegration of victims, and IACAT, with support from an international organization, trained 3,000 police officers on trafficking victim identification. Most local social welfare officers, however, remain inadequately trained on how to properly assist rescued trafficking victims, particularly children and victims of labor trafficking.

In 2011, the government significantly increased its budget allocation to the Assistance-to-Nationals program, administered by the Department of Foreign Affairs (DFA), to the equivalent of $9.86 million to assist Filipinos in situations

of distress overseas, including trafficking. The DSWD and the DFA coordinated with NGOs in other countries to provide temporary shelter, counseling, and medical assistance to 1,469 victims of trafficking and illegal recruitment abroad, largely in Malaysia, Lebanon, the United States, and Palau. From January to March 2012, the government repatriated and provided shelter to 514 trafficking victims evacuated from Syria. The government continued to operate multi-agency Filipino workers resource centers overseas to assist Filipino migrant workers in 21 countries with 20,000 or more Filipino workers.

Prevention

The government demonstrated increased efforts to prevent human trafficking during the reporting period. Senior government officials regularly spoke publicly about the importance of combating human trafficking, and the IACAT developed and disseminated a three-hour television show on trafficking awareness.

The Philippine Overseas Employment Agency (POEA) conducted 1,539 pre-deployment orientation seminars and 583 pre-employment seminars for over 100,000 prospective and outbound Filipino overseas workers. The POEA and the Department of Labor and Employment (DOLE) also conducted seminars on recruitment and trafficking in the country, attended by local prosecutors, law enforcement personnel, local government units, NGOs, recruitment agencies, and community members. The POEA distributed nearly 100,000 pieces of printed material about trafficking and illegal recruitment and the community education programs of the Commission on Filipinos Overseas (CFO) reached over 50,000 people. In 2011, POEA opened a community center to offer legal assistance to trafficking victims in partnership with civil society representatives and a labor assistance center to verify overseas workers' documents before departure; the latter identified 101 suspected victims and prevented them from departing for situations of suspected exploitation.

In 2011, the government significantly increased the IACAT Secretariat's full-time staff from eight to 37; it also employed 115 part-time staff members. In December 2011, the government launched its National Strategic Plan of Action against Trafficking in Persons 2011 – 2016. The government continued to operate its Overseas Passenger Assistance Center (OPAC) to screen passengers for signs of trafficking; in August 2011, it opened a second OPAC in a region in which the seaports are known to be a departure point for many trafficking victims. CFO assisted 40 adults working overseas in labor and employment cases during the year, five of whom were identified as trafficking victims and referred to the DFA. CFO conducted anti-trafficking training sessions for 201 government, NGO, and community stakeholders.

In October 2011, the government implemented a provision in its amended law on migrant workers and overseas Filipinos, banning deployment of Filipinos to 41 countries deemed to lack adequate legal protections for workers. The following month, however, this list was recalled for further review. At the close of the reporting year, the deployment ban remained suspended pending the issuance of a new POEA resolution. During the year, the government signed a new MOU with Jordan on the employment of Filipino domestic workers, and it reported ongoing negotiations for similar agreements with other noncompliant countries.

In January 2012, the Bureau of Immigration began implementing the "New Guidelines on Departure Formalities for International Bound Passengers in all Airports and Seaports" to screen for potential possible trafficking victims. This intensified effort to detect potential trafficking victims and "off-load" them for interviews – in essence blocking their travel from the Philippines – raised concerns that Filipinos' right to travel out of the country might be unduly restricted. The guidelines were enacted to systematize the process and ensure consistent norms were applied. From January – March 2012, 66 potential victims were identified through this process.

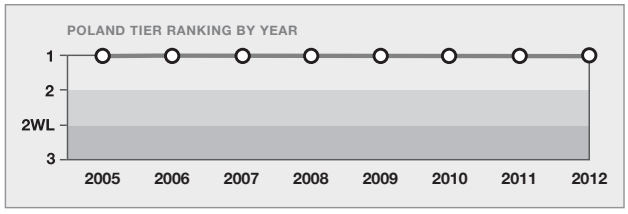
In 2011, the government canceled licenses of 153 recruitment companies for violations of overseas employment laws, closed two unlicensed staffing agencies, and convicted five individuals for illegal recruitment. As a result of 22 DOLE-led rescue operations, 125 children were rescued from the sex trade and six businesses accused of sex trafficking were permanently closed. Despite significant local demand in the country's thriving commercial sex industry, the government's efforts to reduce the demand for commercial sex acts in the Philippines were limited, as were the government's efforts to address the demand for forced labor. Although the government acknowledges the problem of child sex tourism, it did not prosecute or convict any foreign pedophiles, instead deporting suspects without pursuing criminal charges. The government provided training, including a module on human trafficking, to Philippine troops prior to their deployment abroad on international peacekeeping missions.

POLAND (Tier 1)

Poland is a source, transit, and destination country for men and women subjected to conditions of forced labor and for women and children subjected to sex trafficking. Men and women from Poland are subjected to conditions of forced labor in the United Kingdom, Belgium, Scandinavian countries, and the Netherlands. Women and children from Poland are subjected to sex trafficking within their country and also in Germany, Austria, the Netherlands, Italy, and Finland. Women and children from Ukraine, Bulgaria, Belarus, and Romania are trafficked for commercial sexual exploitation in Poland. In a more recently identified trend, women from Africa, including Djibouti, Democratic Republic of the Congo, and Cameroon, are subjected to forced prostitution in Poland. Roma persons are recruited from Romania for forced begging in Poland. Poles are brought to the United Kingdom by an organized crime group and subsequently coerced to commit crimes, such as benefits fraud. There have been cases of Polish men and women being fraudulently recruited to work or get married abroad and then forced or induced to traffic drugs by crime groups.

The Government of Poland fully complies with the minimum standards for the elimination of trafficking. The government sustained its funding of victim protection mechanisms in all areas of the country and it identified significantly more victims compared to the previous year, though it continued to face challenges in identifying victims of labor trafficking. The government increased efforts to ensure that foreign victims were repatriated in a safe and responsible way, and it developed plans to offer monetary assistance to certain foreign victims. In one case, the government continued to prosecute identified

victims of trafficking. A significant portion of convicted trafficking offenders were not sentenced to time in prison.



Recommendations for Poland: Fully implement the standard operating procedures for victim identification and adapt the referral mechanism to better identify victims of labor trafficking; ensure that all first-responders, including police, labor inspectors, and border guards, receive adequate training to identify and refer potential victims to care in accordance with standard operating procedures; ensure that border guards have a clear mandate to investigate potential trafficking cases; ensure that identified victims of trafficking are not penalized for acts committed as a direct result of being trafficked; take steps to ensure that the government's reflection period is offered to all victims, and that victims are not deported for initially refusing to be interviewed; take steps to ensure that a majority of trafficking offenders serve time in prison; continue to increase the shelter system's capacity to assist victims, including men and children; continue trafficking training for both prosecutors and judges; conduct additional awareness campaigns to reduce the demand for commercial sex acts; and incorporate the victim compensation process into criminal proceedings.

Prosecution

The Government of Poland improved its anti-trafficking law enforcement efforts in 2011. Poland defines and prohibits all forms of trafficking in persons through several articles of its criminal code, amended in 2010, including articles 115.22, 115.23, 189a, 203, and 204.3. Prescribed punishments under these statutes range from one to 15 years' imprisonment; these sentences are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In January 2011, the government transferred the Central Anti-Trafficking Unit of the Polish National Police to the Central Bureau of Investigation to facilitate coordination and supervision of trafficking cases in all 17 regional police anti-trafficking units. Although the prosecutor's office did not have a specialized anti-trafficking unit, an anti-trafficking consultant was assigned to advise prosecutors responsible for trafficking cases.

In 2011, Polish police conducted 37 new investigations involving 471 total human trafficking offenses, in contrast to 48 investigations involving 95 total offenses in 2010. According to data reported by the government, it prosecuted 17 suspected trafficking offenders and convicted 28 trafficking offenders, which compares to 77 prosecutions and 28 convictions under the former trafficking law in 2010. In collecting data, only sentences issued after appeals are considered final. In 2010, the most recent year for which post-appeal sentences were available, the government convicted 60 trafficking offenders who received sentences ranging from two months' to five to eight years' imprisonment. As in 2009, roughly half of convicted offenders received suspended sentences and about one in five convicted offenders received sentences of at least two years. During 2011, the government did not report the investigation, prosecution, conviction, or sentencing of any public officials complicit in human trafficking. Polish authorities collaborated on human trafficking investigations with foreign counterparts, including those of Germany and the United Kingdom. The government opened an investigation of the alleged forced labor of two South Asian women working as domestic servants in the house of a diplomat from a Middle Eastern country, but the case was dropped due to a lack of evidence.

During the year, the government provided anti-trafficking investigative and prosecutorial training to judges, labor inspectors, border guards, and police. For example, the National School for Judges and Prosecutors organized a series of training sessions in multiple cities on legal and criminal aspects of human trafficking for 550 judges and prosecutors. The government continued administering a four-level training program on human trafficking for border guard officers; in 2011, approximately one-third of the 15,000 officers took the basic-level three-hour training. The national police continued implementation of an extensive 40-hour specialist training on human trafficking by organizing three editions of the training in police academies around the country; between 2009 and 2011, a total of 229 federal, provincial, and municipal police officers attended the training. In August and November, the National Labor Inspectorate conducted training for 83 labor inspectors, which focused on trafficking in persons.

Protection

The Government of Poland increased its anti-trafficking victim protection efforts in 2011, identifying significantly more victims. The police identified 304 victims of trafficking through investigations in 2011, a significant increase from the 85 victims identified in 2010. According to the national police Central Anti-Trafficking Unit, police officers and border guards were well trained in identifying potential sex trafficking victims, though they appeared to lack expertise in identifying forced labor victims. Additionally, the border guard forces' primary tasks, as defined in the law, did not include investigating human trafficking; therefore, border guards could only investigate human trafficking cases that involve other offenses, such as immigration violations or possession of false documents. Labor inspectors had the authority to verify the legality of foreign worker employment and to refer suspected trafficking cases to law enforcement for investigation. While there were no new reports of trafficking victims inappropriately detained or charged by authorities in 2011, the OSCE reported that a Polish court refused to recognize three Azerbaijani workers initially identified in 2010 as trafficking victims and prosecuted them as members of an organized crime group, despite evidence that the victims' salaries were withheld and their families were threatened. In 2011, the government sustained previous funding for victim assistance, allocating the equivalent of approximately $250,000 for victim assistance. The government continued to fund the NGO-run National Intervention-Consultation Center for Victims of Trafficking to provide assistance to foreign and Polish victims of trafficking. The center provided assistance to 133 victims in 2011, down from 253 in 2010. The center hosted an anti-trafficking hotline, provided victims with comprehensive assistance resources, and offered a shelter for adult female trafficking victims. Government-funded NGOs provided medical and psychological care, legal assistance, protective services, food, clothing, and crisis intervention. The government designated and partially funded 19 other

crisis centers with capacity for 123 persons across the country as shelters for trafficking victims. There were no shelters designated specifically for male trafficking victims, although the government housed male victims of trafficking together with females in crisis centers, with supervision from anti-trafficking NGOs. Adult victims of trafficking were allowed to leave the shelters unchaperoned and at will. The Ministry of Labor and Social Policy organized and funded four training sessions for a total of 116 social workers on the trafficking situation in Poland, the anti-trafficking legal framework, models of assistance, and identification of victims. The national police and the border guard developed an updated version of the referral standard operating procedures that includes an identification tool for all types of trafficking, with particular emphasis on forced labor, which will be adopted once the revised law on foreigners is passed.

Foreign victims of trafficking, whether third country nationals or EU citizens, were entitled to receive the same social welfare benefits provided to Polish citizens, including crisis intervention assistance, shelter, food, clothing, and a living allowance. Under the Law on Aliens, the government offered foreign victims a three-month reflection period during which foreign victims can stay legally in Poland to deliberate whether to cooperate with the criminal process. In 2011, two foreign trafficking victims accepted the reflection period, up from none in 2010, yet both decided not to testify; international organizations raised concerns that foreign victims who declined to participate in law enforcement investigations were not classified as trafficking victims or offered the reflection period and attendant services. In October 2011, the government signed an agreement with IOM to ensure that assistance is provided to foreign trafficking victims which is not dependent on cooperation with law enforcement. The agreement also provides for a risk-assessment for each victim to confirm that the person will be safe upon return to the home country. The government's witness protection program provided victims with shelter, food, clothing, transportation, and medical and psychological care; in 2011, the government enrolled 25 victims in the program, 20 of whom cooperated with law enforcement, compared to 34 victims in 2010, all of whom cooperated with law enforcement. The government encouraged victims to participate in criminal proceedings, including through the use of videoconference technology to secure testimony from victims no longer in Poland. Victims may file civil suits against traffickers; however, the UN Special Rapporteur expressed concern that prosecutors do not adequately incorporate compensation or restitution options into criminal proceedings.

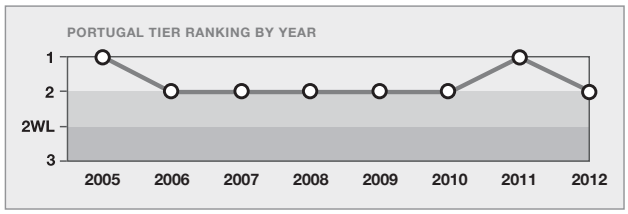
Prevention

The government sustained its strong anti-trafficking prevention efforts during the reporting period. The Ministry of Interior pursued partnerships with NGOs to educate schoolchildren on trafficking, providing leaflets and workshops for 493 teachers from five regions to discuss human trafficking with their students. The Ministry of Labor and Social Policy provided guidance to potential Polish emigrants on the dangers of human trafficking through a guidebook that was distributed through job centers and the Internet. The government also established a hotline and equipped operators with a handbook. The Ministry of Labor continued to operate a website with a chat room where experts answered questions and gave advice on how to determine the legitimacy of job offers. Experts also advised prospective job seekers on available legal assistance in the case of labor exploitation or breach of contract. Border guard officers continued to distribute leaflets in English, Russian, Bulgarian, Vietnamese, and Romanian to inform potential victims of trafficking about how to find assistance in Poland. The government organized its anti-trafficking activities through its inter-ministerial anti-trafficking team, which in June 2011 approved the fifth National Action Plan for Combating and Preventing Human Trafficking for 2011-2012. While the government did not have an independent national rapporteur on trafficking, the Ministry of the Interior will publish a comprehensive governmental report on trafficking that will cover the years 2009-2011 in 2012, and according to the new national action plan will publish a report annually thereafter. In September, the Szczecin provincial police hosted a training workshop for police officers from Poland, Belarus, and Ukraine to improve cooperation between the three countries in combating human trafficking and better treatment of victims. In November, the Ministry of the Interior hosted an international seminar for EU member states, EU neighbor countries, international organizations, and NGOs on best practices in combating and preventing human trafficking. The government did not conduct a specific campaign to reduce the demand for commercial sex acts targeted at potential clients of prostitution, nor did it organize any programs to reduce any participation of Polish nationals in child sex tourism.

PORTUGAL (Tier 2)

Portugal is a destination, transit, and source country for women, men, and children subjected to sex trafficking and forced labor. Trafficking victims found in Portugal originate in Brazil, Eastern Europe, and Africa. According to the government, an increasing number of underage Portuguese girls are subjected to forced prostitution within the country. Men from Eastern European countries and Brazil are subjected to forced labor in agriculture, construction, hotels, and restaurants. Portuguese men and women are subjected to forced labor or forced prostitution after migrating to other destinations in Europe. Children from Eastern Europe, including Roma, are subjected to forced begging, sometimes by their families. Over half of the trafficking victims certified by the government in 2011 were male.

The Government of Portugal does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government took important steps to improve its capacity to proactively identify trafficking victims and conducted multiple anti-trafficking awareness programs. However it did not provide evidence that the majority of convicted trafficking offenders received prison sentences or were held accountable during the reporting period. In 2010, the government reported at least three convictions under its anti-trafficking law for the trafficking offense of pimping children. Preliminary reports indicate that the government achieved at least seven convictions for sex trafficking. The government includes data on non-coercive activities in statistics on its anti-trafficking prosecution efforts. As a result, the number of convictions reported by the government significantly outnumbers the number of identified victims, making law enforcement data collection efforts difficult to assess. Relative to other countries in the region, the Portuguese government reported a low number of certified trafficking victims.



Recommendations for Portugal: Improve the integrity of law enforcement data to reflect clearly those offenses that constitute human trafficking as defined by the 2000 UN TIP Protocol; provide data that proves Portugal vigorously prosecutes and convicts trafficking offenders, sentencing them to punishment that reflects the gravity of their crimes; consider the use of a case-based approach to document forced prostitution and forced labor cases and other trafficking-specific law enforcement efforts; consider raising the mandatory minimum sentence under Article 160 to ensure that convicted traffickers are held accountable and do not receive suspended sentences; continue to improve outreach to locate more potential trafficking victims in Portugal and explore more holistic, victim-centered methods of identification; develop specialized assistance and shelter for trafficked children and men; expand shelter capacity to provide comprehensive assistance to victims throughout Portugal; involve NGOs in efforts to stabilize potential victims in a post-raid environment and ensure trafficking victims are referred for care and assistance that allows them sufficient time to recover from their trafficking experiences; ensure adequate funding for NGOs providing critical assistance to victims; and undertake a comprehensive national awareness program to educate government officials, front-line responders, and the public about all forms of trafficking in Portugal.

Prosecution

Because the law defines "trafficking in persons" in an overly-broad fashion to include lesser crimes and the courts suspend sentences of five years or less, it is difficult to assess the extent to which the Government of Portugal prosecuted, convicted, and sentenced trafficking offenders during the reporting period. Portugal prohibits both forced labor and forced prostitution through Article 160 of its penal code, which prescribes penalties of three to 12 years' imprisonment – penalties sufficiently stringent and commensurate with those for other serious crimes, such as rape. However, Article 160 includes an overly broad definition of trafficking that encompasses exploitative, non-coerced activity, resulting in government trafficking data that likely includes charges under pimping and pandering statutes as well as low-level labor violations. In 2010, the most recent year for which compiled data was available, the government reportedly initiated 28 new investigations and prosecuted 138 new cases under Article 160 which may have included human trafficking. The government reported that 97 of these cases resulted in convictions, but could only confirm that three of these were human trafficking cases under the "pimping children" provision (of Article 160) and that all three convictions resulted in a prison sentence. Although the government did not provide specific sentencing data for these convictions, under Portugal's penal code, courts are not allowed to impose physical incarceration as punishment when a sentence involves less than five years' imprisonment. Accordingly, the three persons convicted of pimping children likely were sentenced to more than five years' imprisonment. Reports indicate that the government may have also convicted at least seven sex trafficking offenders, but this could not be confirmed. By comparison, in 2009, the Portuguese government reported that it prosecuted 179 defendants who had been indicated under Article 160 and confirmed that eight of those 179 suspects were convicted of crimes that involved coerced prostitution of adults and sex trafficking of children, seven of whom were sentenced to an average of 12 years' imprisonment.

Because of the paucity of data provided for the reporting period, it is presumed that the government did not vigorously prosecute, convict, or sentence trafficking-specific offenders during the year. The government advised that the closed nature of the judicial system and strict privacy laws made it difficult to provide accurate and reliable statistics about government efforts to prosecute crimes that explicitly involve coerced prostitution and forced labor.

Pursuant to a memorandum of understanding signed in January 2012 between the government's Observatory on Trafficking in Human Beings (OSTH) and Portugal's justice sector, the OSTH is attempting to improve the quality of the data it receives on traffickers arrested by law enforcement officials and to better monitor the progress of accused traffickers through the criminal justice system.

The government reported it continued its investigation of 12 suspected traffickers stemming from the February 2011 Operation Roadblock, through which 30 sex trafficking victims were discovered. Because of the closed nature of its judicial system, the government could not confirm whether the 12 suspects were undergoing prosecution. Consistent with Portuguese legal practice, the government did not provide evidence that it had provided the victims in the case with care in conjunction with the government's continuing investigation. During the reporting year, the parliament passed a law criminalizing the use of the labor of trafficking and smuggling victims. The new law makes it easier to prosecute employers who cooperate with labor traffickers and provides criminal penalties of up to 10 years in prison for such offenses. During the reporting period, Portugal established additional specialized training programs to improve law enforcement efforts in the field of anti-trafficking. For example, in October 2011, during the European Day against Trafficking in Human Beings, government officials, including the secretary of state for parliamentary affairs and equality, held a special anti-trafficking training event in the city of Coimbra. The government also convened an anti-trafficking colloquium for law enforcement agencies responsible for anti-trafficking efforts. The government reported that there were no prosecutions or convictions of officials for trafficking-related complicity in 2011.

Protection

The Government of Portugal took some steps to improve its capacity to identify trafficking victims during the reporting period. In July 2011, the government began disseminating a "trafficking indicator card" to assist law enforcement officials in detecting trafficking victims. The government reported that it continued to employ standardized procedures for identifying trafficking victims. It certified 23 official trafficking victims in 2011 out of 71 potential victims flagged by its database, compared to 22 officially certified victims out of 86 potential victims in 2010, an increase of one. However,

half of these victims were identified through referrals from Spanish counterparts rather than by Portuguese authorities. Under the government's identification system, law enforcement agencies and NGOs are required to submit form reports of suspected victims to a central government observatory; this form is then reviewed by the judicial police or the national coordinator to verify a victim's status. The government does not officially finalize victim status. A victim's status may change if, during the course of an investigation, it is established that the status was determined incorrectly. In an effort to be transparent, the government adjusted the number of certified victims in 2010 from 21 to 16, but did not specify the reasons for the reduction. Nevertheless, the government offered all potential and identified victims assistance early in the process, regardless of an ultimate determination of certification of the victim's status.

The government continued to subsidize an NGO shelter and provided the equivalent of $136,560 towards the operation of the shelter. Authorities referred four victims to the shelter for care in 2011, the same number they referred in 2010. The government did not provide information on the level of assistance provided to the other nineteen certified victims in 2011 or the other 48 potential trafficking victims identified by the government's database. A total of 11 trafficking victims stayed at the shelter during the reporting period. Victims were permitted to leave the shelter after undergoing a security assessment by shelter staff. Local experts noted that the shelter was the only designated shelter for trafficking victims. The government did not provide evidence that it provided any financial assistance to other NGOs assisting victims in Portugal or information on whether other NGOs assisted any trafficking victims in 2011. The government reportedly encouraged victims to participate in the investigation and prosecution of trafficking offenders, but did not provide further details on the extent of their cooperation. The government reported that all identified victims are permitted a 30- to 60-day reflection period to decide whether they wished to participate in a criminal investigation. The government provided foreign victims of trafficking with short-term legal alternatives to their removal from the country. Victims who cooperate with law enforcement authorities are eligible for a one-year residency permit, which can be renewed. Trafficking victims can be eligible to obtain permanent residency in Portugal under Article 109 of Immigration Law No. 23 of July 4, 2007 and Decree-Law 368 of November 5, 2007. The number of residence permits granted by the government declined in 2011; three such permits were granted to trafficking victims in 2011, compared to 10 permits in 2010. The government reported that police made proactive efforts to identify sex trafficking victims within the legal prostitution sector. However, it is not known what happened to those victims who were not so identified.

Prevention

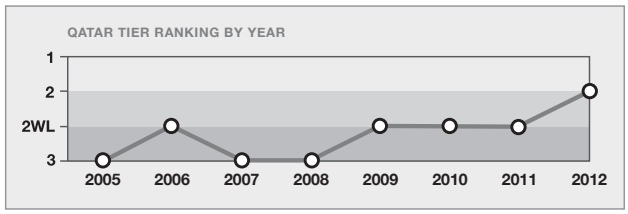
The Government of Portugal made appreciable efforts to improve its prevention of trafficking during the year. It produced and sponsored public service announcements raising awareness about human trafficking on a major television network. The government also provided pamphlets and posters about human trafficking to its embassies around the world. Portugal's Commission for Citizenship and Gender Equality was charged with coordinating the government's anti-trafficking efforts. During the reporting period, the OSTH launched a Facebook page to promote public awareness of human trafficking and sponsored an exhibition on human trafficking that is currently making its way through major Portuguese municipalities in conjunction with conferences aimed at the local population and students. Portugal has an action plan to combat trafficking that is valid through 2013. During the reporting period, the government maintained a website about its anti-trafficking efforts. The government produced a monitoring report of its anti-trafficking efforts in September. The government's existing hotline for immigrants is not specifically designed for trafficking victims. Local experts believed the cost of using the hotline and various numbers associated with it contributed to lack of use by potential trafficking victims. The government did not report any efforts to reduce the demand for commercial sex acts. The government did not report any efforts to reduce participation in international child sex tourism by Portuguese nationals. During the reporting year, the minister of interior announced a proposal to develop a pilot project to establish a system for tracking trafficking cases in the European Union in cooperation with other EU countries. The government provided anti-trafficking awareness training to troops before their deployment abroad on international peacekeeping missions. Portugal continued its bilateral cooperation with Brazil by developing an anti-trafficking campaign for potential trafficking victims in Brazil. The government continued to take a leading role in assisting other Lusophone countries, including Cape Verde, Sao Tome and Principe, Guinea-Bissau, and Brazil, in implementing the UN-promoted anti-trafficking campaign "You're not for sale."

QATAR (Tier 2)

Qatar is a destination country for men and women subjected to forced labor and, to a lesser extent, forced prostitution. Men and women from Nepal, India, Pakistan, Bangladesh, the Philippines, Indonesia, Vietnam, Sri Lanka, Ethiopia, Sudan, Thailand, Egypt, Syria, Jordan, and China voluntarily migrate to Qatar as low-skilled laborers and domestic servants, but some subsequently face conditions of involuntary servitude. These conditions include threats of serious physical or financial harm; withholding of pay; charging workers for benefits for which the employer is responsible; restrictions on freedom of movement, including the confiscation of passports, travel documents, and the withholding of exit permits; arbitrary detention; threats of legal action and deportation; threats of filing false charges against the worker; and physical, mental, and sexual abuse. In some cases, arriving migrant workers have found that the terms of employment in Qatar are different from those they agreed to in their home countries; businesses and individuals in Qatar reportedly promised migrants employment opportunities that never materialized. Many migrant workers arriving for work in Qatar have paid exorbitant fees to recruiters in their home countries – a practice that makes workers highly vulnerable to forced labor once in Qatar. In limited cases, Qatar is also a destination for women who migrate for legitimate purposes and subsequently become involved in prostitution, but the extent to which these women are subjected to forced prostitution is unknown. Some of these victims may be runaway domestic workers who have fallen prey to forced prostitution by individuals who exploit their illegal status.

The Government of Qatar does not fully comply with the minimum standards for the elimination of trafficking, but is making significant efforts to do so. The government

demonstrated evidence of increasing efforts to address human trafficking over the year, particularly through the passage of an anti-trafficking law that prohibits all forms of trafficking and prescribes sufficiently stringent penalties, as well as improved identification of trafficking victims. Furthermore, in late 2010, the Qatari government launched its "National Plan for Combating Human Trafficking for 2010-2015," which the government continues to implement with a budgetary commitment the equivalent to $6,487,195 in 2011. The Qatari government also improved its protection measures to proactively identify victims of trafficking through implementation of a national referral mechanism. Nonetheless, the government has yet to demonstrate increased action to investigate, prosecute, and punish trafficking offenders for forced labor and forced prostitution.



Recommendations for Qatar: Implement the new anti-trafficking legislation by increasing efforts to investigate, prosecute, convict, and punish trafficking offenses under the law; collect, disaggregate, analyze, and disseminate counter-trafficking law enforcement data; institute and consistently apply formal procedures to identify victims of trafficking among vulnerable groups, such as those arrested for immigration violations or prostitution; enforce the sponsorship law's criminalization of passport-withholding and mandate employees receive residence cards within one week as a means of preventing trafficking abuses; abolish or significantly amend provisions of Qatar's sponsorship law to prevent the forced labor of migrant workers or implement other provisions that make up for the law's shortcomings; and continue implementation of the "National Plan for Combating Human Trafficking for 2010-2015."

Prosecution

The Government of Qatar made significant efforts to combat its human trafficking problem over the year. In October 2011, the government approved a comprehensive anti-trafficking law, Law No. 15, which prohibits all forms of trafficking and prescribes penalties of no more than seven years' imprisonment and up to the equivalent of $82,000 in fines, with prescribed penalties of no more than 15 years' imprisonment under aggravating circumstances. These penalties are sufficiently stringent and commensurate with other serious crimes, such as kidnapping. Despite the passage of the new anti-trafficking law in 2011 and existing laws that could be used to punish trafficking offenders, the government did not report any clear efforts to investigate, prosecute, or punish trafficking offenses during the reporting period. Qatar also prohibits employers' withholding of workers' passports under the 2009 Sponsorship Law, though the law was not rigorously enforced during the reporting period. According to Qatar University's Social and Economic Survey Research Institute, a June 2011 study found that 91 percent of expatriate workers surrendered their passports to employers. During the reporting period, the Qatar Foundation to Combat Human Trafficking (QFCHT) – Qatar's national coordinating body for anti-trafficking activities – along with the Ministries of Interior and Justice, conducted a variety of anti-trafficking trainings targeting law enforcement personnel. The government did not report any investigations, prosecutions, convictions, or sentences of government personnel for complicity in trafficking offenses.

Protection

The Qatari government made progress in protecting victims of trafficking during the reporting period. Government personnel introduced systematic procedures to proactively identify victims of trafficking among vulnerable populations, such as foreign workers. The government acknowledged the existence of a labor trafficking problem in the country, yet some officials do not equate involuntary labor exploitation with human trafficking. Under provisions of Qatar's sponsorship law, sponsors have the unilateral power to cancel workers' residency permits, deny workers' ability to change employers, report a worker as a runaway to police authorities, and deny workers permission to leave the country. As a result, sponsors may restrict workers' movements and workers may be afraid to report abuses or claim their rights, which contribute to their forced labor situation. In addition, domestic servants are particularly vulnerable to trafficking since they are isolated inside homes and are not covered under the provisions of the labor law. Victims of trafficking were often punished for unlawful acts they committed as a direct result of being trafficked; specifically, Qatari authorities regularly arrested, detained, and deported potential trafficking victims for immigration violations and running away from their employers or sponsors, though Ministry of Interior officials interviewed all those sent to the deportation center and are required to determine whether the workers were victims of trafficking and offer them protection. Victims occasionally languished in detention centers for up to six months when their employers failed to return their passports, failed to purchase them a plane ticket to their country of origin, or filed false charges of theft against them; the costs of legal representation under these circumstances are borne by the worker, but are often waived due to inability to pay.

During the reporting period, the QFCHT, in coordination with the Ministry of Public Health, conducted a workshop for medical staff and social workers on identifying human trafficking victims among the patients they serve. The QFCHT also distributed a manual to law enforcement, immigration authorities, and social service providers on how to proactively identify victims of trafficking. Additionally, in 2011, the government established a national victim referral system to coordinate victim identification and referral efforts between government authorities and non-government organizations; however, it is unclear how effective this newly-established system was at the end of the reporting period. The government's trafficking shelter, operated by the QFCHT, reported assisting 451 migrant workers and 33 victims of trafficking in 2011; government officials, including police, public prosecutors, and other government ministry officials, referred 51 of these cases to the QFCHT. Unlike previous years, trafficking victims were able to access the shelter even if their employers had filed charges against them. Victims have the right to leave the shelter without supervision. While migrant workers identified as trafficking victims could receive legal assistance from shelter authorities, some employers and sponsors threatened victims in an attempt to keep them from seeking legal redress. The 500,000 foreign workers in domestic service in Qatar remained unprotected by Qatari labor law, and therefore faced

difficulties seeking legal redress for abuses through civil court action. Civil suits could only be filed for a sponsor's failure to meet his/her financial obligations to the domestic worker; in practice, civil suits were rare, but have increased in number. The Qatari government sometimes offered temporary relief from deportation to enable identified victims to testify as witnesses against their employers, though it did not offer most foreign trafficking victims legal alternatives to their removal to countries where they may face retribution or hardship.

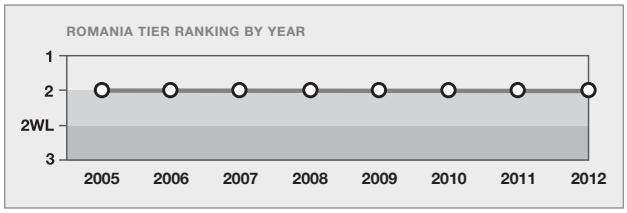
Prevention

Qatar made limited progress in preventing trafficking in persons during the reporting period. The government did not reform Qatar's migrant worker sponsorship law, which contributes to conditions of forced labor in the country by allowing sponsors to restrict workers' movements. The government reported that it routinely inspected and monitored recruitment companies and actively sought to punish companies that were found making fraudulent offers or imposing exorbitant fees in selling visas. In October 2011, the government reported convicting and fining a sponsor the equivalent of $220,000 on multiple counts of visa-selling, which is prohibited under Qatari immigration law with punishment up to three years' imprisonment or fines equivalent to $13,736 per violation. The government did not, however, systematically investigate companies to prevent passport withholding, exacerbating migrants' vulnerability to trafficking; employers often made their employees sign waivers allowing them to hold passports. Although the sponsorship law requires an employer to secure a residence card for laborers within seven days, reports indicated that this sometimes does not happen; this restricts migrant workers' mobility and impedes their ability to access health care or lodge complaints at the labor department. In an effort to reduce the demand for commercial sex acts and prevent child sex tourism of Qataris traveling abroad, the government publicly called for adherence with Islamic principles in an effort to reduce the demand for commercial sex acts.

ROMANIA (Tier 2)

Romania is a source, transit, and destination country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. Romanians represent a significant source of trafficking victims in Europe. Romanian men, women, and children are subjected to forced labor in agriculture, domestic service, hotels, and manufacturing, as well as forced begging and theft in European countries, including Spain, Italy, the Czech Republic, Denmark, Greece, Germany, Cyprus, France, Norway, Lithuania, the United Kingdom, Poland, Slovenia, Switzerland, and Austria. Men, women, and children from Romania are victims of forced prostitution in European countries, including Germany, France, Cyprus, Spain, Hungary, Malta, Switzerland, Sweden, Greece, Finland, and Belgium. Children likely represent at least one-third of Romanian trafficking victims. Traffickers recruiting and exploiting Romanian citizens were overwhelmingly Romanian themselves, typically seeking victims from the same ethnic group or within their own families. Frequently, traffickers first exploited victims within Romania before transporting them abroad for forced prostitution or labor. The Romanian government reported increasing sophistication amongst Romanian criminal groups, including the transportation of victims to different countries in Europe in order to test law enforcement weaknesses in each. Romania is a destination country for a small number of foreign trafficking victims, including sex trafficking victims from Moldova and labor trafficking victims from Bangladesh and Serbia. Romanian girls and boys, particularly those whose parents work abroad, are vulnerable to sex trafficking throughout Romania. Romanian children without proper identification documents are especially vulnerable to trafficking.

The Government of Romania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made strong prosecution efforts during the reporting period: the number of anti-trafficking prosecutions pursued was amongst the highest in Europe, and built on partnerships with governments in destination countries to increase accountability for trafficking offenders. The government also conducted creative anti-trafficking prevention efforts to sensitize the population to trafficking in persons. Nevertheless, services available to trafficking victims were very weak. For a third consecutive year, the government provided no funding to anti-trafficking NGOs, imperiling civil society victim protection. The care offered by the government was often minimal, failing to provide specialized attention to meet victims' needs and reduce their chances of re-victimization. NGOs objected that government-run shelters were overly restrictive on autonomy. The poor state of victim care in Romania put the vulnerable population at high risk for re-trafficking.



Recommendations for Romania: Restore government funding for trafficking victim assistance programs, including grants for NGOs providing service to victims; improve the quality of victim services, ensuring that psychological care, rehabilitation, and other victim assistance provides substantive care; construct a trafficking specific shelter for repatriated victims in Bucharest; remove non-security related restrictions on victims' movement while housed in government-funded shelters; encourage male trafficking victims to use assistance to prevent further exploitation; adopt stronger measures for the long-term rehabilitation of child victims who are vulnerable to re-trafficking; ensure that reintegration and rehabilitation of child victims addresses any parental involvement in the original trafficking of the child; improve the reporting of data on trafficking crimes prosecuted under Law No. 678/2001 and other relevant laws by disaggregating sex and labor trafficking offenses; explore ways to improve asset confiscation and victim compensation; vigorously investigate and prosecute acts of trafficking-related complicity allegedly committed by government officials, and punish officials convicted of such crimes with prison sentences; consider specialized training for labor inspectors in identifying trafficking cases; demonstrate efforts to investigate and punish acts of labor trafficking and efforts to assist victims of labor trafficking; ensure protection of trafficking victims during trial by making sustainable plans and funding for victims' appearances in pretrial hearings and travel to trial; reduce delays in trials; improve efforts to identify potential victims among vulnerable populations, such as

undocumented migrants, foreign workers, Roma, and children involved in begging or prostitution; consider offering foreign trafficking victims the right to work during the duration of their temporary residence permits; and continue to provide victim sensitivity training for judges.

Prosecution

The Romanian government improved its law enforcement efforts during the reporting period, conducting a high number of prosecutions and establishing close working relationships with law enforcement authorities in destination countries. Romania prohibits all forms of trafficking in persons through Law No. 678/2001, which prescribes penalties of three to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes such as rape. In 2011, Romanian authorities investigated 897 human trafficking cases, in contrast to 717 cases investigated in 2010. The government prosecuted 480 and convicted 276 trafficking offenders in 2011, compared with 407 offenders prosecuted and 203 convicted in 2010. The government lacks statistics distinguishing sex from labor trafficking, though it indicated that at least 77 of the investigations involved forced child labor and 396 cases involved sex trafficking. The government reported that approximately two thirds of convicted trafficking offenders – 192 out of 276 – were sentenced to time in prison, receiving terms ranging between one and 15 years. Romanian law enforcement authorities included specialized anti-trafficking investigators and prosecutors in the organized crime section. NGOs praised these specialist agencies for sensitive treatment of trafficking victims. The government gave specialized training to investigators in anti-trafficking law enforcement techniques and proper treatment of trafficking victims. During the year, Romanian officials pursued joint trafficking investigations in partnership with counterparts in many European countries, including Belgium, France, and Germany. Romanian authorities reported a particularly close working relationship with prosecution counterparts in Belgium. The rate of prosecutions and convictions of trafficking offenses was very high for a European source country; Romanian law enforcement officials successfully collaborated with governments in destination countries to ensure that offenders from entire criminal networks were prosecuted. The government reported investigating two government employees for potential human trafficking crimes, but did not otherwise report prosecuting, convicting, or sentencing government employees for trafficking-related complicity.

Protection

The Government of Romania demonstrated weak efforts to protect and assist victims of trafficking during the reporting period. For a third consecutive year, the government failed to provide funding to NGOs providing victim protection services. The continued lack of funding has led several trafficking-specialized NGOs to shut down and cease providing services to victims. Although some services are available through the government, this trend has threatened a real loss of anti-trafficking expertise and quality victim care in Romania. Several trafficking shelters closed; other NGOs had to severely restrict their provision of services to victims. Nevertheless, the government's victim identification rate remained high. The government reported the identification of 1,043 victims in 2011, compared with 1,154 victims identified in 2010. Of those identified, 417 were referred to public institutions for victim assistance; in 2010, 451 victims of trafficking received government-funded services. One hundred and twenty-three trafficking victims received government-funded shelter in 2011, of which 36 were housed in trafficking-specific shelters and 87 were housed in shelters for domestic violence or homeless shelters. NGOs reported that government shelters restricted trafficking victims' autonomy and freedom of movement. The government did not provide access to trafficking shelters for adult male victims of trafficking, though nine men were housed in non-trafficking shelters. Other trafficking victims received medical help, financial assistance, vocational assistance, or psychological help. NGOs questioned the quality of these services; at times, psychological assistance consisted of a single visit to a counselor, rather than meaningful care. Similarly, rehabilitation of child victims highly vulnerable to re-trafficking sometimes consisted of only one or two visits by social workers. The government continued to operate its national identification and referral mechanism, which provided formal procedures for referrals between law enforcement and other institutions. Labor inspectors were reportedly not well trained to identify trafficking victims.

Romanian trafficking victims participated in criminal prosecutions at a high rate; in 2011, 882 victims participated as an injured party in a trial, while 123 victims testified. While the law provides for witness protection during a trial, NGOs noted that pretrial witness protection was sometimes ineffective, as victims were required to travel to the courthouse unescorted. NGOs did not report the punishment of any trafficking victims for unlawful acts compelled as a result of their trafficking experiences. Foreign victims were permitted a 90-day reflection period to remain in the country. One victim applied for and was granted a reflection period and a temporary residence permit to remain in the country until completion of law enforcement investigations and prosecutions. Third-country national victims of trafficking granted residence permits are not permitted to work in Romania during the time of their residence permit.

Prevention

The Government of Romania continued to improve its anti-trafficking prevention efforts during the reporting period, employing creative methods to ensure anti-trafficking messages reached vulnerable populations. The government coordinated its anti-trafficking efforts through a section of the Ministry of Interior; its activities included overseeing prevention and protection efforts and publishing a quarterly report on Romania's anti-trafficking efforts. The Romanian government's anti-trafficking reporting was of high quality and contributed to an environment of transparency in anti-trafficking efforts. The government conducted four national campaigns and twenty-five local or regional campaigns encouraging both potential trafficking victims and the general public to discuss trafficking in persons. These campaigns included a partnership with a music band integrating anti-trafficking messages into concerts reaching a total of more than 1,000 spectators, television broadcasts, and messages displayed in public transportation. These campaigns were designed to address the specific form of exploitation most common in the targeted area and were implemented in coordination between many different governmental entities and NGOs. The government also conducted anti-trafficking outreach to secondary schools and universities. The Romanian government strengthened its partnerships with other EU member states to address trafficking in persons, including establishing a bilateral working group with Switzerland on trafficking in persons. The government did not report specific efforts to reduce the

demand for commercial sex acts. The government did not report specific efforts to address child sex tourism, although some prevention campaigns did address child sex trafficking.

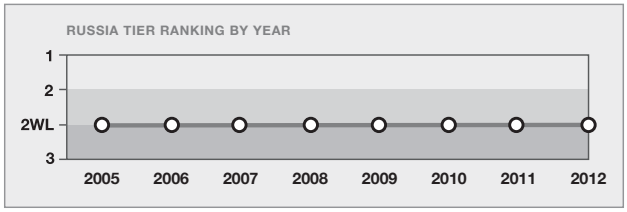
RUSSIA (Tier 2 Watch List)

Russia is a source, transit, and destination country for men, women, and children who are subjected to forced labor and sex trafficking. The Migration Research Center estimates that one million people in Russia are exposed to "exploitative" labor conditions that are characteristic of trafficking cases, such as withholding of documents, nonpayment for services, physical abuse, or extremely poor living conditions. People from Russia and many other countries, including Commonwealth of Independent States (CIS) and Asian countries, are subjected to conditions of forced labor in Russia. There were new forced labor allegations involving Vietnamese citizens as perpetrators and victims in Russia. Instances of labor trafficking have been reported in the construction, manufacturing, agriculture, repair shop, and domestic services industries. In the past, there have been reports that forced begging also occurs in Russia. While the major construction sites associated with the APEC Summit and Sochi Olympics were closed to public access and the evidence is only anecdotal, reports indicate generally harsh conditions and signs of forced labor, such as allegations of withholding of travel documents and non-payment of wages. North Korean citizens imported under government-to-government arrangements with the Government of North Korea for work in the logging industry in Russia's Far East reportedly are subjected to conditions of forced labor. There were also reports of Russian citizens facing conditions of forced labor abroad.

Reports of Russian women and children subjected to sex trafficking in Russia and abroad continued in 2011. Russian citizens were reported to be victims of sex trafficking in many countries, including those in Northeast Asia, Europe, Central Asia, and the Middle East. There were also reports of citizens from European and African countries in forced prostitution in Russia. According to Russian officials, child sex tourism was a problem in Russia. There have been reports that child sex tourism among Russians abroad exists.

The Government of Russia does not fully comply with the minimum standards for the elimination of trafficking. The government has not shown evidence of increasing efforts to address human trafficking compared to the previous years; therefore, Russia is placed on Tier 2 Watch List for a ninth consecutive year. Russia 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.

Victim protections in Russia during the reporting year remained very weak. In addition, the government again made no discernible efforts to fund a national awareness campaign. In recognition of these shortcomings, however, in December 2010, President Medvedev signed the CIS Program to Combat Human Trafficking for 2011-2013, which outlines commitments to form a national anti-trafficking structure and fund NGOs to provide victim protections. The Ministry of Health and Social Development formed an interagency coordinating committee in December 2010 to address human trafficking, and included anti-trafficking NGOs in the committee and its working groups. When implemented, these efforts have the potential to achieve significant progress in combating human trafficking.



Recommendations for Russia: Develop formal, national procedures to guide law enforcement and other government officials, including labor inspectors and health officials, in identification of trafficking victims and referral of victims to service providers; allocate funding to state bodies and anti-trafficking NGOs to provide specialized trafficking victim assistance and rehabilitative care; increase efforts to identify and assist both sex and labor trafficking victims; implement a formal policy to ensure identified victims of trafficking are not punished or detained in deportation centers for acts committed as a direct result of being trafficked; ensure that victims have access to legal alternatives to deportation to countries in which they face hardship or retribution; increase the number of investigations, prosecutions, and convictions for trafficking offenses and investigate and criminally punish government officials complicit in trafficking; create a central repository for investigation, prosecution, conviction, and sentencing data for trafficking cases; increase efforts to raise public awareness of both sex and labor trafficking; and take steps to investigate allegations and prevent the use of forced labor in construction projects, including those associated with the 2014 Winter Olympics in Sochi, as well as North Korean-operated labor camps.

Prosecution

The Government of the Russian Federation demonstrated law enforcement efforts during the reporting period. Article 127 of the Russian criminal code prohibits both sex trafficking and forced labor. Other criminal statutes were also used to prosecute trafficking offenders, such as articles 240 and 241 for involvement in or organizing prostitution. Article 127 prescribes punishments of up to five years' imprisonment for trafficking crimes. These penalties are commensurate with punishments prescribed for other serious crimes, such as rape. The Ministry of Internal Affairs (MVD) reported 46 sex trafficking investigations and at least 17 sex trafficking prosecutions in the first 10 months of 2011. According to media reports, there were at least two labor trafficking prosecutions in 2011. According to the Judicial Department of the Russian Supreme Court, in 2011, a total of 32 people were convicted of "trade in people" under Article 127.1 (the article typically used for sex trafficking crimes), and 11 were convicted of "use of slave labor" under Article 127.2. These data compare with 118 total human trafficking investigations, 62 prosecutions, and 42 convictions for human trafficking in 2010. Officials indicated that the 2009 closure of an IOM trafficking shelter in Moscow and a massive re-organization of the MVD have adversely affected authorities' ability to conduct trafficking investigations. Russian authorities emphasize that they often charge sex trafficking cases under Article 241 (organization of prostitution) as the elements of that crime are often easier

to prove, although there is no public information on how many such cases involved forced as opposed to voluntary prostitution. There were media reports indicating that police in Primorskiy Kray and Khaborovskiy Kray conducted raids on labor trafficking establishments in early 2012. During the reporting period, sentences given by Russian courts to 19 of the convicted sex trafficking offenders ranged from four to 19 years' imprisonment. Details concerning the sentences of the 11 individuals convicted of use of slave labor were not made public. At least three labor trafficking cases remained pending completion of investigation or trial. These data are compared with 42 trafficking offenders convicted in 2010. Sentences in 2010 for the reported trafficking convictions ranged from several months to 12 years' imprisonment.

The government did not report specific progress on any of the alleged cases of official complicity in human trafficking from the 2008, 2009, 2010, and 2011 TIP Reports. During the reporting period, however, authorities convicted a local police chief of sex trafficking and handed down a suspended sentence of four years. Airport police in Vladivostok reportedly detained a police officer on suspicion of complicity in a sex trafficking situation in March 2012. The North Korean government continued to export workers for bilateral contracts with Russia and other foreign governments. Despite media allegations of slave-like conditions in North Korean-operated timber camps in Russia, the Russian government has not reported any investigations into this situation.

The Ministry of Internal Affairs, the lead law enforcement agency in the majority of trafficking cases, conducted regular training during the reporting period designed to guide officers in handling trafficking cases. According to the government, the General Procuracy, the Russian Academy for Justice, the Russian Academy of Advocacy, the MVD, and the Federal Security Service provided periodic training as well.

Protection

The Russian government demonstrated minimal progress in efforts to protect and assist trafficking victims during the reporting period. The government did not develop or employ a formal system to guide officials in proactive identification of trafficking victims or referral of victims to available services, and there continued to be no available official statistics on the number of trafficking victims identified or assisted by the government or NGOs. The government did not report publicly any funding or programs for specific assistance to trafficking victims, and the government did not verify how many trafficking victims benefitted from funding or programs intended for other, general purposes, such as witness protection, child protection, or government crisis centers, which were unlikely to accept victims who were not registered in the district in which the center is located. Services for victims outside of their region of registration or residence area would normally be limited to emergency care in hospitals. A small trafficking shelter in the City of Khabarovsk closed during 2011 for lack of funding. A trafficking shelter in Vladivostok that received some local government funding helped one victim during the reporting period.

The government reported that it encouraged victims to participate in anti-trafficking investigations by offering trafficking victims that cooperate with officials witness protection provisions on a case-by-case basis. There were no formal legal alternatives to deportation for foreign victims. Russia did not demonstrate a systematic approach to ensure that trafficking victims were not punished for crimes committed as a direct result of their trafficking experience. According to authorities, most foreign victims were neither deported nor supported as witnesses in a prosecution; they were often released to make their own way home or to stay in Russia to look for work.

Prevention

Russia's national government demonstrated very limited efforts to prevent trafficking over the reporting period. So far, there have been no nationwide campaigns to raise awareness of human trafficking in Russia or efforts to develop public awareness of possible forced labor in advance of the 2014 Winter Olympics in Sochi. Several high-level officials spoke out against human trafficking during the reporting period, including then prime minister now President Putin, who called for toughening penalties against those "who organize flows of illegal immigrants, hire people without work permits and use them as slaves." The national human rights ombudsman, as well as the Minister of Health, also spoke out strongly against human trafficking during the reporting period.

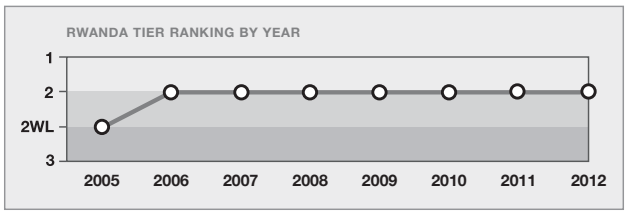
The government did not have a body to monitor its anti-trafficking activities and make periodic assessments measuring its performance. The government did not take specific steps to reduce the demand for commercial sex acts, nor did it report any specific measures to ensure that its military personnel, when deployed abroad as part of a peacekeeping or other similar mission, did not engage in or facilitate human trafficking. Russia issued arrest warrants and requested extradition to Russia of a Russian citizen convicted of sexually abusing many young girls in Cambodia.

RWANDA (Tier 2)

Rwanda is a source and, to a lesser extent, transit and destination country for women and children subjected to forced labor and sex trafficking. Rwandan girls and, to a lesser extent, boys are exploited in domestic servitude within the country; some of these children experience nonpayment of wages or physical or sexual abuse within their employer's household. Older females offer vulnerable younger girls room and board, eventually pushing them into prostitution to pay for their keep. In limited cases, trafficking is facilitated by women who supply other women or girls to clients or by loosely-organized prostitution networks, some operating in secondary schools and universities. Brothel owners reportedly supply girls in prostitution to clients staying at hotels. Children in Rwanda-based refugee camps are victims of trafficking to Uganda and Kenya at the hands of other refugees. Rwandan women and children also are recruited and transported to Kenya, Uganda, Democratic Republic of the Congo (DRC), Tanzania, Burundi, Zambia, South Africa, Europe, China, and the United States, where they are subjected to forced agricultural and industrial labor, domestic servitude, and prostitution. Small numbers of women and children from neighboring countries and Somalia are victimized in prostitution and forced labor after being lured to Rwanda. A limited number of foreign nationals are moved through Rwanda to be exploited in third countries.

The Government of Rwanda 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 referred sex trafficking victims to protective services, continued its provision of short-term care and rehabilitative services to child ex-combatants, trained more police officers as gender-based violence specialists, and created a special court to hear cases involving international crimes, including human trafficking. Rwanda remains the only African country in which the government is undertaking virtually all activities related to the demobilization and reintegration of former child soldiers, some of whom are trafficking victims. The government prosecuted at least two trafficking offenders under its child kidnapping law, but failed to convict any trafficking offenders. The police continued to hold some trafficking victims in detention without connection to a charge. While the government continued to make women's and children's rights a high priority, it did not provide the resources to adequately investigate suspected labor violations.



Recommendations for Rwanda: Enact draft legislation that would create an easily understandable legal regime with clear definitions of human trafficking and enforce it once it becomes law; enforce the anti-trafficking provisions in the 2009 labor law through increased investigations and prosecutions of trafficking offenders; increase the number of labor inspectors and resources available to them; utilize judicial police specifically trained on gender-based violence to supplement the national police's anti-trafficking unit and government's labor inspectors; establish a system to assist foreign trafficking victims with relief from deportation; ensure central government funds sent to districts for labor inspection programs are allocated to such programs; and build capacity to screen for trafficking victims at child transit centers through increased collaboration between the police and the Ministry of Gender and Family Promotion or NGOs.

Prosecution

The government demonstrated some improvements in its anti-trafficking law enforcement efforts during the reporting period, as it prosecuted trafficking offenders and trained additional police officers in trafficking-related topics. It failed, however, to convict any traffickers. Article 28 of the Law on Prevention and Punishment of Gender-Based Violence (Law No. 59/2008) outlaws, but does not define, sex trafficking and prescribes sufficiently stringent punishments of 15 to 20 years' imprisonment, penalties that are commensurate with those prescribed for other serious offenses, such as rape. Article 8 of the Law Regulating Labor in Rwanda (13/2009) prohibits forced labor and Article 167 prescribes sufficiently stringent punishments of three to five years' imprisonment; Article 72 prohibits subjecting children to slavery, child trafficking, debt bondage, forced labor, armed conflict, and child prostitution and Article 168 prescribes punishment of six months to 20 years' imprisonment for these offenses. In May 2010, the government completed the draft revisions to the penal code that contain articles defining and prohibiting all forms of human trafficking, which will address the police's and prosecutors' common complaint regarding the current difficultly in prosecuting and punishing someone suspected of trafficking offenses under the current legal code; the entire draft code remained under consideration at the end of the reporting period. In February 2012, the government created a special court for international crimes, which will hear human trafficking cases after the government approves the revised penal code. The special court will allow foreign judges to rule on proceedings, thereby encouraging other governments to extradite suspects to Rwanda by giving them equity in the case.

The Rwandan National Police (RNP) registered seven cases of human trafficking in 2011, though it did not provide information on the outcome of these cases. The RNP's four-person anti-trafficking unit assisted in the investigations of these cases. The National Public Prosecution Authority (NPPA) maintained two specially-designated prosecutors to coordinate all cases related to human trafficking. It investigated one case of slavery and 16 cases of child kidnapping in 2011; among those, 10 child kidnapping cases were pending before the courts at the end of 2011, with seven cases remaining under investigation. The NPPA reported that at least two of the kidnapping cases were child trafficking. In January 2012, several Congolese refugee children from the Nyabiheke refugee camp in Gatsibo District alleged that another refugee lured them to Uganda through enticements of jobs, only to be exploited in brothels; however, the government did not prosecute the case and Rwandan authorities reportedly did not sufficiently investigate these allegations. Neither the NPPA nor the RNP provided information regarding cases pending at the close of the previous reporting period. Labor inspectors issued warnings and levied fines against those illegally employing children, but the government reported only one investigation of slavery and did not report investigating or prosecuting any additional cases of forced labor during the year. Each of Rwanda's 75 police stations maintained a gender desk staffed by at least one judicial police officer. In late 2011, the RNP began training 150 new judicial police officers as gender-based violence (GBV) specialists, which will triple the number of anti-GBV officers who specialize in fighting the worst forms of child labor, as well as identifying and assisting victims of trafficking. An average of six judicial police officers specializing in serious crimes serve in each of Rwanda's police stations, and all such officers had undergone training on identifying and assisting victims of trafficking and investigating and prosecuting human trafficking cases.

Protection

The government continued to offer an unparalleled level of care for former child combatants, but it provided inconsistent protective services to victims of sex or labor trafficking. The Rwandan Demobilization and Reintegration Commission (RDRC) – with funding from the World Bank, UNICEF, and the Governments of Germany, Japan, the Netherlands, and Sweden – continued operation of a center for child ex-combatants in Muhazi, which provided three months of care, including psycho-social counseling, to children returned from the DRC by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). The center provided services to 52 children in 2011, an increase from 47 in 2010. The RDRC worked with local authorities and an NGO to locate the children's families, and social workers sensitized families to their acceptance of the child's return. By the end of 2011, RDRC staff had reunited 21 children with relatives, with 28 still residing at the center as of October 2011. In 2011, the government provided an unknown

amount of funding to support eight private or NGO-run child rehabilitation centers that afforded over 200 street children – some of whom were trafficking victims – with shelter, basic needs, and rehabilitative services.

During the year, police identified and referred an unknown number of sex and labor trafficking victims to the Isange Center, a one-stop holistic facility within the Kaciryu police hospital in Kigali that provided medical exams, counseling, short-term shelter, and police, medical, and legal assistance to victims of gender-based violence, including child domestic workers and children in prostitution. In a notable improvement over the previous year, social workers received all individuals arriving at the center and followed a set of questions to identify potential cases of trafficking. The social workers' initial determinations guided the treatment provided by the holistic center. During the reporting period, the RNP began outfitting its three other police hospitals with similar centers. Judicial police officers encouraged victims to participate in the investigation and prosecution of trafficking crimes and interviewed victims at the Isange Center, or elsewhere if they were not referred to the center; these initial statements could stand as testimony if victims did not wish to appear in court. The standardized checklist used by police when working with victims required securing medical, social, and counseling services; the presence of a victim's advocate during investigations; and referrals of victims to NGOs, religious entities, or community groups for further assistance. The police headquarters in Kigali continued operating a hotline for reporting GBV crimes and received several calls reporting cases of human trafficking in 2011.

The government operated three transit centers for screening and referring street children, some of whom were victims of domestic servitude or prostitution, to longer-term care facilities. The Ministry of Gender and Family Promotion screened some of the children and young adults detained in these centers and consistently followed standard procedures for referring victims to rehabilitation centers, child care institutions, or other facilities, such as the Iwawa Rehabilitation and Vocational Development Center, or for returning them to their families. The RNP, however, often discharged young people from the transit centers or transported them to remote districts with instructions not to return to Kigali, without screening for vulnerability to trafficking. The police also held some child victims of trafficking in detention at the transit centers, sometimes for weeks or months without being charged with a crime or interviewed in conjunction with an investigation. Due to inadequate screening, victims of trafficking could face time in prison or the Nyagatare Rehabilitation Center for unlawful acts committed as a result of being trafficked, although no cases were reported in 2011. The RNP distributed IOM handbooks on identifying and assisting victims of trafficking to judicial police officers, community police committees, and others, but procedures varied for proactive identification of victims of trafficking among high-risk groups, including women in prostitution. Beyond providing a stay of one month, the government did not provide foreign trafficking victims with legal alternatives to their removal to a country where they may face hardship or retribution.

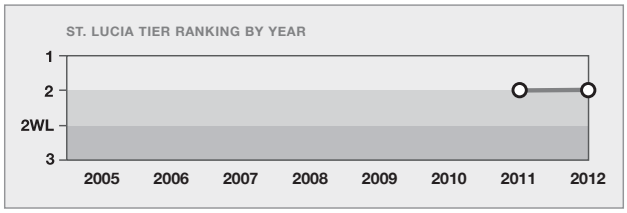
Prevention

The government maintained its anti-trafficking prevention efforts during the reporting period, but there continues to be a lack of understanding among the government and Rwandan society of the full scope of the country's human trafficking problem. Rwandan authorities have long recognized the problem of cross-border human trafficking, and in 2011 the government acknowledged for the first time the problem of internal sex trafficking and forced labor, specifically the widespread trafficking and abuse of child domestic servants. The Ministry of Public Service and Labor (MIFOTRA) raised public awareness of the worst forms of child labor through radio shows, television announcements, and skits. Police and immigration officials maintained strict border control measures as part of a strategy to prevent transnational child trafficking, although the government declined to provide statistics of how many children it prevented from leaving the country under suspicious circumstances. During the reporting period, local observers reported a decrease in the use of child labor in agriculture, resulting from vigorous police enforcement of a recent law mandating children attend 12 years of basic education. MIFOTRA's labor inspectors held monthly sensitization activities and quarterly trainings for employers and local authorities on child labor regulations. However, these 30 district labor inspectors were not numerous enough to fulfill their monitoring mandate, and the government did not provide them with adequate resources, including transport, to identify and prevent the use of exploitative child labor effectively. MIFOTRA continued to train all labor inspectors twice per year on how to identify and handle cases of child labor, including trafficking in persons. MIFOTRA made cash transfers to each district for the purpose of funding labor inspectors and combating child labor, but according to the ILO and other observers, district officials routinely reprogrammed those funds for other priorities. Every new immigration official received training on passenger profiling, document verification, and other regulations, including the identification of victims of trafficking. The government introduced new border control procedure manuals for the airports and land borders, as well as specific written instructions guiding border officers in effective border control, such as identifying all forms of cross-border crimes, to include human trafficking. The government trained Rwandan troops on gender sensitivity and sexual exploitation prior to their deployment to UN peacekeeping missions abroad.

ST. LUCIA (Tier 2)

St. Lucia is a destination country for persons subjected to forced prostitution and forced labor. Legal and illegal immigrants from Haiti, Jamaica, the Dominican Republic, Guyana, and South Asia reportedly are the groups most vulnerable to human trafficking. Sex trafficking victims are likely found among foreign women in prostitution. According to the police and NGOs, the most likely traffickers in the country are pimps, strip club operators, and brothel owners; in the past, there were allegations that some underground strip clubs were fronts for prostitution and reportedly were owned or protected by complicit former police officers. There are indications that children are coerced to engage in commercial sex in St. Lucia.

The Government of St. Lucia 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 did not make progress in prosecuting trafficking offenders, although it helped rescue at least one apparent forced labor victim during the reporting period. While many officials expressed strong political will to address human trafficking, government employees' trafficking complicity also remained a problem.



Recommendations for St. Lucia: Provide adequate funding for and standard operating procedures to implement the new Counter-Trafficking Act 2010, ensuring that both local and international trafficking victims are protected; vigorously prosecute, convict, and punish perpetrators of forced labor and sex trafficking, including officials complicit in human trafficking; continue identifying and assisting victims of forced labor and forced prostitution; work with IOM to provide safe repatriation procedures for foreign victims who would like to return home; and continue with plans to establish an inter-ministerial task force and empower law enforcement and victim protection officials to participate.

Prosecution

The Government of St. Lucia did not make progress in addressing human trafficking through law enforcement means during the reporting period. The government prohibits all forms of trafficking through the Counter-Trafficking Act 2010, which prescribes punishment of five to 10 years' imprisonment with fines. These penalties are sufficiently stringent and are commensurate with other serious crimes, such as rape. The government did not report any investigations, prosecutions, convictions, or sentences of trafficking offenders or public officials complicit in human trafficking under this new law or other statutes in 2011, nor in 2010. Authorities acknowledged that the complicity of some law enforcement officials was a problem. The government did not offer formal training for police, immigration authorities, health workers, or child protection officials in identifying human trafficking. There were no standard operating procedures in place to guide law enforcement authorities in how to handle trafficking cases.

Protection

The government made modest efforts to protect victims of human trafficking during the reporting period, despite resource and capacity restraints. The government funded an NGO that rescued and provided assistance to at least one foreign adult victim of forced labor during the reporting period, and the NGO worked with the diplomatic mission of the victim's home country to repatriate her. However, the government did not have formal procedures to guide law enforcement, health, and other officials in how to identify trafficking victims and refer them to available protection and assistance services. The government also ran a system of informal shelters where victims, including male children, could find shelter from their exploiters. A government-funded NGO ran a day-use shelter for girls, although there was no 24-hour residential shelter currently in the country for girls. Magistrates were forced to choose between prison or a mental institution in which to place girls needing protection. The government encouraged victims to participate in the prosecution of trafficking offenders through strong victim protection provisions in the Counter-Trafficking Act 2010. The act has explicit provisions to protect foreign victims from deportation and from prosecution for crimes committed as a direct result of being in a trafficking situation.

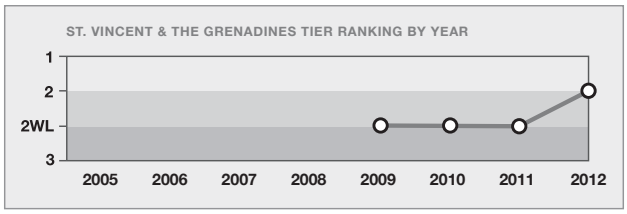
Prevention

The government made some efforts to prevent human trafficking during the reporting period. While there was no national campaign to raise awareness about forced labor and forced prostitution, officials distributed IOM human trafficking awareness brochures at anti-violence outreach activities. Through a television appearance, the minister of National Security expressed political will to address trafficking and announced intentions to set up an inter-ministerial task force. The government's director of Gender Affairs raised awareness of human trafficking through radio and visits to schools and public health facilities during the reporting period. The government did not have a campaign to reduce the demand for commercial sex acts. The government has not identified a problem with child sex tourism in St. Lucia or involving its nationals. St. Lucia is not a party to the 2000 UN TIP Protocol.

ST. VINCENT AND THE GRENADINES (Tier 2)

St. Vincent and the Grenadines is a source, transit, and destination country for some men, women, and children subjected to forced labor and sex trafficking. According to NGOs and officials, discussing human trafficking matters openly is a social taboo in the country. Nevertheless, a consensus has developed between government officials and NGOs that a population of persons at high risk of trafficking exists, notably men, women, and children working in agriculture, including marijuana fields, and in prostitution. In the past, Vincentian officials have raised concerns regarding foreign women in prostitution transiting through the country without possession of their passports.

The Government of St. Vincent and the Grenadines does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made substantial progress during the reporting period by enacting legislation that prohibits all forms of trafficking and provides strong victim protection measures. In addition, the government established a ministerial-level anti-trafficking task force and created an anti-trafficking police unit. This positive momentum and new structures should allow the government to make continued progress and identify and assist potential victims of trafficking in the coming year.



Recommendations for St. Vincent and the Grenadines: Investigate and prosecute possible offenses of sex or labor trafficking; implement formal screening policies to guide officials in how to identify and assist suspected victims of forced prostitution and forced labor; identify and assist

suspected trafficking victims and refer them to appropriate services; enact a policy to ensure that trafficking victims are not punished for crimes committed as a direct result of being in a forced labor or forced prostitution situation; and educate the public about forced prostitution and forced labor by conducting a high-profile public awareness campaign.

Prosecution

The Government of St. Vincent and the Grenadines made progress in its anti-trafficking law enforcement efforts over the last year. In September 2011, the House of Assembly unanimously passed the Prevention of Trafficking in Persons Bill of 2011, which prohibits forced prostitution and forced labor, including bonded labor, and prescribes punishments of up to 20 years' imprisonment with fines. These penalties are sufficiently stringent and commensurate with other serious crimes, such as rape. The law includes strong victim protection measures, provisions for victim restitution, and states that consent or past sexual behavior is irrelevant. The government, however, reported no forced labor or forced prostitution investigations, prosecutions, or convictions during the reporting period. In an effort to strengthen its capabilities to address human trafficking, the government in early 2012 established a special unit within the Royal St. Vincent and the Grenadines Police Force to focus specifically on human trafficking, sexual offences, and domestic violence. There were no reports of trafficking-related official complicity during the reporting period. The government provided in-kind assistance to trafficking-specific IOM-led training for officials from the police force, the Immigration Department, the Social Welfare Department, the Ministry of Foreign Affairs, the Director of Public Prosecution's Office, the Port Authority, the Attorney General's chambers, and local NGOs.

Protection

The Vincentian government made progress in establishing victim protection policies. The government did not have formal procedures in place to guide authorities in how to identify possible victims of human trafficking, and the government did not proactively identify any suspected victims of human trafficking during the reporting period. The Ministry of National Mobilization and Social Development developed guidelines during the reporting period on the referral of victims to appropriate shelter. The government did not fund any trafficking-specific assistance programs, but the government provided some funding and building space to local NGOs whose shelter, counseling, and other services for crime victims would also be available to trafficking victims. There were no reports of trafficking victims assisting law enforcement, but under its new anti-trafficking law, the government offered incentives to encourage their assistance in the investigation and prosecution of human trafficking offenders. Prior to the enactment of the September 2011 law, the government did not offer legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution, though the new law now provides for such immigration relief. The government did not have a formal policy in place to protect victims from punishment for crimes committed as a direct result of being in a trafficking situation. There were no reports that victims were inappropriately punished during the reporting period.

Prevention

The government made some efforts to prevent trafficking in St. Vincent and the Grenadines during the last year. The government continued to implement its national action plan to combat human trafficking. The government did not conduct anti-trafficking information or education campaigns during the reporting period; however, some officials raised awareness of human trafficking through public speaking engagements. In a positive development, one senator raised awareness that the new law could be used to protect local children from persons pushing them into prostitution or transactional sex. The government has not identified a problem with child sex tourists. The government reported no efforts to reduce the demand for commercial sex acts. St. Vincent and the Grenadines is not a party to the 2000 UN TIP Protocol.

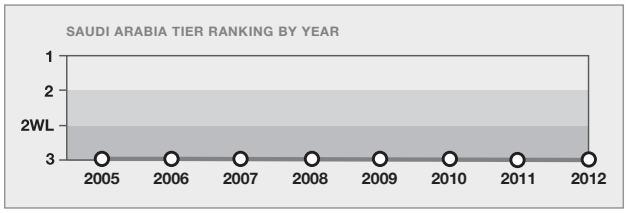
SAUDI ARABIA (Tier 3)

Saudi Arabia is a destination country for men and women subjected to forced labor and to a lesser extent, forced prostitution. Men and women from Bangladesh, India, Sri Lanka, Nepal, Pakistan, the Philippines, Indonesia, Sudan, Ethiopia, Kenya, and many other countries voluntarily travel to Saudi Arabia as domestic servants or other low-skilled laborers, but some subsequently face conditions indicative of involuntary servitude, including nonpayment of wages, long working hours without rest, deprivation of food, threats, physical or sexual abuse, and restrictions on movement such as the withholding of passports or confinement to the workplace. Although many migrant workers sign contracts delineating their rights, some report work conditions that are substantially different from those described in the contract. Other migrant workers never see a contract at all, leaving them especially vulnerable to forced labor, including debt bondage. Due to Saudi Arabia's requirement that foreign workers receive permission from their employer to get an "exit visa" before they are able to leave the country, migrant workers report that they are forced to work for months or years beyond their contract term because their employer will not grant them an exit permit.

Women, primarily from Asian and African countries, are believed to be forced into prostitution in Saudi Arabia. Some female domestic workers are reportedly kidnapped and forced into prostitution after running away from abusive employers. Yemeni, Nigerian, Pakistani, Afghan, Chadian, and Sudanese children are subjected to forced labor as beggars and street vendors in Saudi Arabia, facilitated by criminal gangs. A Saudi study conducted in 2011 reported that most beggars in Saudi Arabia are Yemenis between the ages of 16 and 25. Some Saudi nationals travel to destinations including Morocco, Egypt, Yemen, Afghanistan, Pakistan, India, and Bangladesh to solicit prostitution. Some Saudi men used legally contracted "temporary marriages" in countries such as Egypt, India, Mauritania, Yemen, and Indonesia as a means by which to sexually exploit young girls and women overseas.

The Government of Saudi Arabia does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government continued, in a limited fashion, to prosecute and convict trafficking offenders under the 2009 anti-trafficking law. The government made modest efforts to improve its response to the vast human trafficking problem in Saudi Arabia by

training government officials on victim identification and prevention, and worked to improve victim protection services. However, the government's policy of allowing Saudi citizens and residents to sponsor migrant workers and restrict their freedoms, including exit from the country, continued to preclude significant progress in dealing with human trafficking. The Saudi government did not reform its migrant laborer sponsorship system, though it discussed possible alternatives during the year that would provide protections for foreign workers and increase government oversight. Domestic workers – the population most vulnerable to forced labor – remained excluded from general labor law protections, and employers continued to regularly withhold workers' passports as a means of keeping them in forced labor, despite this practice being prohibited by a 2000 Council of Ministers' decision.



Recommendations for Saudi Arabia: Reform the sponsorship system and enforce existing laws to discourage employers from withholding workers' passports and restricting workers' movements, including arbitrarily denying permission for exit visas, as a means of preventing trafficking abuses; significantly increase efforts to prosecute, punish, and stringently sentence traffickers, including abusive employers and those culpable of trafficking for commercial sexual exploitation, under the 2009 anti-trafficking law; institute a formal victim identification mechanism to distinguish trafficking victims among the thousands of workers deported each year for immigration violations and other crimes; ensure that victims of trafficking are not punished for acts committed as a direct result of being trafficked, such as running away from abusive employers; ensure trafficking victims are able to pursue criminal cases against their employers in practice; continue to improve victim protection at government-run shelters by transforming them into open shelters where victims are not locked in; ensure that all victims of trafficking can seek assistance; enforce labor laws and expand full labor protections to domestic workers; and continue and expand judicial training and public awareness campaigns on recognizing cases of human trafficking.

Prosecution

The Government of Saudi Arabia made limited law enforcement efforts against human trafficking during the reporting period. The 2009 "Suppression of the Trafficking in Persons Act," promulgated by Royal Decree number M/40, defines and prohibits all forms of human trafficking, prescribing punishments of up to 15 years and fines of up to the equivalent of $266,667 for violations. Penalties may be increased under certain circumstances, including trafficking committed by an organized criminal group or committed against a woman, child, or person with special needs. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. Since the law includes some concepts unrelated to human trafficking, the government must disaggregate law enforcement activity under this law to indicate which prosecutions and convictions are for trafficking. Although the 2009 anti-trafficking law does not address withholding passports and exit visas as a means of obtaining or maintaining a person's forced labor or service, Council of Ministers Decision 166 of 2000 prohibits the practice of withholding workers' passports as a separate, lesser offense. The Council of Ministers' statement accompanying the 2009 anti-trafficking law secures the right of victims to remain in Saudi Arabia during the investigation and court proceedings, incentivizing their assistance in prosecutions.

The government reported that it prosecuted 11 cases of human trafficking, though the government did not report the details of these cases, and it is unclear if these cases occurred during the reporting period. During the reporting period, the government achieved only one conviction under its anti-trafficking law; details of that case were not provided. There were no prosecutions or convictions of cases involving forced begging. The government did not report efforts to enforce the Council of Ministers' decision prohibiting the confiscation of foreign workers' passports; this practice continued to be widespread. During this reporting period, the government reported efforts to track and collect data on trafficking-related investigations, arrests, prosecutions, and convictions, yet the government failed to provide comprehensive law enforcement data. The government also did not report any investigations, arrests, prosecutions, or sentences of government officials for trafficking-related complicity. However, according to media and NGO sources abroad during the reporting period, an Indonesian domestic worker alleged that a Saudi diplomat working in Germany – her employer – had subjected her to forced labor and abuse. The victim alleged that she worked 18-hour days with no holidays, never received wages for her work, did not have access to her passport, and was physically and mentally abused. During the reporting period, the government's inter-ministerial permanent committee to combat trafficking provided training sessions for law enforcement and judicial personnel and completed three "train-the-trainer" courses for investigators and police officers on trafficking indicators.

Protection

Saudi Arabia made limited, although inconsistent, progress in protecting victims, but its overall efforts remained inadequate during the reporting period. The government's annual budget for calendar year 2012 includes the equivalent of $1 million for the permanent committee to combat trafficking; however, procedures were not fully implemented to systematically identify victims of trafficking among vulnerable populations, and government officials still lack the necessary training on prevention, identification, and prosecution of trafficking cases. As a result, many victims of trafficking are likely punished for acts committed as a result of being trafficked. Under Saudi law, foreign workers may be detained or deported for running away from their employers. Council of Ministers Decision 244 authorizes the permanent committee to combat trafficking to exempt trafficking victims from these punishments, yet victims are often detained or deported without being identified. Women arrested for prostitution offenses face prosecution and, if convicted, imprisonment or corporal punishment, even if they are victims of trafficking; there are no legal protections or policy guidelines that shield victims from prosecution. Moreover, at least 25 Indonesian domestic workers remained in judicial proceedings and could be sentenced to death. Some workers have already been sentenced to death and await execution for various crimes, including those committed

against their Saudi employers after some of the accused were reportedly subjected to conditions of forced labor.

The 2009 anti-trafficking law affords victims an explanation of their legal rights in a language they understand, physical and psychological care, shelter, security, and the ability to stay in Saudi Arabia to testify in court proceedings. The Saudi media reported that foreign workers successfully sought help from government authorities after their sponsors failed to pay their wages or prohibited them from leaving the country. In one such case, a Saudi sponsor paid an Indonesian domestic worker the equivalent of $15,200 in back wages after Riyadh police intervened. In another case, the Hail provincial governor assisted an Indian shepherd to recover more than the equivalent of $22,500 in unpaid wages from his Saudi sponsor and facilitated the foreign worker's repatriation to India. Despite these positive steps, during the reporting period, many victims still sought refuge at their embassies, and source countries reported handling thousands of complaints of unpaid wages, physical or sexual abuse, or poor working conditions each year. No shelter or services are available to victims of sex trafficking or male victims of trafficking. The government operated a center for female runaway domestic workers in Riyadh, some of whom were likely subjected to physical or sexual abuse by their employers. The Ministry of Social Affairs Anti-Begging Department also operated shelters for child beggars in various cities in the country. In previous years, victims of physical and psychological abuse at these centers reported that they were unlikely to receive assistance, and some reported long waiting periods before the conclusion of their cases. Women were not free to leave and experienced restrictions on communication with family or consular contacts. In smaller cities in Saudi Arabia with poor access to the government shelter, victims of trafficking were kept in jails until their cases were resolved; however, during this reporting period, some trafficking victims in smaller cities were reportedly transported to shelters in larger cities. During the reporting period, the government reported providing services and assistance to 1,000 Southeast Asian workers who had been held in conditions of forced labor, including receiving no wages for work and inadequate housing without food. The permanent committee facilitated some of these workers' requests for repatriation and provided shelter for those who chose to stay until the dispute was resolved in hopes that their full salaries would be paid.

Victims who have run away from their employers, overstayed their visas, or otherwise violated the legal terms of their visas were frequently jailed without being identified as victims. Some Saudi employers prevented foreign workers from leaving the country by refusing to permit them to receive exit visas, which resulted in workers working beyond their contract terms against their will, languishing in detention centers indefinitely, or paying money to their employers or immigration officials to let them leave. In previous reporting periods, some police officers assisted victims by referring them to government shelters. Other police officials, however, returned foreign workers to their employers, pressured them to drop cases, or persuaded victims to take monetary compensation in lieu of filing criminal charges against their employers. Some employers file false counter-claims against foreign workers for theft, witchcraft, and adultery in retaliation for workers' claims of abuse; as a result, in many cases, the workers rather than the employers were punished, which discouraged workers from reporting abuse. Few migrants successfully pursued criminal cases against abusive employers due to lengthy delays in the immigration and justice system.

Prevention

The government made some progress in preventing human trafficking during the reporting period, but systemic problems resulting from the sponsorship system regulations remained largely unaddressed. However, the government discussed possible alternatives to the sponsorship system that would provide protections for foreign workers and increase government oversight. In July 2011, the government issued regulations mandating the formation of new "unified recruitment companies" which provide that only specified companies will be able to have visas issued for new expatriate workers and that the companies will be held responsible for the well-being of laborers, including domestic workers for whom they obtain visas, and incur penalties and restrictions on importing labor if workers are abused. At least two unified recruitment companies have been fully licensed and another 13 have been granted preliminary licenses. The Ministry of Labor plans for at least two companies to operate in each of the country's 13 provinces. The companies must begin operations within the next year or risk losing their licenses. These regulations do not prescribe criminal penalties for abuse of foreign workers and do not provide increased protections for foreign trafficking victims. The government also failed in the regulations to address the widespread practice of employers withholding workers' passports and residency permits and the use of exit permits to control workers' movements. Domestic workers remain excluded from general labor law protections.

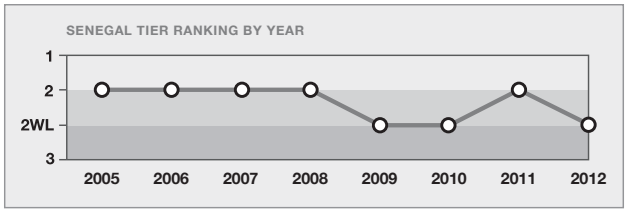
To increase workers' awareness of their rights, the Ministry of Labor continued to produce a guidebook distributed to all migrant workers entering the country in Arabic, English, and some source country languages; these guidebooks also contain a telephone number for workers to report abuse. Additionally, Saudi police maintained a 24-hour emergency anti-trafficking hotline with operators who speak Arabic and English. The government reportedly broadcast 250 programs and public service announcements on human trafficking issues, including treatment of foreign workers, on television and radio during the reporting period. The government took actions to reduce the demand for prostitution, as *Sharia* law prohibitions against prostitution are strictly enforced in Saudi Arabia. The Saudi government did not report efforts to reduce the demand for child sex tourism by Saudi nationals abroad.

SENEGAL (Tier 2 Watch List)

Senegal is a source, transit, and destination country for children and women who are subjected to forced labor, forced begging, and sex trafficking. NGOs estimate that more than 50,000 children, most of whom are *talibes* – students attending *daaras* (Koranic schools) run by teachers known as *marabouts* – are forced to beg and that in Dakar alone there are 8,000 *talibes* begging in the streets. Senegalese boys and girls are also subjected to domestic servitude, forced labor in gold mines, and exploitation in the sex trade. Trafficking within the country is more prevalent than transnational trafficking, although boys from The Gambia, Mali, Guinea-Bissau, and Guinea have been identified in forced begging and forced labor in artisanal gold mines in Senegal. Senegalese women and girls are transported to neighboring countries, Europe,

and the Middle East for domestic servitude. NGO observers believe most women and girls exploited in prostitution, however, remain in Senegal. Women and girls from other West African countries, particularly Liberia, Ghana, Guinea, Guinea-Bissau, Sierra Leone, and Nigeria, may be subjected to domestic servitude and commercial sexual exploitation in Senegal, including for sex tourism.

The Government of Senegal 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 efforts, the government did not demonstrate evidence of overall increasing efforts to address human trafficking, particularly to prosecute and punish trafficking offenders and protect trafficking victims. Therefore, Senegal is placed on Tier 2 Watch List. During the reporting period, the government made some efforts to expand its capacity to combat trafficking, including training 96 judges and law enforcement officials on treatment and processing of child trafficking victims within the Senegalese system. The government also continued to fund the Ginndi Center, which provides child abuse victims with shelter, food, education, and medical and psychological care. The government did not compile data on the number of trafficking cases investigated and prosecuted, and it did not appear that the government prosecuted or convicted any trafficking cases during the reporting period. Furthermore, the government did not formally identify a single trafficking victim in 2011, although a government-funded shelter assisted, as during the previous reporting period, child trafficking victims. The apparent lack of prosecutions and convictions of trafficking offenders and identification of trafficking victims stands in contrast to the previous reporting period, during which the government prosecuted 10 cases of trafficking, secured nine convictions, and identified as many as 795 victims. During the reporting period, however, the government took initial steps to track its identification of and assistance to trafficking victims through the development of a database. In 2010, local observers believed the government was making positive strides in combating trafficking, given the conviction of nine *marabouts* for forcing children to beg. However, following these convictions, Koranic teacher associations lobbied the government to cease prosecuting *marabouts*, and the government succumbed to political pressure. In 2011, the former president publicly denounced the prosecution of *marabouts* in Cabinet meetings. Over the reporting period, the prevalence of human trafficking in Senegal rapidly increased. According to several organizations, the number of children begging in the streets of Dakar is higher than at any other point in Senegal's history. Women were increasingly identified in forced prostitution in the southeast gold mining region of Kedougou, but police did not investigate any such cases.



Recommendations for Senegal: Prosecute, convict, and punish trafficking offenders for subjecting victims to involuntary servitude; train police and magistrates to recognize indicators of trafficking and investigate trafficking crimes under the country's anti-trafficking law; begin proactive victim identification programs, including screening vulnerable populations, such as women in prostitution and children begging in the streets; expand government-funded shelters or partner with international organizations to establish wider sheltering options for trafficking victims; appoint an agency to lead the government's anti-trafficking efforts and clarify the specific roles of the Ministry of Family and the Ministry of Justice in those efforts; develop appropriate referral pathways for victim care; expand labor investigations in the informal sector of the economy; and allocate funding to the National Task Force for the implementation of the National Action Plan to Combat Trafficking.

Prosecution

The Government of Senegal's anti-trafficking law enforcement efforts worsened during the reporting period. Senegal's 2005 Law to Combat Trafficking in Persons and Related Practices and to Protect Victims prohibits all forms of trafficking and prescribes penalties of five to 10 years' imprisonment for violations, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2011, the government charged three defendants for trafficking in conjunction with charges for other crimes. However, the charges were eventually dropped at trial. These numbers constitute a substantial decline from the previous reporting period, during which the government secured 10 prosecutions and nine convictions in 2010. The government does not maintain or publish statistics relating to human trafficking investigations. During the reporting period, there were no prosecutions based solely on the 2005 anti-trafficking law. Instead, when the law is enforced, it is always in conjunction with other charges, such as child abuse. Many law enforcement and judicial personnel remained unaware of the anti-trafficking law's existence and may have used other statutes to investigate and prosecute trafficking cases. This lack of awareness continued to hinder efforts to collect data on human trafficking prosecutions.

During the reporting period, police in Kaolack reportedly arrested two Koranic teachers for allegedly brutally beating students who they had forced to beg for money in the street. While local observers had hoped prosecutors would bring trafficking and labor law charges against the teachers, court officials charged the teachers with child abuse and did not view the case as involving child trafficking or treat the children as trafficking victims. The Office for the Protection of the Rights of Children in the Ministry of Family conducted training for 96 judges and law enforcement officials on the treatment and processing of child trafficking victims within the Senegalese system. There were no investigations of government officials' involvement in human trafficking, but corruption is known to be pervasive throughout the government, notably in law enforcement.

Protection

The Government of Senegal made minimal efforts to identify trafficking victims and provide them with protective services during the last year. While the government identified 596 trafficking victims in the previous reporting year, it did not formally identify any victims over the last year. Referral to victim care services was undocumented. The government did not provide protective services to victims except at one shelter for child victims, the Ginndi Center. The government appropriated the equivalent of approximately $150,000 to the

center to provide child victims of abuse with shelter, food, education, medical and psychological care, family mediation and reconciliation services, and vocational training. During the year, the Ginndi Center's child protection hotline received 6,231 calls concerning children in distress or requesting information; an unknown but reportedly significant number of these calls concerned cases of human trafficking. When the Ginndi Center does return children to their families, 40 percent are subsequently found begging on the streets. The government did not report repatriating any Senegalese nationals who had been victims of trafficking in other countries, nor did it provide temporary or permanent residency status to foreign victims of human trafficking. The government did not encourage victims to participate in the investigation or prosecution of their traffickers.

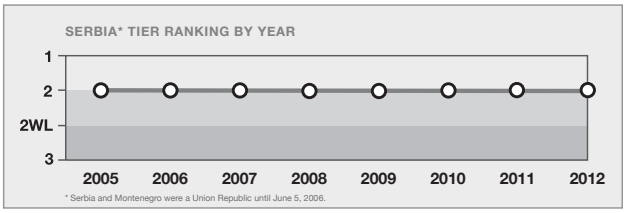
Prevention

The Government of Senegal made limited efforts to prevent human trafficking during the reporting period. The National Task Force for the Struggle against Trafficking/Mistreatment Especially of Women and Children was inactive and, despite being created to implement the 2008 National Action Plan on Trafficking, took no action to implement the plan in 2011. Recognizing the high demand for religious education among Senegalese parents and the potential this creates for exploitation of *talibes* by abusive *marabouts*, the Ministries of Family and Education worked jointly to open 20 modern *daaras* in which children receive both standard, formal education and Koranic education. These *daaras* are free from forced begging. The Ministry of Family ran an educational campaign, The Project for the Struggle against Trafficking, and conducted presentations and disseminated literature educating religious leaders that Islam does not sanction forced begging. The government did not launch educational campaigns on any other type of human trafficking. The government did not take steps to reduce the demand for commercial sex acts or forced labor in Senegal. It did not provide specific anti-trafficking training to Senegalese troops before their deployment abroad on international peacekeeping missions, although troops did receive training in general human rights, gender violence, and international rule of law.

SERBIA (Tier 2)

Serbia is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor, including domestic servitude. Serbian women and girls are subjected to sex trafficking, and Serbian men and boys are vulnerable to forced labor within the country. Serbian citizens are subjected to forced labor in other countries, and foreign victims are subjected to sex trafficking and forced labor in Serbia. Foreign victims of trafficking found in Serbia originate primarily from other countries in Europe. During the past year, foreign trafficking victims in Serbia originated from Montenegro, Bosnia, Ukraine, Moldova, Albania, Turkey, Slovenia, Russia, and Austria. Children throughout the country, including ethnic Roma, continue to be exploited in the commercial sex trade, subjected to involuntary servitude while in forced marriage, or forced to engage in street begging. Country experts reported an increased detection of labor trafficking victims in the country in 2011.

The Government of Serbia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Serbian government vigorously prosecuted traffickers, increased its conviction rate for trafficking offenders, and carried out innovative anti-trafficking prevention activities in 2011. Furthermore, it took critical steps to transform and institutionalize its response to victim protection in 2011 by continuing its integration of victim protection for all trafficking victims, including males and children, into the existing nationwide social protection system. In late 2011, the government provided a new building and secured state financing to establish a stand-alone national agency charged with the immediate care of foreign and domestic trafficking victims. NGOs continued to rely mostly on foreign donors to provide psychosocial and reintegration assistance to trafficking victims during the year. Notably, the Serbian government identified a significant number of trafficking victims relative to the rest of Balkan region in 2011 and improved its detection of forced labor. However, the government must continue to strive for more effective and systematic identification efforts to detect trafficking victims. Social workers, a key group of front-line responders, need further training in order to develop the capacity to identify and provide specialized psychosocial care to victims.



Recommendations for Serbia: Ensure that NGOs with a history of providing victim care in Serbia are included and integrated in the system of direct victim care, in order to ensure effective care and reintegration assistance; continue to take steps to ensure that social workers and other front-line responders are integrated into victim identification efforts and ensure that potential trafficking victims, including victims of forced labor, are proactively identified throughout Serbia; ensure availability of specialized accommodations for victims; implement pending legal reforms to ensure victims receive institutionalized support during judicial proceedings and sex trafficking victims are not prosecuted for prostitution offenses; take steps to ensure trafficking victims are not jailed or punished for crimes committed as a direct result of their trafficking; vigorously prosecute, convict, and punish sex and labor trafficking offenders including any officials complicit in trafficking; ensure sustained state budget funding for comprehensive assistance, including appropriate support for NGOs providing longer-term care and rehabilitation assistance to victims; take steps to establish formal partnerships between the government's central victim protection agency, NGOs, other social welfare centers, and front-line responders to continually improve outreach and victim care; encourage adoption at the local level of the interagency task force model, where appropriate, to establish a multi-disciplinary approach to handling trafficking cases; and consider the establishment of a full-time position for a national anti-trafficking coordinator.

Prosecution

The Government of Serbia sustained vigorous anti-trafficking law enforcement efforts in 2011. The criminal code for Serbia

prohibits both sex trafficking and non-sexual exploitation through Article 388; however, this criminal code does not specifically distinguish between commercial sexual exploitation and forced labor. Penalties prescribed under Article 388 range from three to 15 years' imprisonment; these penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. Article 390 of the criminal code prescribes penalties for "slavery or a relationship similar to slavery" with penalties of one to 10 years' imprisonment. In 2011, the government reported prosecuting 36 criminal cases (27 for sex trafficking and nine for labor trafficking) involving 68 suspected trafficking offenders in 2011, compared with its prosecution of 47 criminal cases involving 99 suspected trafficking offenders in 2010. Courts convicted 47 trafficking offenders in 2011, convicting 42 under Article 388 and five under Article 390; this is an increase from a total of 36 trafficking offenders convicted in 2010. The government reported that sentences for convicted trafficking offenders in 2011 ranged from six months to ten years' imprisonment. According to Serbian law, those sentenced to less than five years' imprisonment could be released from detention during their appeals of convictions. Overall, only 15 out of 47 convicted traffickers were serving jail time in 2011. The Ministry of Justice adopted a protocol on treatment of victims in March 2012 to improve and institutionalize the government's treatment of victims and witnesses during judicial proceedings. Some local government officials have initiated an interagency "task force" approach to encourage a coordinated, victim-centered approach to addressing trafficking cases. There were no reports of any allegations against, or investigations, prosecutions, or convictions of any officials complicit in trafficking during the reporting period. The government's refusal to cooperate directly with the Governement of the Republic of Kosovo continued to hamper Serbia's efforts to investigate and prosecute some transnational trafficking.

Protection

The Government of Serbia took innovative steps to institutionalize protection and assistance to trafficking victims during the reporting period. NGOs continued to provide specialized and rehabilitative services to victims, but received only limited funding from the government to provide this critical assistance to victims in 2011. The government agency for victim protection in Belgrade identified 88 trafficking victims in 2011; this compares to 89 victims identified in 2010. The agency referred 39 victims who requested assistance to NGO assistance providers while government authorities provided other services to victims. NGOs provided comprehensive psychosocial services and reintegration assistance to trafficking victims during the year; these NGOs continued to rely mostly on foreign donors to provide this critical care. In 2011 the government worked towards establishing a more systematic, comprehensive response to victim protection; in November 2011, the government provided a facility for its new victim protection agency and urgent care center by innovatively using permanently seized criminal assets to acquire the building. The government relied on international donors to help finance the center's first year of operations. During the reporting period, the agency received the equivalent of $46,811 from the City of Belgrade government for victim protection services. In March 2012, the Government of Serbia provided funding in the amount equivalent to $54,651 to the agency, which was mandated to grant formal victim status and provide protection to victims. In practice, specific support continued to be provided by NGOs. The agency remained understaffed in 2011 during the transition period as the government continued to implement its social welfare legislation. Country experts report that the government has yet to establish the capacity to provide specialized psychosocial care required by victims of trafficking, especially children.

The government drafted a protocol on treatment of victims in June 2011, and formally adopted it in March 2012 after an extended consultation period, in an effort to improve and institutionalize the government's treatment of victims and witnesses during judicial proceedings. Country experts, however, noted concern that some judges demonstrated a lack of understanding of trafficking and reported victims' secondary victimization during court proceedings. According to an NGO that monitored trials, victims may still be subjected to intimidation from their traffickers in court. Although the courts may employ victim-sensitive approaches by allowing video testimony or prepared statements, these protection measures were rarely used in practice. NGOs continued to report that authorities failed to recognize some victims of trafficking, occasionally resulting in victims being detained, jailed, otherwise penalized, or even prosecuted for unlawful acts committed as a direct result of their being trafficked. A 2011 report on labor trafficking, based on cases in previous years, found some labor trafficking victims were jailed based on their illegal residence in Serbia.

Prevention

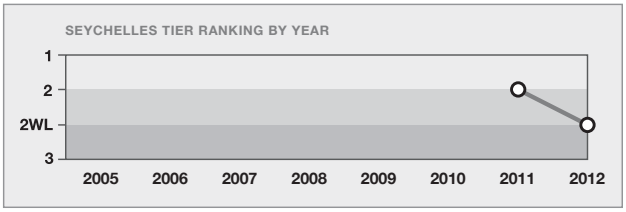
The government significantly improved its trafficking prevention efforts during the reporting period. As a central part of Serbia's 2011 national awareness-raising campaign entitled "Better Prevent than Cure," the government co-financed and widely disseminated "Sestre" (Sisters), an award winning film on trafficking, to target potential youth victims throughout Serbia and the region. During Serbia's annual anti-trafficking month in October 2011, numerous officials took part in public events and radio and TV shows to raise awareness about human trafficking. The Ministry of Interior official charged with coordinating Serbia's anti-trafficking efforts continued to maintain an anti-trafficking website and social media site, and publicized Serbia's anti-trafficking hotline; however, this national coordinator was not funded as a full-time position. The Ministry of Interior also devoted its October 2011 bulletin to activities of police, and regional and NGO counterparts, in anti-trafficking prevention. The government coordinated with international stakeholders to develop a new anti-trafficking strategy and action plan, but did not issue a new national anti-trafficking action plan after the expiration of its current plan in 2011. The government did not report any efforts to reduce the demand for commercial sex acts. The government has not identified a problem with child sex tourism.

SEYCHELLES (Tier 2 Watch List)

Seychelles is a source and destination country for Seychellois children and foreign women subjected to sex trafficking. Seychellois girls and, to a lesser extent, boys are induced into prostitution – particularly on the main island of Mahe – by peers, family members, and pimps for exploitation in nightclubs, bars, guest houses, hotels, brothels, private homes, and on the street. Young drug addicts are also vulnerable to being

forced into prostitution. Foreign tourists, sailors, and migrant workers (particularly those in the fishing and construction sectors) contribute to the demand for commercial sex acts in Seychelles. In July 2011, Hungarian authorities apprehended three suspected traffickers who allegedly procured women for prostitution in Middle Eastern countries and Seychelles. One Seychellois trafficking victim was identified in the United Kingdom in early 2011. Foreign migrant workers – mainly employed in the construction and commercial fishing sectors – comprise 24 percent of Seychelles's formal sector labor force. Some Indian migrant workers reportedly have experienced poor conditions, including underpayment of wages and substandard housing. The demand for services provided by foreign domestic workers and in-home caregivers – including Filipinas, Malagasy, Indians, and Kenyans – reportedly is increasing in Seychelles; 39 such workers migrated to Seychelles in 2010.

The Government of Seychelles does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made initial efforts to take law enforcement action against trafficking offenders and continued a program to raise awareness of the dangers of prostitution among the youth population. Despite these efforts, it prosecuted and convicted children exploited in brothel-based prostitution rather than identifying them as trafficking victims and did not remove them from the premises upon which they had been exploited. It made no efforts to rectify contradictions in its existing laws relating to the sex trafficking crimes of child prostitution and forced prostitution of adults. As a result, Seychelles is placed on Tier 2 Watch List. In late 2011, the government entered into discussion with UNODC regarding the creation of a national anti-trafficking policy and comprehensive legislation, which, if enacted, would greatly enhance its ability to combat human trafficking.



Recommendations for Seychelles: Expand ongoing efforts to educate government officials and the general public about the nature of human trafficking; more frequently utilize existing legislation to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; draft comprehensive anti-trafficking legislation that clearly defines trafficking offenses and prescribes sufficiently stringent punishments; increase prescribed penalties for forced labor offenses in Section 251 of the Penal Code Act; amend the Penal Code to harmonize the duplicative and contradictory sections addressing sexual offenses crimes – particularly those related to the exploitation of children in prostitution – to ensure the prohibition of and sufficiently stringent punishment for the prostitution of all persons under 18 years of age and the forced prostitution of adults; employ the existing district task force structure to increase the identification and referral of victims to protective services, particularly to safe shelter and counseling; formalize the role of the newly formed anti-trafficking committee to facilitate communication and coordination among the relevant ministries, law enforcement entities, working groups, and NGOs; institute a standardized contract governing the employment of domestic workers within private homes; and launch a campaign to educate foreign tourists and migrants entering the country about the illegality of purchasing sexual services in Seychelles and the punishment available under local laws.

Prosecution

The government made limited efforts to address trafficking crimes through law enforcement action during the reporting period. While the government demonstrated progress by achieving convictions of three sex trafficking offenders in 2011, it also criminally prosecuted and convicted two children in the same case rather than identifying and treating them as sex trafficking victims. Seychelles law does not specifically prohibit human trafficking, although existing penal and labor code statutes prohibit slavery, forced labor, pimping, and brothel keeping, under which traffickers could be prosecuted. Section 251 of the Penal Code Act prohibits and prescribes a punishment of three years' imprisonment for forced labor, penalties which are not sufficiently stringent. Section 249 of the penal code outlaws slavery and prescribes sufficiently stringent penalties of 10 years' imprisonment. Sections 155, 156, and 138 of the penal code outlaw brothel-keeping, pimping, and procuring women or girls to engage in prostitution within Seychelles or abroad, prescribing punishments of three years', five years', and two years' imprisonment, respectively. None of these penalties are commensurate with those prescribed for other serious crimes, such as rape. Enforcement of laws relating to the prostitution of children is hampered by unclear and conflicting statutes that fail to define clearly the ages of consent and legal majority, creating confusion between the traditionally understood age of consent of age 15 and the legal age of majority of age 18.

Police, social welfare, and labor officials did not initiate any investigations of suspected cases of child prostitution, forced prostitution of adults, or forced labor during the reporting period, and indicated that they had not received any such complaints, although one NGO said that it had reported suspected incidences of child prostitution to the police during the year. In 2011, the court prosecuted a case involving five individuals accused of operating a brothel in Bel Air; all five defendants, including three adults and two girls who were ages 16 and 17 at the time of arrest, pled guilty in March 2012 and were awaiting sentencing at the close of the reporting period. The government does not use provisions contained in the penal code or the Employment Act of 1990 to criminally punish violations of workers' rights, but disputes arising from allegations of such violations are reportedly settled through mediation at the Employment Tribunal without formal prosecution; information regarding cases handled by this tribunal was not available. The government did not provide law enforcement training for its officials in how to recognize, investigate, or prosecute instances of trafficking. It did not report taking law enforcement action against any public officials complicit in human trafficking, but there were no reported cases of such complicity during the year.

Protection

The government made limited efforts to identify trafficking victims or provide them with protective services during the year. The government neither identified nor provided protective services to the two aforementioned child sex trafficking victims, but instead prosecuted them for crimes committed

as a result of being trafficked; the victims continued to reside in the brothel at the close of the reporting period due to lack of shelter facilities and the refusal of their families to receive them back. The Department of Social Development's (DSD) 25 district task forces on social ills – comprised of social workers, police, community nurses, youth workers, school counselors, NGOs, religious organizations, and other civil society groups – are charged with responding to specific situations of concern in each locality; while some of these task forces reportedly identified cases of children in prostitution during the reporting period, the DSD did not provide information regarding the numbers of sex trafficking victims identified or the protective services, if any, afforded to such children. Social workers and police are not believed to have conducted home visits or provided counseling to the families of children in prostitution. In 2011, the government provided an unknown amount of funding to NGOs that afforded limited services to a small number of victims of child prostitution. Seychelles does not have a formal referral process to systematically transfer trafficking victims to service providers for care. NGOs reported that police detained prostituted children in cells overnight without providing social or medical services, but typically released them the following morning without charge.

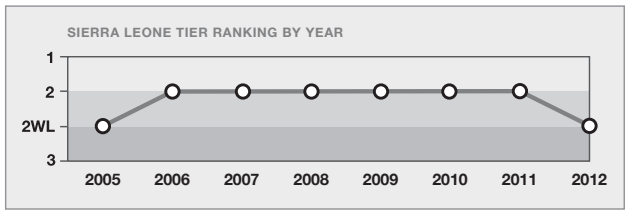
Prevention

Awareness of human trafficking remained low within the country, but rose in 2011 as a result of the government's nascent public awareness raising efforts. In November 2011, the government established a national anti-trafficking committee comprised of representatives from the police, Ministry of Social Development, the Attorney General's Office, Ministry of Foreign Affairs, and the Ministry for Home Affairs' Immigration Division to serve as a coordinating body for collaboration and communication on trafficking matters. In December 2011, representatives of six government ministries participated in a two-day UNODC-led workshop on incorporating the 2000 UN TIP Protocol into national legislation and developing a national policy framework on human trafficking; the government has yet to finalize the recommendations resulting from this workshop. The government made some efforts to continue implementation of its "Plan of Action to Tackle Social Ills (2009 – 2010)," which aims to address the country's drug and sex trades and, according to the DSD, remains binding though technically expired. For example, in July 2011, the government and a foreign embassy co-hosted an awareness raising event on the exploitation of children in prostitution attended by 120 government officials, representing nearly 1.5 percent of Seychelles's civil service. In the same month, the police conducted a one-day workshop for 15 teenagers from various educational institutions to raise awareness of the dangers of prostitution and drug use. During the reporting period, the DSD also conducted three public talks for 114 high school and Polytechnic students identified by school counselors as youth at high risk for exploitation, which addressed, in part, the dangers of engaging in prostitution. The Employment Department of the Ministry of Education, Employment, and Human Resources attested to the contracts of foreign workers migrating to Seychelles and the Immigration Division approved applications for work permits. These entities jointly maintained an automated system to monitor the immigration and employment status of migrants working within the country. The activities of the Committee for Employment of Non-Seychellois, which guided the government's policies on the recruitment of foreign workers to meet the local demand for labor, were suspended in November 2011 pending a review of the government's labor migration policies. The Ministry of Employment's Expatriate Employment Section maintained data on migrant workers and visited workplaces together with the Labour Monitoring and Compliance Section; these entities have never identified a case of forced labor. The Ministry of Education, Employment and Human Resources reportedly intervenes when workers complain about their employment conditions to ensure that workers' rights are respected. In some cases, governmental authorities had no option but to communicate with workers through interpreters provided by the employers; recognizing this situation as problematic in gaining workers' trust, the government instituted a new requirement in 2011 that any foreign workers migrating to Seychelles be able to speak English. The government took no law enforcement action against foreign nationals suspected of purchasing sexual services in Seychelles.

SIERRA LEONE (Tier 2 Watch List)

Sierra Leone is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Victims originate largely from rural provinces within the country, and are recruited to urban and mining centers for the purposes of exploitation in prostitution, domestic servitude, and forced service or labor in artisanal diamond and granite mining, petty trading, portering, rock-breaking, street crime, and begging. Trafficking victims may also be found in the fishing and agriculture sectors or are subjected to sex trafficking or forced labor through customary practices such as forced and arranged marriages. Sierra Leoneans voluntarily migrate to other West African countries, including Mauritania and Guinea, as well as to the Middle East and Europe, where they are subsequently subjected to forced labor and forced prostitution. Sierra Leone may also be a destination country for children trafficked from Nigeria, and possibly from The Gambia, Cote d'Ivoire, and Guinea, for forced begging, forced labor, and exploitation in prostitution.

The Government of Sierra Leone does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate progress in addressing human trafficking over the previous year; therefore; Sierra Leone is placed on Tier 2 Watch List. Awareness of existing anti-trafficking laws remained weak, courts convicted no trafficking offenders, and fewer suspects were charged with trafficking crimes compared with the previous year. While the government acknowledged that trafficking is a problem in the country, it did not make efforts to identify trafficking victims, to allocate adequate financial or human resources to provide protective services to victims, or to educate the population about the dangers of trafficking. The national trafficking in persons task force re-submitted a budget request in late 2011, but as with past years, the funding had not been approved by the end of the reporting period.



Recommendations for Sierra Leone: Increase penalties prescribed under law for sex trafficking offenses; increase efforts to prosecute, convict, and punish trafficking offenders using the 2005 Anti-Trafficking in Persons Act; finalize the draft national action plan; in collaboration with civil society organizations, train police and prosecutors to identify, investigate, and prosecute trafficking cases; ensure that draft anti-trafficking legislation provides a clear definition of trafficking and does not conflate it with the separate crime of migrant smuggling, and enact such legislation; include funding for anti-trafficking activities in the national budget and begin allocating funds accordingly through the appropriate government structures, such as the national trafficking in persons task force; train law enforcement officers and social workers to identify trafficking victims proactively among vulnerable populations, such as women in prostitution, unaccompanied minors, or undocumented migrants, and provide them with protective services; increase partnership with NGOs and support their efforts either financially or through in-kind donations; improve efforts to collect data on anti-trafficking law enforcement efforts and victim assistance; in collaboration with civil society organizations, increase efforts to raise public awareness about the dangers of trafficking; and ratify the 2000 UN TIP Protocol.

Prosecution

The Government of Sierra Leone's anti-trafficking law enforcement efforts decreased in 2011. The Anti-Trafficking in Persons Act of 2005 prohibits all forms of human trafficking and prescribes a maximum penalty of 10 years' imprisonment or a fine of the equivalent of approximately $4,650 for both sex and labor trafficking offenses. These penalties are sufficiently stringent, but not commensurate with penalties for other serious crimes, such as rape. During the reporting period, prosecutions were initiated against four alleged trafficking offenders and none were convicted, compared with 18 suspected trafficking offenders prosecuted and six convicted during the previous reporting period. The cases that were prosecuted involved: the attempted sale of a 65-year-old male; the attempted sale of a 16-year-old girl; the commercial sexual exploitation of a 10-year-old girl and a 13-year-old girl. In addition, in January 2012, the court remanded a suspected trafficker for attempting to traffic a young man. The draft anti-trafficking legislation submitted to the cabinet for review in November 2010 has not yet been passed by the legislature or enacted into law. Members of the task force reported the bill would establish a national anti-trafficking agency and guarantee government funding for its activities, increase prescribed penalties for trafficking offenses, and require the provision of protective services for victims. The government did not provide information about the status of 17 investigations pending at the close of the previous reporting period. The government did not provide specialized training to its officials on investigating or prosecuting human trafficking offenses; however, the Sierra Leone police continued to use manuals produced by an NGO to train new recruits to identify trafficking victims. The government did not report any investigations or prosecutions of public officials complicit in human trafficking; however, the Sierra Leonean Ambassador to Belgium is currently under investigation by the Belgian police for allegedly trafficking three Sierra Leonean citizens to Belgium for domestic servitude.

Protection

During the year, the Sierra Leonean government demonstrated limited efforts to protect child trafficking victims, the most significant population of trafficking victims in the country. In 2011, the government identified four foreign trafficking victims – from Nigeria, Liberia, Cote d'Ivoire, and The Gambia – but failed to identify any Sierra Leonean victims. Despite growing concern over the number of street children who remain vulnerable to trafficking, the Governement of Sierra Leone did not undertake proactive measures to identify victims among this or other vulnerable populations. The government relied on NGOs and international organizations to identify and provide services for trafficking victims; NGOs identified 91 victims in 2011. Identified victims were referred to the national task force and local NGOs on the task force referred an unknown number of child victims to NGO-run orphanages, reformatory schools, or schools for street children, as no dedicated facility for trafficking victims existed. Victims were not encouraged to participate in the investigation of cases, and police cited victims' failure to appear in court as a common reason for the dismissal of cases. There were no reports that victims were detained, fined, or jailed for unlawful acts committed as a direct result of being trafficked; however, the government did not make adequate efforts to identify trafficking victims, which may have led to some victims being treated as offenders.

Prevention

The government displayed limited progress in preventing trafficking during the reporting period. The inter-ministerial national trafficking in persons task force, comprised of representatives from government ministries, NGOs, international organizations, and diplomatic missions, met bi-monthly during the year and completed drafting an updated national action plan for 2011-2013. The government took no discernible efforts to reduce the demand for commercial sex acts or forced labor. The government did not provide Sierra Leonean troops anti-trafficking training prior to their deployment abroad on international peacekeeping missions, though such training was provided by a foreign donor. Sierra Leone is not a party to the 2000 UN TIP Protocol.

SINGAPORE (Tier 2)

Singapore is a destination country for men, women, and girls from China, India, the Philippines, Indonesia, Sri Lanka, Bangladesh, Thailand, Vietnam, and elsewhere in Southeast Asia, subjected to sex trafficking and forced labor. Some women are recruited through offers of legitimate employment and deceived about the nature or conditions of the prospective work. Others enter Singapore with the intention of engaging in prostitution but upon arrival are subjected to forced prostitution under the threat of serious harm, including financial harm. Child sex trafficking occurred in Singapore. During the reporting period, one such case received substantial

media attention; military officers and government officials allegedly were among the dozens of "clients" involved.

There are over 1.1 million foreign workers in Singapore, comprising more than one-third of Singapore's total labor force. The majority of these are unskilled and semi-skilled workers employed in construction, domestic service, and the hospitality and service industries. Many foreign workers in Singapore assume debts to recruitment agencies in both Singapore and their home countries associated with their employment, making the workers vulnerable to forced labor. Foreign workers also reported confiscation of their passports, restrictions on their movements, illegal withholding of their pay, threats of forced repatriation without pay, or physical or sexual abuse – all indicators of potential trafficking. Men are subjected to forced labor on long-haul fishing boats that dock in Southeast Asian ports, including Singapore. Workers reported severe abuse by fishing boat captains, the inability to disembark from their vessels, the inability to terminate their contracts, and the nonpayment of wages.

Some employers in Singapore rely on repatriation companies to seize, confine, and escort – including through the use of assaults, threats, and coercion – foreign workers to the airport to prevent them from complaining of abuses to authorities. A 2010 report produced by NGOs found that, on average, Indian, Bangladeshi, and Chinese migrant workers in Singapore, paid fees to employment agencies that constitute at least 10 months of their potential earnings; such debt makes migrants vulnerable to forced labor, including debt bondage. The government amended the Employment Agencies Act to limit agency fees in Singapore to one month of wages per year of contract. Exorbitant fees are sometimes the result of multiple layers of sub-contracting to smaller agencies and individual recruiters in source countries, commissions paid to Singaporean agencies, and sometimes, kickbacks to Singaporean employers. To hide illegal fees, some agencies and employers mask them as payments from the worker for personal loans or as other payments, making it difficult for workers to understand how their wages were calculated and leaving them vulnerable to debt bondage. Foreign workers have credible fears of losing their work visas and being deported, since employers have the ability to repatriate workers at anytime during their contracts. Additionally, low-skilled workers are prohibited or severely restricted from seeking alternative employment, on transferring employers and Singaporean employers can submit complaints about worker behavior to have future employment bans placed on them.

The Government of Singapore does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In February 2012, the Singapore Interagency Task Force released for public comment its National Plan of Action, which was crafted after an extensive consultative process with local NGOs involved in anti-trafficking issues and the protection of migrant workers and an open comment period seeking broader input from foreign governments and other international stakeholders. The government strengthened its anti-trafficking prevention and public awareness efforts among foreign workers and fishermen. During the year, the government continued to prosecute and convict sex trafficking offenders, but it failed to impose adequate penalties; convicted offenders received punishments of fines or up to nine months' imprisonment. The government developed and implemented guidelines for identifying labor trafficking cases, and identified 124 alleged victims of forced labor during the year, although the government did not report providing all these victims with services. These investigative efforts did not result in any prosecutions or convictions of labor trafficking offenders during the reporting period. Singaporean men reportedly have been a source of demand for child sex tourism in Southeast Asia.

Recommendations for Singapore: Make effective use of the new national plan of action, particularly by strengthening investigations, prosecutions, and sentencing of both sex and labor trafficking offenders, identifying possible trafficking victims among migrant laborers and persons in prostitution, and dedicating exclusive resources to addressing the country's human trafficking problem through greater assistance to trafficking victims; draft and enact legislative revisions to bring Singapore's legal code into tighter conformity with international anti-trafficking standards; prosecute employers and employment agencies who unlawfully confiscate workers' passports as a means of holding them in a state of involuntary servitude, or who use other means to extract forced labor; increase efforts to investigate and prosecute repatriation companies that forcefully and illegally restrain and repatriate migrant workers who would otherwise complain about forced labor conditions; make greater efforts to support victims assisting in the investigation process in obtaining employment; extend the government's legal aid scheme to cover foreign trafficking victims to ensure that all employees have equal access to judicial redress; continue public awareness campaigns to inform citizens and residents of the penalties for involvement in trafficking for sexual exploitation or forced labor; and consider acceding to the 2000 UN TIP Protocol.

Prosecution

The Government of Singapore demonstrated limited law enforcement efforts to combat trafficking in persons during the year. Singaporean law criminalizes some forms of trafficking through its Penal Code and Women's Charter. Singaporean law does not prohibit the forced prostitution of men, although there is no evidence of this occurring in Singapore. Article 140 of the Women's Charter does not prohibit non-physical forms of coercion, such as debt bondage or threat of abuse of the legal process, and Article 141 only prohibits the movement of women and girls for trafficking, and does not define the term "trafficking." Penalties prescribed for sex trafficking offenses in the Women's Charter include a maximum of five years' imprisonment, which is sufficiently stringent, but not commensurate with other serious crimes, such as rape. During the year, the government reported convicting four sex trafficking offenders, compared with six such convictions during the previous year, but it did not prosecute or convict any labor trafficking offenders. The government did not demonstrate increased efforts to apply stringent penalties to convicted offenders; traffickers were given low penalties ranging from fines to nine months' imprisonment. An additional three cases confirmed to constitute sex trafficking were identified but not prosecuted, and 18 cases remained

pending at the close of the year. Singaporean authorities exhibited greater efforts to proactively identify sex trafficking cases during the year; the government reported identifying 54 percent of suspected sex trafficking and related cases during vice operations during the year.

While the Ministry of Manpower (MOM) maintained responsibility for investigating all labor abuses, the police were responsible for investigating any criminal offenses under the Penal Code's forced labor statute. In August 2011, the Attorney-General's Chambers (AGC) developed a special unit with 15 prosecutors to coordinate the investigation and prosecution of vice-related cases, including trafficking. A foreign embassy, concerned about the treatment of its nationals on fishing vessels that dock in Singapore, continued its engagement on behalf of the fisherman with the government of Singapore. In its National Self-assessment Report on Trafficking in Persons 2011, the Singapore Inter-Agency Taskforce stated its position on jurisdictional issues as follows: Singapore does not have jurisdiction over foreign fishermen working in off-shore waters on non-Singapore flags. The government did not report any prosecutions or convictions of suspected human trafficking on fishing vessels during the year.

Some Singaporean employment agencies reportedly advise employers to confiscate the passports of their foreign employees – a practice that is well-documented in facilitating forced labor. Although the MOM conducted proactive operations to inspect repatriation companies and employment agencies– and identified passport withholding, an indicator of human trafficking in at least 20 of these cases – it did not refer any leads to the police for investigation or prosecution of possible trafficking.

While the Employment Agencies Act prohibited Singaporean employment agencies from charging job seekers more than one month's salary per year, for a maximum of two years, many agencies continued to charge migrant workers thousands of dollars in recruitment fees, making them vulnerable to forced labor. The government continued to facilitate anti-trafficking training opportunities for its police force, prosecutors, and other government officials. Although officials continued to face challenges in identifying labor trafficking cases and did not identify any confirmed labor trafficking cases in 2011, the MOM and the government's anti-trafficking task force developed and institutionalized a set of labor trafficking indicators based on international standards. During the year, the government began implementing a series of new standard operating procedures (SOPs) for the identification and prosecution of trafficking cases; officials from the MOM, AGC, and the police were trained to identify labor trafficking cases using a newly developed indicator card and discussion of labor trafficking scenarios.

Protection

The government demonstrated progress in identifying and protecting trafficking victims during the year. The government reported that it provided funding to 24 "children's homes" and dormitories that could be used to house child trafficking victims and four shelters serving adults; however, it did not operate any trafficking-specific shelters. The government reported allocating the equivalent of $1.6 million to shelter and social services for crime victims during the year but did not dedicate exclusive resources to protecting trafficking victims. The government reported 182 victims – 58 for sex trafficking and 124 for forced labor – identified during trafficking-related law enforcement actions. The government reported providing assistance to 29 sex trafficking victims and 68 labor trafficking victims; those whose cases did not result in a prosecution were repatriated within two to four weeks. One NGO reported identifying approximately 25 sex trafficking victims and 21 victims of forced labor, and one foreign embassy reported assisting 27 women forced into prostitution and 16 men exploited in the fishing industry. The government reported identifying six Singaporean victims during the year. Authorities introduced new tools for identifying victims of forced labor including an indicator card and a document outlining labor trafficking scenarios. The resulting unprecedented identification of 124 suspected labor trafficking victims was notable. Authorities continued to utilize sex trafficking indicator cards to identify victims during vice operations. According to NGOs and foreign embassies, inadequate victim identification resulted in the possibility that trafficking victims were among the approximately 5,200 individuals arrested for prostitution violations during the year. Such individuals may have been subjected to penalties for immigration violations and/or for soliciting.

Domestic workers in Singapore, the vast majority of whom are foreigners, are excluded from the Employment Act, including protections such as mandatory rest days, limits on hours of work, and other rights. The lack of a mandatory day off provided under Singaporean law to domestic workers continued to restrict their opportunities to seek help when faced with abuses, including forced labor conditions. In February 2012, the government took steps to address this when it announced plans to require employers to grant domestic workers a weekly rest day; this policy is slated to come into effect in January 2013. The government did not provide incentives such as legal aid for the pursuit of civil suits, for foreign victims to participate voluntarily in investigations, and prosecutions of trafficking offenses. Victims were not permitted to leave Singapore before the start of court proceedings, and lengthy investigations and prosecutions – often six to 12 months – posed a disincentive to victims to participate. The government reported that some victims received Special Passes, which allowed them to stay legally in Singapore for a temporary period. The MOM reported that 34 suspected labor trafficking victims who assisted the government as prosecution witnesses received authorization to work temporarily in Singapore. There are reports that victims of trafficking often do not wish to file official complaints to Singaporean authorities. When cases were being investigated or prosecuted, the government generally held the victims' passports and declined their requests for repatriation because they were considered material witnesses. Foreign workers, including fishermen, face significant difficulties when attempting to seek redress for their problems, such as unpaid wages and wage deductions, which contribute to their vulnerability to trafficking. The MOM provides case workers to assist some foreign workers who encounter problems in these areas.

Prevention

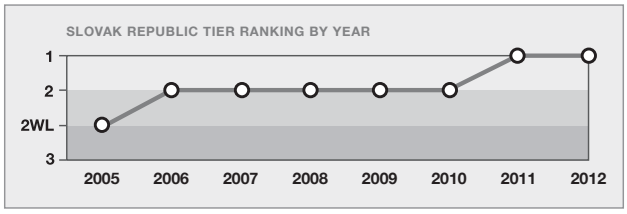
The government increased its efforts to prevent trafficking in persons during the year. In March 2012, the Inter-Agency Task Force on Human Trafficking launched the country's first National Plan of Action to coordinate the government's anti-trafficking activities. The plan, which sets forth goals in the areas of prosecution, protection, prevention and partnership, was the result of consultations with civil society organizations,

foreign governments, and the public. Also in March 2012, the government published its first annual self-assessment, documenting its efforts to combat trafficking during the year, and including recommendations for future actions. The government increased efforts to educate the public through television and print media campaigns about the dangers of trafficking. The government installed posters in a fishing port providing information for exploited workers to contact the government for assistance. During the year, the task force produced a newsletter and brochure for work permit holders, which provides a checklist for workers about situations in which they should approach the MOM for assistance. During the year, the MOM conducted inspections of four repatriation companies and responded to 36 complaints of foreign workers who allegedly had their passports confiscated by employers or labor brokers; 20 employment agencies confirmed to be withholding passports – an indicator of human trafficking – were issued warnings and received demerit points, but the cases were not referred to police for criminal investigation. Police and MOM inspectors reported receiving 446 cases of labor violations that could have contributed to labor trafficking, although the government could not substantiate any labor trafficking cases in 2011. Authorities continued compulsory courses on employment rights and responsibilities for all incoming foreign domestic workers and their employers, and during the year the government instituted pre-departure briefings for 829 workers in three labor-source countries. The government provided foreign workers with written materials explaining their rights in their native languages and providing contact information for reporting complaints to labor authorities, and warned employers that it is an offense to confiscate any of these materials. In 2011, the MOM conducted 3,015 labor inspections to observe working conditions in commercial worksites, but it is not known whether such inspections led to the identification of any suspected trafficking victims. The government identified 1,355 employment agencies assessed to be "dubious," and prevented 1,180 workers from entering the country to work under potentially false pretenses, but it is not know what, if any, actions the government took to sanction these operations. The government reported issuing educational posters to repatriation companies to educate foreign workers on their rights. The government reported investigating 67 trafficking-related labor cases and 13 prostitution cases, classified as "substantiated cases with some trafficking in persons elements;" the majority of the labor cases were dismissed with a stern warning, a compounded fine, or no action. Two individuals in these cases were convicted of trafficking-related labor violations and were sentenced to probation or received warnings, and 12 cases remain under investigation. The government did not make efforts to reduce the demand for commercial sex acts in Singapore's commercial sex industry. Although Singaporean law provides for extraterritorial jurisdiction over Singaporean citizens and permanent residents who sexually exploit children in other countries, the government has never investigated, prosecuted, or convicted a national or permanent resident for child sex tourism. There were no reports of Singaporeans engaging in child sex tourism during 2011. Singapore is not party to the 2000 UN TIP Protocol.

SLOVAK REPUBLIC (Tier 1)

The Slovak Republic (or Slovakia) is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Slovak men and women are subjected to forced labor in the agriculture and construction in Western Europe, primarily the United Kingdom. Slovak children are subjected to forced criminal behavior in the United Kingdom. Slovak women are subjected to sex trafficking in the Netherlands, Slovenia, Denmark, Germany, and other areas of Europe. Ukrainian and Romanian men and women are allegedly forced to work in the Slovak Republic. Victims are reportedly transported through the Slovak Republic from the former Soviet Union and forced into prostitution within the country and throughout Europe. Roma children, women, and men are subjected to forced begging in Switzerland and other countries in Western Europe. Roma from socially segregated rural settlements were disproportionately vulnerable to human trafficking, as they were underemployed, undereducated and lack of access to quality education due in part from segregation specialized schools, and subjected to discrimination by law enforcement personnel. Traffickers, particularly prominent individuals in Roma communities, found victims through family and village networks, preying on individuals with large debts owed to usurers or individuals with disabilities.

The Government of the Slovak Republic fully complies with the minimum standards for the elimination of trafficking. Improvements, however, are needed. The government collaborated closely with NGOs to offer comprehensive care to trafficking victims through the National Program to Combat Trafficking in Persons. The government successfully convicted a former mayor who had been complicit in the sex trafficking of Slovak women, sentencing the mayor to four-and-a-half years' imprisonment. The government also launched a successful campaign to raise awareness of labor trafficking. Nevertheless, government efforts to make victim identification by police more proactive remained weak. Despite indications of labor trafficking in Slovakia, police again failed to identify any foreign victims in the country. Sentencing for trafficking offenders decreased; of nine convicted offenders, only three received non-suspended prison sentences. Finally, the government does not have any legal provisions that would allow authorities not to prosecute trafficking victims for crimes they committed as a result of their trafficking. NGOs did not report any cases of trafficking victims having been prosecuted for such crimes.



Recommendations for the Slovak Republic: Greatly increase efforts to identify trafficking victims proactively; increase efforts to identify trafficking victims in Roma communities, including through greater outreach by law enforcement personnel; identify children under age 18 who are engaged in prostitution as trafficking victims; increase proactive victim identification at labor sites, including agriculture and construction; improve the functioning of the Expert Group by ensuring that government agencies are accountable for their roles in fulfilling the government's anti-trafficking plan; strengthen procedures for identification, referral, and care of child trafficking victims; adopt legal provisions that would permit authorities not to prosecute

trafficking victims for offenses compelled as a result of their trafficking; provide socially inclusive social work support to highly vulnerable communities to reduce the incidence of trafficking; continue training and capacity building for investigators, prosecutors, and judges, to ensure that trafficking crimes are vigorously investigated and prosecuted and offenders are convicted and punished with time in prison; ensure that all judicial trainings and law enforcement training programs address labor trafficking; adopt procedures to permit authorities to prosecute trafficking in cases where the victim has not filed a complaint or withdraws a complaint; ensure the provision of adequate specialized shelter for male victims of trafficking; and conduct a demand-reduction awareness campaign to educate Slovaks and persons visiting the country about the potential links between prostitution, exploitation, and trafficking.

Prosecution

The Government of Slovakia displayed mixed efforts to investigate and prosecute human trafficking offenses during the reporting period. Nevertheless, sentences imposed on convicted trafficking offenders weakened during the year. The Slovak Republic prohibits all forms of trafficking through Sections 179, 180, and 181 of its criminal code, which prescribe penalties of between four years' and life imprisonment for violations. These penalties are sufficiently stringent and are commensurate with those prescribed for other serious crimes, such as rape. In 2010, Slovak officials investigated approximately 19 cases of trafficking in persons, including at least one labor trafficking case. In 2010, Slovak authorities investigated approximately 15 cases of trafficking in persons. The high-profile case cited in the 2011 TIP Report involving approximately 340 forced laborers from Ukraine and Romania remained pending, and the four alleged traffickers involved in the case were held in prison awaiting prosecution. Slovak authorities initiated the prosecution of one trafficking offender, in contrast to five trafficking offenders prosecuted in 2010. Nine trafficking offenders were convicted in 2011, an increase from six trafficking offenders in 2010. Nevertheless, short sentences given to convicted offenders remained a weakness of the Slovak courts; only three out of the nine offenders convicted in 2011 received prison sentences that were not suspended. The longest such sentence was four-and-a-half years' imprisonment, which was imposed on a mayor for complicity in the sex trafficking of two Slovak females. One offender was sentenced to one year in jail, and one offender was sentenced to one year and 10 months in prison. The remaining six offenders received suspended sentences. In 2010, three out of the six trafficking offenders were sentenced to time in jail. Police statistics reveal that the procurement of children was not always charged as a trafficking offense. Nevertheless, Slovak police collaborated with law enforcement officials in the United Kingdom to investigate a labor trafficking case in which Slovak individuals from socially disadvantaged communities were promised well-paid work cleaning vegetables, but instead were delivered to employers who paid them poorly for 16-hour workdays under duress. The Slovak police operation targeting the labor recruiters in the case reportedly involved approximately 100 officers.

Slovak law enforcement agencies have assigned authority for combating trafficking to the Division on Trafficking in Human Beings of the Office for Combating Organized Crime. The specialist division had 17 trained staff members. The government trained border officials on human trafficking, although a report by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) concluded that the border guards did not subsequently take proactive measures to identify victims. The Slovak Judicial Academy continued to incorporate trafficking in persons in its curriculum of basic prosecutorial and judicial training programs. The government reported that it regularly provided training to police officers, social workers, and labor inspectors.

Protection

The Slovak government displayed mixed protection efforts during the reporting period. While it sustained close partnerships with NGOs to care for trafficking victims, proactive victim identification in Slovakia remained weak. Government care for trafficking victims was organized through the National Program of Support and Protection of Victims in Trafficking in Human Beings. The program employed a relatively low evidentiary threshold for recognizing persons as trafficking victims. Any governmental agency or nonprofit organization was empowered to identify trafficking victims. The program offered victims emergency care for up to 90 days, financial stipends, psychological assistance, health care, and interpretation. Although Slovak authorities in departments specializing in the care of children underwent training in the identification of child victims of trafficking, there were no special procedures for the referral of child trafficking victims for care. The GRETA report concluded that the care of unaccompanied minors in Slovakia needed improvement. Unaccompanied minors went missing from a children's facility, and there were suspicions that traffickers may have been involved. Nonprofit organizations, funded through the Ministry of Interior, offered specialized shelter and care for trafficking victims. The government funded assistance for 31 victims of trafficking in 2011 and for 29 victims in 2010. Seventeen of the victims assisted in 2011 were women, 13 were men, and one was a child. The victims were approximately evenly divided between sex and labor trafficking. In 2011, the Slovak government allocated the equivalent of approximately $220,500 to NGOs for anti-trafficking activities, a decrease from the equivalent of $298,000 in 2010. Only the equivalent of $120,000 of the allocated funds had been disbursed by the end of the year. Three NGOs provided specialized shelter for trafficking victims, who were allowed to leave the shelters unchaperoned and at will. The shelters were designed for the care of women. NGOs in practice found shelter and care for male trafficking victims.

Slovak law enforcement authorities have made weak efforts to proactively identify trafficking victims in the country. Police have not proactively identified any foreign victims of trafficking, despite indications of forced labor and sex trafficking in the country. Although the government encouraged victims to participate in trafficking investigations, NGOs reported that victims risked secondary victimization during the investigative process, when victims were interviewed multiple times. NGOs also reported that the National Referral Mechanism needed to be further formalized, although repatriated victims in practice were referred to care. The government offers foreign victims, upon their identification, renewable 90-day legal status in Slovakia to receive assistance and shelter and to consider whether to assist law enforcement.

The national coordinator has authority to recommend permanent residence to victims of trafficking who would face hardship or retribution if returned to their country of origin.

However, no such residence permits have been issued. There were no reports that the government penalized victims for unlawful acts committed as a direct result of being trafficked during the year, although the law allows the prosecution of trafficking victims.

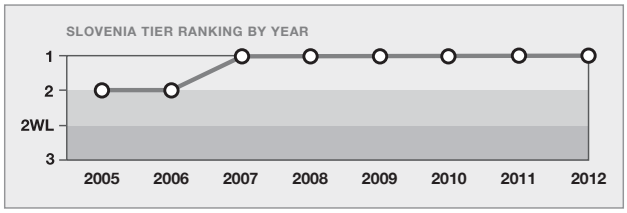
Prevention

The government sustained its activities to prevent trafficking, target labor trafficking, and continue outreach to Roma communities vulnerable to trafficking in persons. The government continued to fund an anti-trafficking hotline operated by IOM. In Fall 2011, the Ministry of Interior collaborated with IOM to conduct an awareness campaign targeting forced labor, including television advertisements, flyers, and special reports. The hotline received a substantial increase in calls following the advertisement campaign. The government continued to operate an information center on trafficking in persons in Eastern Slovakia, which conducted outreach to vulnerable Roma communities on trafficking in persons. Despite the center's partial mandate to coordinate the collection of data, the GRETA observed that the government's data collection efforts remained disorganized, with multiple institutions gathering information separately. The government coordinated its anti-trafficking activities through its Expert Group for the Area of the Fight against Trafficking in Human Beings, a multidisciplinary entity involving officials from various ministries, local governments, and NGOs. NGOs observed that there was little accountability for the agencies charged with fulfilling the National Program to Combat Trafficking in Persons. The government did not conduct any activities to reduce the demand for commercial sex during the year. The government provided Slovak military personnel with basic trafficking awareness training prior to their deployment abroad on international peacekeeping missions.

SLOVENIA (Tier 1)

Slovenia is a transit and destination country and, to a lesser extent, a source country for women and children subjected to forced labor and sex trafficking. Women and children are subjected to sex trafficking and men, women, and children to forced labor in Slovenia. Victims of labor exploitation in Slovenia come from Ukraine, Romania, Serbia, and Bosnia and Herzegovina. Sometimes these persons migrate through Slovenia to Italy, Austria, and Germany, where they are subsequently subjected to forced labor. Women and children from Slovenia, as well as Moldova, Serbia, Croatia, Ukraine, Romania, Slovakia, the Czech Republic, and the Dominican Republic, are subjected to forced prostitution in the country and also transit through Slovenia to Western Europe (mainly Italy and Germany), where they face the same form of exploitation.

The Government of Slovenia fully complies with the minimum standards for combating trafficking in persons. The government increased funding for victim protection and identified significantly more victims during the year. It also demonstrated strong prevention efforts, developing a biannual National Action Plan, implementing a multimedia awareness campaign, and conducting training programs on victim identification for social workers and school employees. The government prosecuted more suspected trafficking offenders under its comprehensive human trafficking law than in the previous year. However, it reported convictions only under its forced prostitution law, as judges frequently reclassified trafficking cases.



Recommendations for Slovenia: Vigorously investigate and prosecute trafficking offenses and convict and punish trafficking offenders under the trafficking in persons law, including complicit public officials and those involved in forced labor; bolster training for investigators, prosecutors, and judges in applying the Law on Trafficking in Human Beings; increase efforts to identify victims of both sex and labor trafficking; increase the number of victims referred to NGOs for assistance; ensure that proper and safe facilities exist to assist child victims of trafficking; continue prevention outreach to vulnerable populations, such as Roma children; and continue efforts to raise awareness of forced labor and forced prostitution among the general public.

Prosecution

The Government of Slovenia demonstrated mixed anti-trafficking law enforcement efforts in 2011. Slovenia prohibits all forms of trafficking in persons through Article 113 of its criminal code, which prescribes penalties ranging from one to 15 years' imprisonment for violations. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Continuing a downward trend, the government conducted four trafficking investigations in 2011, a decline from 12 investigations in 2010 and 28 investigations in 2009. Authorities prosecuted 16 suspected trafficking offenders but did not convict any trafficking offenders under Article 113 in 2011, compared with 12 prosecutions and eight convictions in 2010 and four prosecutions and two convictions in 2009. The government applied Article 175, which prohibits participation in exploitation through prostitution, to convict six offenders who were initially prosecuted under Article 113. There were some reports that judges were not sufficiently aware of the complexity of the crime of trafficking and often reclassified human trafficking cases as exploitation through prostitution. The Ministry of Interior's Interdepartmental Working Group conducted a variety of anti-trafficking training programs, including training for police officers on labor exploitation and for prosecutors and judges on prosecuting trafficking in persons. The government focused several training programs on the early detection of trafficking victims for key actors in Slovenia, including consular and asylum officials, border guards, and labor inspectors. During the reporting period, the government convicted a policeman charged in 2010 with providing information to a trafficking offender in furtherance of a trafficking offense; he received a suspended jail sentence. There were no other investigations against public officials in the reporting period.

Protection

The Government of Slovenia sustained its efforts to protect victims of trafficking in 2011, although there were reports that care and housing for child victims of trafficking were inadequate. The government funded comprehensive victim protection provided by two NGOs, including health care, psychological care, accommodation, and physical security. Assistance was available to both male and female victims of trafficking and foreign and domestic victims. Following a three-month reflection period, foreign victims of trafficking were allowed to receive victim protection if they participated in criminal proceedings. Local experts noted that foreign victims who chose not to participate in criminal proceedings had no access to health care beyond basic emergency treatment. In 2011, the government allocated the equivalent of approximately $138,000 for victim protection, an increase from $120,000 in 2010. The government identified 20 victims of trafficking in 2011, in contrast to 10 victims identified in 2010 and 23 victims identified in 2009. One of the 20 identified victims was a victim of labor trafficking. NGOs reported assisting 18 victims of trafficking, including one minor. Altogether, the government assisted eight victims in 2011, compared to 12 victims in both 2010 and 2009; six of these victims received emergency accommodation, one was placed in a safe house, and one continued living in a safe house from 2010 due to her cooperation with law enforcement. Victims housed in government-funded shelters were permitted to leave unchaperoned and at will. Although the government reported that child victims of trafficking were generally cared for in emergency centers, there were reports that facilities for housing and assistance were inadequate and presented risks that the minors would be re-trafficked. Police officers were required to employ a referral procedure – reflecting a previous agreement between police and the Ministry of the Interior – to refer identified trafficking victims to one of the two NGOs receiving government funds to provide services. According to an NGO, however, in practice police often failed to refer victims to their services or notify them of potential victims. There were no identified victims punished for unlawful acts committed as a direct result of being trafficked.

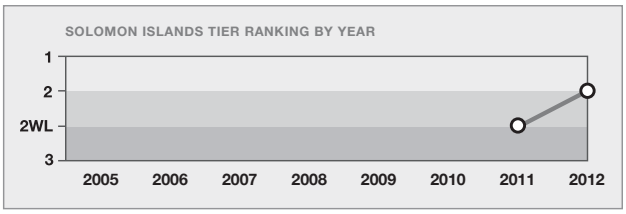
Prevention

The government sustained strong efforts to prevent human trafficking during the reporting period. The government coordinated its anti-trafficking efforts through the Ministry of Interior's Interdepartmental Working Group against Trafficking (IDWG), which brought together representatives of the relevant ministries, the National Assembly, the state prosecutor, and NGOs to develop national policy. The working group met six times during the year and developed a national action plan for 2012-2013, to be released during the first half of 2012. The plan will identify key problem areas, assign responsibility to actors, allocate appropriate funding, and establish deadlines for completion of tasks. The government encouraged regional efforts to combat trafficking in persons through its annual regional ministerial conference on law enforcement cooperation. Similar to past years, the IDWG continued its anti-trafficking outreach campaign using television, radio, Internet, and in-person outreach programs to target potential trafficking victims, particularly young women and men. The IDWG also conducted several training programs on identifying human trafficking victims in vulnerable populations for key actors, including social workers, teachers, and public school counselors. There were anecdotal reports, however, that Roma children were vulnerable to trafficking by family members and that government outreach efforts to this group were inadequate. The government did not take significant measures during the reporting period to reduce the demand for commercial sex acts.

SOLOMON ISLANDS (Tier 2)

The Solomon Islands is a source and destination country for local and Southeast Asian men and women subjected to forced labor and forced prostitution. Local children, many under the age of 15, are subjected to sex trafficking, particularly near foreign logging camps and on foreign and local commercial fishing vessels, but also at hotels and entertainment establishments. Some girls are hired under the guise of domestic labor in logging and fishing areas, but subsequently coerced into prostitution. Local boys and girls are put up for "informal adoption" by their family members in order to pay off debts, and some are subsequently subjected to sexual servitude and forced labor as domestic servants. Other local children are procured for prostitution in exchange for money or fish. Local girls as young as 12 years old are sold by their parents for marriage to foreigners working for logging and mining companies; some of these girls are later forced into domestic servitude in the husband's home country. Women from China, Indonesia, Malaysia, and the Philippines are recruited from their home countries for legitimate work, paying large sums of money in recruitment fees, and upon arrival are forced into prostitution. Traffickers are known to gain access to their victims through taxi drivers, local contacts and pimps. Men from Indonesia and Malaysia are recruited to work in the Solomon Islands' logging and mining industries, and may be subsequently subjected to forced labor in industrial camps. The Solomon Islands is a destination country for child sex tourism.

The Government of the Solomon Islands does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government improved its anti-trafficking efforts during the reporting period, primarily through its enactment of comprehensive anti-trafficking legislation; however; it failed to prosecute and punish trafficking offenders.



Recommendations for the Solomon Islands: Publicly recognize and condemn incidences of trafficking; make greater efforts to investigate, prosecute, and punish trafficking offenders, such as suspected offenders of child prostitution occurring in or near logging camps; investigate the forced prostitution of foreign women and prosecute their traffickers and clients; work with NGOs or international organizations to ensure that identified victims of trafficking are provided access to services and protection; adopt proactive procedures to identify victims of trafficking among vulnerable groups, such as foreign workers in the fishing industry and women

and children in prostitution; institute a visible campaign to raise public awareness of human trafficking in the country; develop a national action plan for countering trafficking in persons; and accede to the 2000 UN TIP Protocol.

Prosecution

The government enacted anti-trafficking legislation that increased its capacity to conduct law enforcement efforts. In March 2012, parliament passed Immigration Bill 2011, which prohibits and punishes all forms of trafficking in persons. The bill proscribes a penalty of imprisonment not exceeding five years or a fine of 45,000 "penalty points" – the equivalent of $6,660 – or both for the trafficking of adults, and a penalty of imprisonment not exceeding 10 years or a fine of 90,000 penalty points, – the equivalent of $13,320 – or both for the trafficking of children. These penalties are sufficiently stringent and commensurate with other serious crimes, such as rape. Also contained in the bill is a provision that prohibits and punishes the withholding travel or identity documents for the purpose of facilitating human trafficking; the penalty is imprisonment not exceeding 2 years or 20,000 penalty points – the equivalent of $2,960 – or both. The bill provides immunity from prosecution for trafficking victims for such crimes as illegal entry into the country, illegal residence or procurement, or possession of a false identification document.

During the reporting period, Customs and Immigration (CLAG) arrested and a court initiated prosecution of a naturalized Solomon Islands citizen and a non-citizen for forcing an unknown number of women or girls into prostitution. The two were charged with the offenses of living on the earnings of prostitution, aiding prostitution, and receiving money derived from prostitution; their prosecutions remain ongoing. The government provided no training to law enforcement and court personnel on identifying trafficking victims and prosecuting trafficking offenders.

Protection

The Government of the Solomon Islands made modest efforts to protect victims of trafficking during the year. Law enforcement and social services personnel continued to lack systematic procedures to proactively identify victims of trafficking among high-risk persons with whom they come in contact and do not have a formal referral system to services organizations for human trafficking victims. The government continued to rely largely on civil society or religious organizations to provide limited services to victims of crime, including victims of human trafficking. The Family Support Center, operated by the government and funded by an NGO, is reportedly available to provide consultations to victims of gender-based violence and government-identified trafficking victims, but it has never assisted a trafficking victim. There are no legal, medical, or psychological services available to trafficking victims in the Solomon Islands. The government did not make efforts to identify or reach out to international organizations or community groups to provide assistance to victims of trafficking. The CLAG advises that in the ongoing prosecution involving an unknown number of foreign women or girls brought to the Solomon Islands and subjected to forced prostitution, it has granted temporary residency permits – valid for three months – to allow the victims to assist the police investigation. The government reports the availability of civil remedies for victims of trafficking, though no victim of human trafficking has ever made use of civil causes of actions.

Prevention

The government made few discernible efforts to prevent trafficking, including through public awareness campaigns. The Royal Solomon Islands Police Force modestly increased public awareness through a tour of Makira, Ysabel and Western Provinces, focusing the public awareness campaign on child sexual exploitation; the patrols targeted logging camps. In August 2011, the American Bar Association's Rule of Law Initiative held an anti-human trafficking workshop where the government of Solomon Islands provided office space, administrative support and the use of government paid personnel. As part of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime workshop, the CLAG presented an overview of its anti-human trafficking efforts in Kuala Lumpur, Malaysia. The government took no action to reduce the demand for commercial sex acts during the reporting period. The Solomon Islands is not a party to the 2000 UN TIP Protocol.

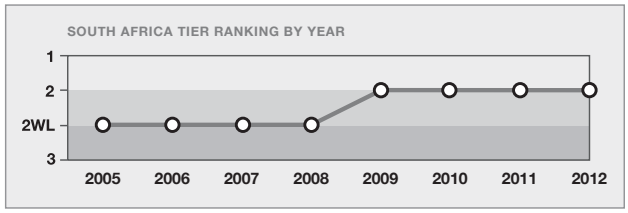
SOUTH AFRICA (Tier 2)

South Africa is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Children are trafficked mainly within the country, from poor rural areas to urban centers, such as Johannesburg, Cape Town, Durban, and Bloemfontein. Girls are subjected to sex trafficking and domestic servitude; boys are forced to work in street vending, food service, begging, criminal activities, and agriculture. The tradition of *ukuthwala*, the forced marriage of girls as young as 12 to adult men, is still practiced in some remote villages in Eastern and Western Cape provinces, leaving these girls vulnerable to forced labor and prostitution. Nigerian syndicates dominate the commercial sex trade within the country, though local criminal rings and street gangs organize child prostitution in a number of South Africa's cities. To a lesser extent, syndicates recruit and transport South African women to Europe and the Middle East, where they are forced into prostitution or domestic service. Traffickers control victims through intimidation and threats, use of force, withholding of passports, debt bondage, and forced use of drugs and alcohol. In 2011, South African trafficking victims were discovered in Bangladesh and Turkey.

Women and girls from Thailand, Cambodia, the Democratic Republic of the Congo, India, Russia, Ukraine, Bulgaria, China, Taiwan, Mozambique, Swaziland, and Zimbabwe are recruited for legitimate work in South Africa, but are then subjected to prostitution, domestic servitude, and forced labor in the service sector or are taken onward to Europe for forced prostitution. Chinese and Taiwanese men are forced to work in mobile sweatshop factories in Chinese urban enclaves in South Africa. Young men and boys from Lesotho, Mozambique, Malawi, and Zimbabwe voluntarily migrate to South Africa for farm work, sometimes laboring for months in South Africa with little or no pay and in conditions of involuntary servitude before unscrupulous employers have them arrested and deported as illegal immigrants. Taxi drivers or thugs at the border transport Zimbabwean migrants, including children, into South Africa and may subject them to sex or labor trafficking upon arrival.

The Government of South Africa does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Efforts to address the myriad forms of human trafficking in South Africa remain

constrained by systemic challenges, including: laws that do not conform with the 2000 UN TIP Protocol; inadequate resources dedicated to fighting human trafficking; and low awareness of the full breadth of the trafficking problems, particularly with regards to forced labor. Nonetheless, the government demonstrated increased efforts to address human trafficking through the conviction of two offenders – sentenced to significantly longer prison terms than in previous years, including life imprisonment – and the provision of trafficking-specific victim services to 59 victims. The Department of Social Development (DSD) evaluated and accredited 13 private, multi-purpose shelters to provide care specifically for trafficking victims, including a nine-week rehabilitation program. The Parliamentary Portfolio Committee on Justice and Constitutional Development continued revision of and stakeholder consultation on the draft comprehensive anti-trafficking bill, and several departments began to draft required implementing regulations. These steps notwithstanding, the draft anti-trafficking bill – first drafted in 2003 – remained in parliament for a fourth year. Although the government began prosecution of at least five offenders and continued several prosecutions from the previous reporting period, law enforcement efforts remained focused on sex trafficking, with little attention to forced labor. Task teams and rapid response teams in some provinces not only increased coordination in the investigation of trafficking cases and effective gathering of evidence and testimony, but further enabled victims' rapid access to care through strengthened partnership with NGOs. Despite the government's considerable financial resources, anti-trafficking law enforcement personnel and protective services providers in much of the country lacked adequate funds and coordination mechanisms to respond to the trafficking challenges effectively. The absence of formal procedures for screening and identifying trafficking victims amongst vulnerable groups, including illegal migrants and women in prostitution, remained a significant gap.



Recommendations for South Africa: Enact and begin implementing the draft anti-trafficking bill; continue to increase awareness among all levels of government officials as to their responsibilities under the anti-trafficking provisions of the Sexual Offenses and Children's Amendment acts; allocate far greater financial resources to anti-trafficking programs and personnel; criminally prosecute employers who utilize forced labor, and ensure that labor trafficking victims are not charged with immigration violations by screening all deportees for victimization; ensure officials adequately screen for victims amongst other vulnerable groups, including women in prostitution; replicate the coordinated anti-trafficking law enforcement and victim referral mechanisms of Kwa-Zulu Natal and Western Cape in all provinces; ensure translators are available to assist victims in obtaining care, cooperating with law enforcement, and testifying in court; investigate and prosecute officials suspected to be complicit in trafficking; and institute formal procedures to compile national statistics on trafficking cases prosecuted and victims assisted, as is done for other crimes.

Prosecution

The Government of South Africa maintained strong law enforcement efforts to combat trafficking during the year. South Africa's laws do not prohibit all forms of trafficking. The Sexual Offenses Act (SOA) prohibits sex trafficking of children and adults and the Basic Conditions of Labor Act of 1997 prohibits forced labor. The SOA prescribes punishments of up to 20 years' imprisonment for sex trafficking offenses, penalties which are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. Penalties of up to three years' imprisonment for forced labor in the 1997 labor act are not sufficiently stringent. Effective in 2011, the Children's Amendment Act prescribes penalties of five years' to life imprisonment or fines for the use, procurement, or offer of a child for slavery, commercial sexual exploitation, or to commit crimes. The Prevention of Organized Crime Act of 1998 was often used in combination with the SOA to add additional charges – including money laundering, racketeering, and criminal gang activity – and stiffer penalties against offenders. Comprehensive anti-trafficking legislation, drafting of which began in 2003, remains pending in parliament for a fourth consecutive year. In 2011, the government continued its readiness survey to determine the current capacity of various departments to implement the pending legislation. In November 2011, the Department of Justice and Constitutional Development (DOJCD) drafted a revised version of the bill, which was sent to the justice portfolio committee later that month. In August 2011, the DOJCD began to draft implementing regulations for the bill to ensure it is quickly brought into effect following passage.

The government convicted two sex trafficking offenders and began five prosecutions, in contrast to 2010 when it initiated 22 prosecutions and convicted nine offenders. In July 2011, the Pretoria regional court sentenced a convicted trafficker, discovered in February 2008 to have trafficked three Mozambican girls into commercial sex, to life imprisonment – the most severe penalty ever applied in a trafficking case in South Africa. In February 2012, Mitchell's Plain magistrates court sentenced a Cape Town man to 23 years' imprisonment – 15 years on the human trafficking charge – for the sex trafficking of a Swazi woman after fraudulently offering her a job. Furthermore, the government began the prosecution of five suspected traffickers and apprehended an additional five suspected traffickers, including two allegedly complicit police officers and two suspected labor trafficking offenders. A number of cases, however, remain pending from previous reporting periods and prosecution efforts continued to focus largely on sex trafficking cases, with little attention to labor trafficking from the Department of Labor (DOL), the NPA, the South African Police Service (SAPS), and the Department of Home Affairs (DHA). One labor trafficking case remains pending prosecution from the previous reporting period.

In February 2012, the Durban task team conducted a successful raid on a brothel, facilitating the rescue of 16 females – including eight children, some as young as 13 – and arresting and charging four offenders with sex trafficking and drug and prostitution offenses. Prosecutors dropped the charges against one suspect, while the other three alleged offenders remain in custody awaiting a bail hearing. In October 2011, Western

Cape police arrested two police officers and one additional suspect in Nelspoort for the alleged sex trafficking of South African girls between the ages of 12 and 15. The Cape Town vice squad, under the jurisdiction of provincial authorities, arrested eight suspected trafficking offenders in four cases, including the only new labor trafficking case identified by South African authorities during the year.

The NPA's Sexual Offenses and Community Affairs Unit (SOCA) continued to lead anti-trafficking efforts through its six provincial task teams, which enabled police, prosecutors, and NGO staff to work together to investigate potential cases, resulting in an increased number of arrests during the year, but not an increase in prosecutions. Between April and December 2011, the NPA trained 116 prosecutors on the use of existing legislation to prosecute trafficking cases. In December 2011, the DHA provided training on trafficking and the identification of victims to 350 officers from the South African National Defense Forces, who assumed the role of immigration management at all South African airports. Foreign embassies in South Africa reported that when they reported cases of abuse of their nationals to law enforcement, both police and prosecution authorities responding seriously by vigorously investigating the allegations, though this varied by province.

Although DOL staff participated in provincial and national task teams, the department neither recognized nor made proactive efforts to address labor trafficking within the country. Suspected instances of labor trafficking involving foreigners have been deemed episodes of "localized migrant abuse." Additionally, the DOL has never identified a case of forced child labor; rather, it failed to identify potential trafficking victims among child laborers and generally classified such cases as involving "children in need." Labor inspectors are not adequately trained to identify cases of trafficking, including those involving children.

Protection

The South African government increased its efforts to ensure that trafficking victims had access to protective services during the reporting period though – despite its considerable resources – it did not provide these services directly or increase funding for the private organizations that do so. DSD accredited 13 multi-purpose shelters in 2011 to host trafficking victims and trained their staffs to assist trafficking victims; these shelters provided services to 59 trafficking victims referred by DSD – the only body authorized by judicial authorities to refer crime victims to private shelters – during the reporting period. DSD identified 22 additional shelters that could potentially care for trafficking victims and began their assessment for accreditation. It also began provision of a nine-week rehabilitation program – developed in the previous reporting period – to address the psycho-social well-being of trafficking victims in the care of these shelters. However, there are no shelters available for the care of men. In 2011, the city of Cape Town supported the establishment of three NGO-run safe houses for trafficking victims; two of these already open provide short-term emergency care, while victims await transfer to DSD-accredited shelters. During the year, DSD developed an intake booklet to be used in the training of 13,000 employees at shelters, hospitals, and social service facilities. In 2011, the Western Cape task team established a rapid response team comprised of government agencies and NGOs – modeled after the one in Kwa-Zulu Natal – to quickly coordinate protective services, including shelter, for victims. DSD began drafting implementing regulations for the social services portions of the anti-trafficking bill.

The government did not develop formal procedures for the identification of trafficking victims and their referral to appropriate care; however, provincial task teams and rapid response teams – including representatives from law enforcement, DSD, and NGOs – enabled quick access to care in some provinces. Although the SOA stipulates that sex trafficking victims not be charged with crimes committed as a direct result of being trafficked, some victims were still arrested and jailed, as the screening of women in prostitution was at times done too hastily to accurately assess trafficking victimization. Additionally, NGOs reported that the police's longstanding focus on deportation of undocumented migrants caused them to overlook potential foreign trafficking victims. Officials encouraged victims to participate in the investigation and prosecution of trafficking offenders and provided long-term care to foreign victims who did so. However, the law did not provide all trafficking victims with legal alternatives to deportation to countries where they may face hardship or retribution. Thus, during the year, prosecutors experienced difficulty in pursuing cases, as victims often chose to return home or at times, DHA deported victims – often without notifying prosecutors – before they had been interviewed thoroughly or were able to participate in the prosecution of their traffickers. During the reporting period, the government provided witness protection to an unknown number of trafficking victims. The Department of International Relations and Cooperation assisted in the repatriation of a group of potential South African trafficking victims from Turkey.

Prevention

The government continued efforts to prevent human trafficking, but national awareness campaigns were smaller than in previous years. The NPA continued to chair the national Trafficking in Persons Inter-Sectoral Task Team (ISTT), which met quarterly. The government jointly sponsored, with a foreign donor, the sixth annual human trafficking awareness week in October 2011, which raised awareness on trafficking and appropriate responses to it; these activities were coordinated by the DHA at the ports of entry. The national action plan to combat trafficking in persons developed in a previous reporting period was not implemented or released. The Cape Town metro vice squad partnered with local and national printed media to raise public awareness through the placement of articles on human trafficking. The government, through the South African National Defense Forces' Peace Mission Training Centre, provided anti-trafficking training to South African troops prior to their deployment abroad on international peacekeeping missions. The government did not undertake efforts to reduce the demand for forced labor or commercial sex acts during the reporting period.

SOUTH SUDAN (Tier 2 Watch List)

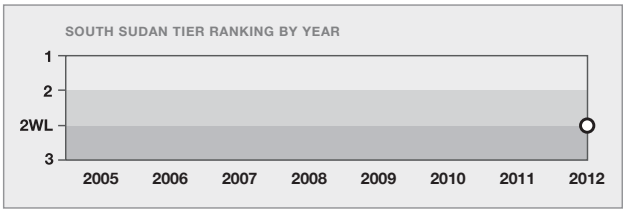
South Sudan is a source and destination country for men, women, and children who are subjected to forced labor and sex trafficking. South Sudanese women and girls, particularly those from rural areas or those who are internally displaced, are vulnerable to forced labor as domestic servants in homes

in Yei and Juba, and possibly throughout the country; most are believed to be working without contracts or government-enforced labor protections. Some of these women and girls are sexually abused by male occupants of the household or forced to engage in commercial sex acts. South Sudanese girls, some as young as 10 years old, engage in prostitution within the country – including in restaurants, hotels, and brothels – at times with the assistance of third parties, including law enforcement officials; the majority of victims are exploited in urban centers such as Juba, Torit, and Wau. Juba has reportedly seen a significant rise in child prostitution in recent years, as well as in numbers of street children and child laborers – two groups which are highly vulnerable to labor and sexual exploitation. Children working in construction, market vending, shoe shining, rock breaking, brick making, delivery cart pulling, and begging may be victims of forced labor. South Sudan is a destination country for Ugandan, Kenyan, Ethiopian, and Congolese women and girls subjected to sex trafficking. Many migrate willingly, with the promise of legitimate work, and are subsequently forced or coerced into the sex trade. Some girls in prostitution, particularly in Juba, may be controlled by a third party. Ugandan children may be subjected to domestic servitude and forced labor in construction in South Sudan.

Thousands of Dinka women and children, and a lesser number of children from the Nuba ethnic group, were abducted and subsequently enslaved by members of the Missiriya and Rizeigat ethnic groups during the concluded North-South civil war. Some of those enslaved remain in Sudan with their captors. While there have been no known new abductions of Dinka by members of Baggara ethnic groups in a number of years, inter-ethnic abductions continue between some communities in South Sudan, especially in Jonglei and Eastern Equatoria states. Hundreds of women and children were abducted in 2011 during cattle raids and conflicts between rival ethnic groups, as well as during conflicts between the government's army – the Sudan People's Liberation Army (SPLA) – and armed groups. Some abductees were subsequently subjected to conditions of domestic servitude, forced animal herding, or commercial sexual exploitation.

Forcible recruitment of adults and particularly children by virtually all armed groups, including government forces involved in Sudan's concluded North-South civil war, was previously commonplace. Since seceding from Sudan and becoming an independent country in July 2011, South Sudan committed to releasing all children from its military's ranks and signed a new action plan with the UN in March 2012. During the year, UN personnel continued to observe children wearing SPLA uniforms, carrying weapons, and serving at SPLA checkpoints or as bodyguards for senior commanders. In 2011, the South Sudan Police Service (SSPS) forcibly recruited adults and children in Unity State; some of these individuals, including children, were later transferred to the SPLA. Armed militia groups recruited children, at times through force, throughout the year. The Sudanese People's Liberation Movement – North, a group that was formerly aligned with the SPLA and that reportedly still receives support from the SPLA/Sudan People's Liberation Movement (SPLM), forcibly recruited and reportedly used child soldiers in Sudan in fighting against the Sudan Armed Forces and aligned militias. Boys and girls were identified in the ranks of rebel groups, including those allied to Peter Gadet and the late Gatlauk Gai in Unity and Western Bahr el Ghazal states and David Yau Yau in Jonglei State; during the reporting period, some of these militias were integrated into the government's armed forces. The Lord's Resistance Army (LRA) continued to abduct South Sudanese children and harbor enslaved South Sudanese, Sudanese, Congolese, Central African, and Ugandan children in Western Equatoria and Western Bahr el-Ghazal states for use as cooks, porters, concubines, and combatants; some of these children are also taken back and forth across borders into Central African Republic or the Democratic Republic of the Congo. The UN reported that the LRA abducted 49 individuals during 25 attacks in South Sudan in 2011.

The Government of South Sudan 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 take some steps to eliminate the use of child soldiers in its armed forces, including through the signing of a new joint action plan with the UN. Despite these efforts, it did not demonstrate evidence of increasing efforts to address other forms of trafficking; therefore South Sudan is placed on Tier 2 Watch List. Public officials' awareness of human trafficking remained extremely low and the government lacked sufficient human and physical capital to adequately enforce its laws. During the year, the government indiscriminately arrested individuals in prostitution, including child sex trafficking victims, and sentenced them to prison.



Recommendations for South Sudan: Launch a public awareness campaign to educate government officials and the general public on the nature and dangers of human trafficking; enact the draft labor act to ensure adequate prohibitions of forced labor; develop formal procedures for law enforcement officials to identify trafficking victims among vulnerable groups and refer them for assistance; ensure trafficking victims are not prosecuted for crimes committed as a direct result of being trafficked; increase efforts to investigate suspected human trafficking cases, prosecute trafficking offenses, and convict and punish trafficking offenders; allow unimpeded access to military barracks for monitoring missions to identify and remove any child soldiers; demobilize all remaining child soldiers from the ranks of governmental armed forces, as well as those of aligned militias, and provide them reintegration services; and train law enforcement and judicial officials to recognize trafficking victims among vulnerable groups, particularly individuals in prostitution, and refer them to NGOs to receive care.

Prosecution

The Government of South Sudan made no significant law enforcement efforts to combat trafficking during the reporting period. Its law enforcement presence in some regions of the country remained limited; some courts did not operate, and those that functioned often lacked the human and physical resources to investigate and prosecute criminals, including traffickers. South Sudanese law does not prohibit all forms of trafficking. South Sudan's Penal Code Act of 2008 prohibits and prescribes punishments of up to seven years' imprisonment

for abduction (Article 278) or transfer of control over a person (Article 279) for the purpose of unlawful compulsory labor; the prescribed punishment of up to two years' imprisonment for compulsory labor without aggravating circumstances is not sufficiently stringent. Article 276 criminalizes buying or selling a minor for the purpose of prostitution and prescribes a punishment of up to 14 years' imprisonment – a penalty that is sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Punishments prescribed in Article 254 for procuring a child (up to 10 years' imprisonment) or an adult (up to two years' imprisonment) for the purposes of prostitution are not commensurate with those for rape. Article 258 prescribes punishments of up to 10 years' imprisonment for parents or guardians who cause or allow their child to be involved in the sex trade. South Sudan's Child Act of 2008 prohibits the recruitment and use of children for military or paramilitary activities, and prescribes punishments of up to 10 years' imprisonment for such crimes. The Government of South Sudan did not investigate or prosecute any trafficking offenses using these or other articles during the reporting period. The omnibus labor act, which was drafted by the Ministry of Labor in 2009 and would provide further protections against forced and child labor, was not passed during the most recent legislative session.

The government continued to fail to hold members of its security forces accountable for the recruitment and use of children, and this pervasive impunity thwarted progress toward ending the use of child soldiers in the SPLA and SPSS. In November 2011, the government and the UN held a workshop to develop a new joint action plan on the elimination of child soldiers in the SPLA. During the workshop, plans were developed to create mechanisms for information sharing, collaboration, and training between SPLA judge advocate general officers and civilian judges on child protection issues. The final action plan signed by the SPLA and the UN in March 2012, includes these items, as well as provisions for criminal accountability for military officers who recruit and use child soldiers. The government did not provide specialized anti-trafficking training to law enforcement officers or judicial officials during the year, though an international donor provided such training to 24 immigration officials in January 2012.

Protection

The Government of South Sudan made negligible efforts to protect trafficking victims during the reporting period and, at times, its law enforcement efforts were harmful to victims. The government did not take steps to proactively identify victims of sex or labor trafficking among vulnerable populations. It neither provided services to victims nor employed a process to transfer them to organizations to receive care. It did not encourage victims' assistance in the investigation and prosecution of trafficking crimes or provide legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution. Government officials' failure to recognize cases of human trafficking led to victims being punished as law violators. In January 2012, the government arrested nine girls younger than 18 in the sex trade – all trafficking victims – and convicted them on charges of prostitution. The victims, sentenced to imprisonment ranging from terms of six months to two years, are currently in prison. During the year, police routinely arrested individuals in prostitution, without making efforts to determine whether they were trafficking victims. In 2011, two children were detained in military barracks in Unity State on charges of being associated with an armed rebel group without any inquiry into whether their association was coerced.

The SPLA continued to operate its child protection unit (CPU) in Juba to oversee implementation of its November 2009 one-year action plan to end its use of child soldiers, and to monitor compliance with child protection standards at major SPLA bases and removal of children from SPLA payrolls. It operated additional CPUs in Wau, Malakal, Renk, Mapel, Wunyiik, Duar, Panpandiar, and Mongiri. In collaboration with an international organization, the SPLA trained more than 1,000 officials on issues related to the protection of children associated with armed forces. During the reporting year, the head of the SPLA CPU made a request to the chief of general staff to issue orders to SPLA division commanders to release all children from their ranks and grant unfettered access to UN staff to inspect military enclaves; however, these orders were not issued during the reporting period. The government made efforts to remove children from militia groups before integrating them into the SPLA. In February 2012, the SPLA released 53 children from the armed group led by Major General Hassan Deng, following his acceptance of amnesty and reintegration into the SPLA.

Prevention

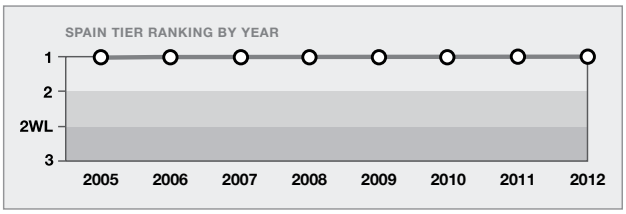
The government made limited efforts during the reporting period aimed at the prevention of trafficking. It did not conduct any comprehensive anti-trafficking information or education campaigns, though a senior-ranking military official spoke on two radio broadcasts to warn families against sending their children to military camps for any reason. Trafficking awareness remained low among all government officials and members of the public. It is unknown what efforts, if any, authorities in South Sudan took during the reporting period to address the labor exploitation of South Sudanese nationals working abroad or foreign nationals within South Sudan. Throughout the majority of the year, the government continued to implement its 2009 joint action plan with the UN on eliminating the use of child soldiers, which had been extended into 2011. Senior government and military officials generally did not acknowledge recruitment of children by its security forces, but they publicly recognized that many armed militia groups, which continue to integrate into the SPLA through amnesty programs, use children. In March 2012, the government signed a new UN-SPLA action plan to release all children in the SPLA and to identify and release all children associated with armed militias prior to integrating them into the government's armed forces. Since independence in July 2011, the government took steps to establish the identity of local populations by issuing national identification cards and national certificates. The government made no discernible efforts to reduce the demand for forced labor or commercial sex acts. South Sudan is not a party to the 2000 UN TIP Protocol.

SPAIN (Tier 1)

Spain is a destination and transit country for men, women, and children subjected to forced labor and sex trafficking. Victims originate from Eastern Europe, Latin America, East Asia, and sub-Saharan Africa. Men and women reportedly are subjected to forced labor in domestic service, and the agriculture, construction, and tourism sectors. According to

the Spanish government and NGOs, Spanish nationals are also vulnerable to trafficking. According to anti-trafficking experts, Barcelona and Spain's other big cities increasingly serve as bases of operations for Chinese sex trafficking networks and Nigerian and Albanian trafficking groups. According to media reports and government officials, approximately 90 percent of those engaged in prostitution in Spain are victims of forced prostitution controlled by organized crime networks. Unaccompanied foreign children in Spain continue to be vulnerable to sex trafficking and forced begging. According to a study on labor exploitation and slave labor released during the year, undocumented foreign migrants working in Spain's agricultural and cleaning sectors and as domestic workers, are subjected to severe forms of exploitation. According to this research, many of these workers in Spain's black market are mistreated, have never received payment, or are paid by employers who threaten them with deportation to ensure compliance.

The Government of Spain fully complies with the minimum standards for the elimination of trafficking. During the year, the government addressed a long-standing deficiency by implementing a protocol on victim identification and referral. It also imposed the highest sentence to date in Spain for a convicted sex trafficker. The government continued to conduct anti-trafficking raids and operations against trafficking networks operating throughout the country. However, the government has yet to match these law enforcement actions with holistic care and protection for the victims of human rights abuses perpetrated by these offenders. Many trafficking victims continue to be referred for basic health care, rather than to NGOs with the capacity to provide comprehensive, victim-centered care. Trafficking victims continued to be interviewed immediately after raids and are often expected to self-identify; authorities sometimes inadvertently imprison or deport trafficked individuals who do not identify themselves as victims immediately upon rescue. Further, the government failed to investigate vigorously or prosecute forced labor in the country or develop specialized services for trafficked children and victims of forced labor.



Recommendations for Spain: Provide comprehensive data on trafficking specific prosecutions and convictions; enhance anti-trafficking training for police to increase understanding of the complexities involved in victim identification; take steps to establish a multi-disciplinary approach to victim identification by enlisting the help of other actors to help stabilize victims in a post-immigration raid environment; consolidate statutory anti-trafficking tools into a comprehensive, victim-centered anti-trafficking law to ensure a more rights-based approach to trafficking in Spain; develop proactive identification procedures for authorities to detect potential trafficking victims in immigration detention centers; enlist NGOs to help build trust with trafficking victims; lower the standard for granting victims a reflection period and base that determination on the recognition that victims often do not divulge their experience of exploitation immediately after rescue; ensure anti-trafficking law enforcement actions include appropriate victim protections; de-link a victim's eligibility for a one-year residency permit from the outcome of trafficking prosecutions; improve outreach to locate more child trafficking victims and victims of forced labor and ensure all potential trafficking victims, including children and men, are provided with access to specialized anti-trafficking services; and vigorously prosecute and punish all government officials complicit in trafficking offenses.

Prosecution

The Government of Spain demonstrated notable progress in its anti-trafficking law enforcement efforts in 2011. Spain prohibits some forms of human trafficking through Article 177 of its criminal code, which prescribes penalties from five to 10 years' imprisonment; these penalties are sufficiently stringent, and the penalties prescribed for sex trafficking are commensurate with the prescribed penalties for other serious crimes, such as rape. Spain prohibits sexual exploitation through Article 318 and labor exploitation though Articles 313 of its criminal code, and the Organic Law 11/2003. According to preliminary information provided by Spain's special anti-trafficking prosecutor, the government initiated prosecution in 45 sex trafficking cases under Article 318 in 2011 The government reported its prosecution of five forced begging cases under Article 177. On February 14, 2012, a court in Madrid handed down the highest penalty to date for sex trafficking in Spain, sentencing a Romanian trafficker to thirty years' imprisonment. The trafficker had used debt bondage, threats, intimidation and violence to subject the adult victims to forced prostitution and subjected one child victim to a forced abortion. While the government did not provide comprehensive conviction and sentencing information, it provided individual case data to demonstrate it vigorously prosecuted and convicted trafficking offenders in 2011. During the reporting period, the government convicted at least 23 sex trafficking offenders, sentencing them to one to 30 years imprisonment. During the year, the government prosecuted a major complicity case involving six members of the national police, three lawyers, a public servant in Barcelona city hall, and brothel owners for collusion and forced prostitution that took place from 2002 until 2008. In another case, the government reported investigating at least 60 suspects, including 20 high-level senior officials of local and national police units as well as the former Deputy Government Representative in Lugo for their complicity in human trafficking that took place between 2000 and 2009.

Protection

The Spanish government demonstrated some tangible progress in protecting trafficking victims during the last year; it increased implementation of Article 59, which established a reflection period for suspected trafficking victims and created a legal mechanism for victims to obtain residency and work permits. In October 2011, the government formally adopted a protocol on victim identification to guide implementation of Article 59. NGOs report that this increased the number of referrals of potential trafficking victims by police. Anti-trafficking experts in the country nevertheless continued to note serious concerns about the government's efforts and ability to identify trafficking victims effectively. The government continued to refer many trafficking victims to the government's non-specialized services for basic medical care rather than to NGOs providing specialized, victim-centered care. The government

reported it identified 234 sex trafficking victims in 2011. Regional and national level authorities reported providing funding to NGOs for victim assistance in 2011. Reports indicate NGOs provided assistance to at least 208 newly identified victims during the year, 79 of whom were direct referrals from Spanish law enforcement personnel. The government also reported it provided a reflection period to 98 victims of sex trafficking, compared to 46 victims given this protection in 2010. Authorities granted 58 short-term residency permits to victims who were cooperating with law enforcement personnel in 2011, an increase from 37 permits issued the previous year. Longer-term (one-year, renewable to two years) residency permits were offered to victims who agreed to testify in court against trafficking offenders. NGOs reported cases of victims who, despite assisting authorities with evidence and court testimony, were not provided long-term residency permits. An NGO reported trafficking victims continue to be subject to penal action, detained, or deported; the government released some victims from jail and granted them the 30-day reflection period only after intense advocacy and pressure from NGOs.

The regional anti-trafficking unit in Catalonia conducted at least three major anti-trafficking operations against Nigerian and Chinese trafficking networks during the year. In one of the operations, local authorities raided 33 apartments and other establishments operating as brothels, arresting 41 people and assisting 32 Chinese victims, plus five minor sex trafficking victims identified. Although the government initiated prosecution in trafficking cases involving 149 victims in 2011, only 24 of these victims opted to receive protections provided under Spanish law; this gap suggests inadequate implementation of Article 59. The government continued to provide funding and cooperate with NGOs in the provision of specialized anti-trafficking training for law enforcement officers who investigate trafficking.

Prevention

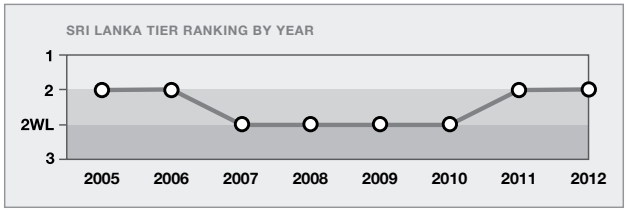
The national government, along with regional and local authorities, continued to implement multiple prevention campaigns to raise awareness and decrease demand for prostitution in Spain in 2011. The Ministry of Health, Social Services, and Equality continued to sponsor an exhibit called, "Slaves of the 21st Century" portraying the causes and consequences of trafficking. The national government continued to implement its National Action Plan Against Sexual Exploitation. A draft action plan on forced labor, initiated over two years ago, has been included in the implementation protocol of the National Action Plan. During the year, the Attorney General's office published a report on the government's anti-trafficking law enforcement efforts. According to the Spanish military, Spanish troops received trafficking awareness training prior to their deployment abroad for international peacekeeping missions.

SRI LANKA (Tier 2)

Sri Lanka is primarily a source and, to a much lesser extent, a destination country for men, women, and children subjected to forced labor and sex trafficking. Sri Lankan men, women, and some children (16 to 17-year olds) migrate consensually to Saudi Arabia, Kuwait, Qatar, the United Arab Emirates, Jordan, Bahrain, Lebanon, Iraq, Afghanistan, Malaysia, and Singapore to work as construction workers, domestic servants, or garment factory workers. Some of these workers, however, subsequently face conditions of forced labor including restrictions on movement, withholding of passports, threats, physical or sexual abuse, and threats of detention and deportation for immigration violations. Before their departure, many male migrant workers go into debt to pay high recruitment fees imposed by unscrupulous licensed labor recruitment agencies and their unlicensed sub-agents. These agencies and agents also commit recruitment fraud by engaging in contract switching: defined as the promising of one type of job and conditions but then changing the job, employer, conditions, or salary after arrival. Women migrating abroad for work generally are not required to pay recruitment fees in advance, although many report paying off such fees through salary deductions. Some Sri Lankan women are promised jobs or began jobs as domestic workers, mainly in Singapore or Jordan, but were forced into prostitution. A small number of Sri Lankan women are forced into prostitution in the Maldives. Internally-displaced persons, war widows, and unregistered female migrants remained particularly vulnerable to human trafficking. In 2011, Sri Lankan victims were identified in Egypt, Poland, and the United States. Within the country, women and children are subjected to sex trafficking in brothels. Boys are more likely than girls to be forced into prostitution in coastal areas for domestic child sex tourism.

In addition, there are reports of children being subjected to bonded labor and forced labor in dry-zone farming areas on plantations, and in the fireworks and fish-drying industries. Some child domestic workers in Colombo, generally from the Tamil tea-estate sector of the country, are subjected to physical, sexual, and mental abuse, nonpayment of wages, and restrictions of their movement. A small number of women from Thailand, China, and countries in South Asia, Europe, and the former Soviet Union may be subjected to forced prostitution in Sri Lanka.

The Government of Sri Lanka 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. Serious problems remain, particularly in protecting victims of trafficking in Sri Lanka and abroad, and not addressing official complicity in human trafficking. However, the government took strong preventative efforts, including the convictions of two labor recruitment agents who committed fraudulent recruitment offenses, and enhanced inter-ministerial coordination through monthly meetings.



Recommendations for Sri Lanka: Improve efforts to investigate and prosecute suspected trafficking offenses, and convict and punish trafficking offenders, particularly those responsible for recruiting victims with fraudulent offers of employment and excessive commission fees for the purpose of subjecting them to forced labor; develop and implement formal victim referral procedures; ensure that victims of trafficking found within Sri Lanka are not detained or

otherwise penalized for unlawful acts committed as a direct result of their being trafficked, such as visa violations or prostitution; train local law enforcement on victim identification, investigation of cases, and assembling strong cases; facilitate the speedy repatriation of foreign trafficking victims by providing airfare and not obligating them to remain in the country if they choose to initiate law enforcement proceedings; provide witness protection and incentives for victims to cooperate with law enforcement to enable prosecutions; improve services for shelters, legal aid, counseling, and trained staff at embassies in destination countries; promote safe tourism campaigns to ensure that child sex tourism does not increase with expected rapid growth of tourism; promote safe and legal migration rather than discouraging migration or imposing age restrictions on migrants; and improve regulation and monitoring of recruitment agencies and village-level brokers.

Prosecution

The Sri Lankan government's law enforcement response to human trafficking offenses was minimal during the reporting period. Sri Lanka prohibits all forms of trafficking through an April 2006 amendment to its penal code, which prescribes punishments of up to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. The National Child Protection Authority and Criminal Investigation Department (CID) investigated 44 reported cases of trafficking in 2011, and referred nine of these cases to the Attorney General's office for advice. During the year, the CID also jointly investigated a potential sex trafficking case with police in Singapore. There was no information on how many suspected trafficking offenders were prosecuted in the reporting period. The government did not convict any human trafficking offenders in the reporting period, in contrast to three traffickers convicted in the previous reporting period.

Government employees' complicity in trafficking remained a problem. There were allegations that police and other officials accepted bribes to permit brothels to operate; some of the brothels exploited trafficking victims. Many recruitment agencies were run by politicians or were politically connected. Some sub-agents cooperated with Sri Lankan officials to procure forged or modified documents, or real documents with false data, to facilitate travel abroad. There were no reported law enforcement actions taken against officials complicit in human trafficking. The government undertook law enforcement training. For instance, in August 2011, the Ministry of Justice and the Judges' Training Institute trained 80 judges, in collaboration with the ILO, on issues such as the application of international standards within domestic trafficking legislation, and the trauma for trafficking victims during the judicial process. In December 2011, the Sri Lanka Bureau of Foreign Employment (SLBFE) organized a workshop for 80 district-level government officials on identifying victims and sending case information to relevant law enforcement departments.

Protection

The government made limited progress in protecting victims of trafficking during the year. Government personnel did not develop or employ systematic procedures for proactively identifying trafficking victims or referring them to care facilities. The SLBFE continued to operate, through Sri Lankan embassies in some destination countries, short-term shelters, as well as an overnight shelter in Sri Lanka's international airport for returning female migrant workers who encountered abuse abroad. These facilities were funded by fees the SLBFE collected from registered migrant workers prior to their departure. There were complaints that the shelters were grossly overcrowded with unhygienic conditions, and that at least one did not permit the residents to leave the premises. There have been some reports of abuse by Sri Lankan embassy officials in shelters abroad, and one official in a Sri Lankan embassy reportedly condoned passport withholding – a sign of human trafficking – by employees in that country. Child trafficking victims received shelter, schooling, and medical, legal, and psychological services from the Department of Probation and Child Care Services.

The government has not yet established a trafficking shelter with IOM, as noted in the 2011 TIP Report. The government did not encourage victims to assist in the investigation and prosecution of trafficking cases; instead, they sometimes forced victims to remain in the country (without the permission to seek employment) and testify if they chose to file charges. The government penalized some adult victims of trafficking through detention for unlawful acts committed as a direct result of being trafficked. Most commonly, these acts were violations of their visa status or prostitution. All detainees who were awaiting deportation for visa violations, including trafficking victims, remained in detention facilities until they raised enough money to pay for their plane ticket home, which in some cases has taken years.

Prevention

The Sri Lankan government made progress in its efforts to prevent trafficking during the last year. The government's inter-ministerial anti-trafficking task force met monthly, improving communication between ministries, and invited ten civil society organizations to one meeting in October 2011. In January 2012, the Colombo High Court sentenced two recruitment agents for offenses that included fraudulent recruitment. The agents were sentenced to two years' imprisonment and a fine, paid to the mother of the migrant workers who filed the complaint. The SLBFE continued to require migrant domestic workers with no experience working in the Middle East to complete a 12-day pre-departure training course, funded by fees the SLBFE collected from the departing migrant workers. It is not known how many migrant workers completed this course in the reporting period. In measures that could prevent transnational labor trafficking of Sri Lankans, the SLBFE reported that it filed 276 charges against recruitment agencies in 2011 for charging illegal fees in recruitment, conducted 73 raids against employment agents (in comparison to 84 in 2010), and fined recruitment agencies found to be guilty of fraudulent practices over the equivalent of $25,000 (in comparison to $40,000 in 2010). The government worked on several awareness-raising initiatives with the ILO. In one initiative, the government, in partnership with the ILO, developed a handbook for migrants bound for Saudi Arabia and Kuwait, including information on the relevant labor laws, descriptions of forced labor and trafficking, and contact information. The SLBFE printed and distributed 40,000 copies of the handbook to all registered migrant workers heading to those two countries. The Government of Sri Lanka, working with the UNDP,continued to provide personnel time to conduct mobile documentation clinics for conflict-affected people. The Government of Sri Lanka did not

report any efforts to reduce the demand for commercial sex acts during the reporting period. The Ministry of Defense provided anti-trafficking training to all Sri Lankan peacekeepers prior to their deployments abroad for international peacekeeping missions. Sri Lanka is not a party to the 2000 UN TIP Protocol.

SUDAN (Tier 3)

Sudan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Internal trafficking occurs in Sudanese territory both within and outside of the government's control. Sudanese women and girls, particularly those from rural areas or who are internally displaced, are vulnerable to forced labor as domestic workers in homes throughout the country; most are believed to be working without contracts or government-enforced labor protections. Some of these women and girls are subsequently sexually abused by male occupants of the household or forced to engage in commercial sex acts. Sudanese girls engage in prostitution within the country – including in restaurants and brothels – at times with the assistance of third parties. Khartoum, Nyala, and Port Sudan have reportedly seen a rise in child prostitution in recent years, as well as in numbers of street children and child laborers – two groups which are highly vulnerable to labor and sexual exploitation. There are reports of organized child street begging in Khartoum and other large cities.

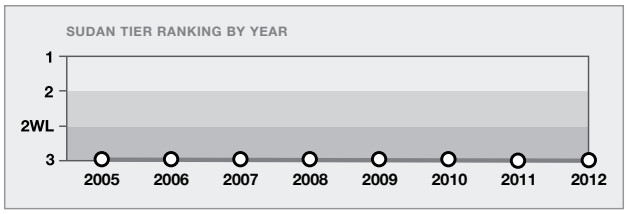
Sudanese women and girls are subjected to domestic servitude in Middle Eastern countries – such as Bahrain, Egypt, Saudi Arabia, and Qatar – and to sex trafficking in European countries. Some Sudanese men who voluntarily migrate to the Middle East as low-skilled laborers face conditions indicative of forced labor. Sudanese children in Saudi Arabia are used by criminal gangs for forced begging and street vending. Sudanese and Eritrean nationals in Israel reported being brutalized by smugglers from the Rashaida tribe in the Sinai, including being chained together, whipped and beaten, deprived of food, raped, and forced to do domestic or manual labor at smugglers' homes; some of these individuals were not migrants, but were abducted from Khartoum, Sudan-based refugee camps, or border crossings.

Sudan is a transit and destination country for Ethiopian and Eritrean women, including illegal immigrants and refugees, subjected to domestic servitude in Sudan and Middle Eastern countries. Filipino migrant domestic workers and caregivers are also victimized by forced labor in Khartoum. Foreign domestic workers recruited by Khartoum-based employment agencies are reportedly exposed to exploitative practices, such as retention of salaries and physical abuse. In large cities, undocumented migrants and refugees often face discriminatory working conditions and endure exploitation because they feared approaching police or being deported. Ethiopian, Eritrean, Somali, and possibly Thai women are subjected to forced prostitution in Sudan. Agents recruit young women from Ethiopia's Oromia region with promises of high-paying employment as domestic workers, only to force them into prostitution in brothels in Khartoum.

Thousands of Dinka women and children, and a fewer number of children from the Nuba tribe, were abducted and subsequently enslaved by members of the Missiriya and Rizeigat tribes during the North-South civil war that spanned from 1983 until 2005. Some of those enslaved remain with their captors.

During the reporting period, Sudanese children in Darfur were forcibly conscripted, at times through abduction, and used by armed groups, such as the Sudan Liberation Army (SLA)/Minni Minawi, SLA/Abdul Wahid, Liberation and Justice Movement (LJM), Justice and Equality Movement (JEM), and government-supported Janjaweed militia. Government security forces also used child soldiers; children were verified as being associated with the government-aligned Popular Defense Forces (PDFs) during the year in both Darfur and the "Two Areas" (South Kordofan and Blue Nile). The SAF also reportedly armed, trained, and used two tribes (Falata and Hawsa), including children, as militia in Tadamon locality against the Sudanese People's Liberation Movement – North (SPLM-N). The SPLM-N forcibly recruited and used child soldiers in South Kordofan and Blue Nile states. There were also reports that elements in Sudan tied to anti-South Sudanese militias – such as the South Sudanese Defense Forces (SSDF) and the rebel groups of the late Lieutenant General George Athor, the late Colonel Gatluak Gai, and Captian Johnson Olonyi – kidnapped and forcibly recruited ethnic Southerners, including children, to fight in the "Three Areas" (including Abyei) on the side of the Government of Sudan or with the SSDF rebels.

The Government of Sudan does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. While the government took some initial steps during the reporting period to acknowledge the existence of trafficking, draft anti-trafficking legislation, prosecute suspected traffickers, demobilize and reintegrate child soldiers, and waive overstay fines for foreign domestic workers, its efforts to combat human trafficking through law enforcement, protection, or prevention measures were undertaken in an *ad hoc* fashion, rather than as the result of strategic planning. The government convicted three traffickers, but did not officially identify trafficking victims or make public data regarding its efforts to combat human trafficking. Its proxy militias reportedly unlawfully recruited and used child soldiers during the reporting period, and it did not take action to conclude a proposed action plan with the UN to address the problem.



Recommendations for Sudan: Enact a comprehensive legal regime to define and address human trafficking crimes and harmonize various existing legal statutes; increase efforts to investigate suspected human trafficking cases, increase prosecution of trafficking offenses, and convict and punish trafficking offenders; launch a public awareness campaign to educate government officials and the general public on the nature and dangers of human trafficking; institute regular training for Sudanese diplomats posted overseas, as well as officials who validate migrant workers' employment contracts or regulate employment agencies, to enable proactive identification and provision of services to trafficked migrant workers; establish an official process for law enforcement

officials to identify trafficking victims among vulnerable groups and refer them for assistance; allow unimpeded access to military barracks for monitoring missions to identify and remove any child soldiers; demobilize all remaining child soldiers from the ranks of aligned militias; amend the Law of 1955 Regarding Domestic Servants to provide additional rights and protections for domestic workers, such as mandatory written employment contracts and a limit on the number of hours worked each day; develop, publicize, and enforce a clear, easily-navigable process for employers to officially register their domestic workers and employment contracts, as required by the Law of 1955 Regarding Domestic Servants, as well as regularize illegally-present foreign domestic workers; take steps to identify and provide protective services to all types of trafficking victims found within the country, particularly those exploited in domestic servitude or commercial sexual exploitation; and make a much stronger effort through a comprehensive policy approach that involves all vested parties to identify, retrieve, and reintegrate abductees who remain in situations of enslavement.

Prosecution

The government's anti-trafficking law enforcement efforts nominally increased during the reporting period. Although it began the process of enacting legislation prohibiting human trafficking and initiated law enforcement action against several suspected trafficking offenders, it also arrested potential human trafficking victims as they protested alleged infringements of their labor rights. The government neither documented its anti-trafficking law enforcement efforts nor provided specialized anti-trafficking training to police, military, prosecutorial, or judicial personnel. The Criminal Act of 1991 does not prohibit all forms of trafficking in persons, though Articles 156 and 163 prohibit inducing or abducting someone to engage in prostitution (seduction) and forced labor, respectively. Prescribed penalties of up to five years' imprisonment for seduction are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. Article 156 prescribes penalties of up to seven years' imprisonment for aggravated seduction of a child. Prescribed penalties for forced labor of up to one year's imprisonment or a fine are not sufficiently stringent. No trafficker has ever been prosecuted under these articles, and it was unclear whether the National Security and Intelligence Service or police forces from the Ministry of Interior – the entities responsible for investigating cases of human trafficking – did so during the reporting period. The Child Act of 2008, enacted in January 2010, prohibits but does not prescribe punishments for forced child labor, child prostitution, sex trafficking, and the recruitment of children under the age of 18 into armed forces or groups. It includes provisions for the rehabilitation and reintegration of children victimized by such crimes, though no government entity has yet been assigned responsibility for implementing these provisions. Some states, such as Southern Kordofan, subsequently enacted their own child acts based on the national law. The Sudan Armed Forces Act of 2007 prohibits members of the armed forces from recruiting children younger than 18, enslaving civilians, or coercing civilians into prostitution; the act prescribes penalties of up to five years' imprisonment for child recruitment and up to 10 years' imprisonment for enslavement or forced prostitution. The government has never used this statute to prosecute any person in its armed forces. The Law of 1955 Regarding Domestic Servants outlines a process for employing and registering domestic workers, and provides limited labor rights and protections for such workers. Local observers, however, indicated that attempting to officially register domestic workers, as required by the law, entailed a long and complicated process fraught with bureaucratic impediments, including high fees and officials' expectation of receiving bribes. As a result, it appears that few, if any, employers register their domestic workers and the law is not enforced.

The Secretariat for Sudanese Working Abroad reported drafting, in conjunction with the Ministry of Justice, a comprehensive anti-trafficking law during the year. In 2011, the Sudan Police Force (SPF) established a directorate of trafficking in persons to respond to trafficking crimes, but it has not yet become operational. The SPF also appointed a dedicated district attorney to the prosecution of crimes involving women and children. In August 2011, a Khartoum court convicted and sentenced two people to 10 years' imprisonment under Article 45 (child trafficking) of the Child Act and Article 85 (kidnapping) of the Criminal Act for abducting and selling a child for the equivalent of $5,500; the buyer received a five-year sentence. In January 2012, Sudanese intelligence officials arrested and charged 10 suspected traffickers – one Eritrean national and nine Sudanese, including a member of the Sudanese Armed Forces – in Kassala State; the accused awaited trial in the Kassala court at the close of the reporting period.

Protection

The government demonstrated modest efforts to protect victims of trafficking during the past year by waiving the overstay fine of some migrant domestic workers, facilitating and financing the return of thousands of stranded Sudanese migrant workers from Libya, and demobilizing 438 child soldiers, an increase over the previous reporting period. It did not, however, officially identify any victims of trafficking or maintain records regarding its efforts to provide protective services to such individuals. Sudan has few victim care facilities accessible to trafficking victims. The Ministry of Welfare and Social Insurance is responsible for providing legal protection, housing, shelter, and medical and psychosocial support to women and children vulnerable to commercial sexual exploitation and other forms of trafficking within Sudan; it provided limited medical and psychosocial care to an unknown number of potential trafficking victims in several states in 2011. Police child and family protection units, which existed in only six states at the close of the previous reporting period, were established in all 17 states in 2011 and were staffed by social workers who offered legal aid and psychosocial support to victims of abuse and sexual violence; the capacity of these units and amount of services they provided varied from state to state. Police referred street children in abusive situations to orphanages on a case by case basis and remanded individuals who may have been trafficked to the care of community leaders. UNICEF reported, for example, that the enactment of the Child Act in 2010 spurred Khartoum's judiciary to seek alternate methods in 2011 in dealing with children trafficked to Sudan from Ethiopia and Eritrea, such as reintegrating them through local community leaders rather than deporting them to their countries of origin. In January 2012, police in Kassala State referred 27 potential victims of trafficking to a guesthouse operated by the commissioner of refugees, where basic medical care was provided. Although 24 victims were transferred to a refugee camp for processing as asylum seekers, police detained

three victims at the guesthouse for use as witnesses in the prosecution of their alleged traffickers.

The SPAF's child protection unit is charged with monitoring child soldiering and conducting training about the laws protecting children. The unit does not have any enforcement mechanisms and refused requests to meet or provide information on its efforts for inclusion in this report; it is unknown whether it demobilized children from associated militias during the year. In contrast, in April 2011, the Sudan Disarmament, Demobilization, and Reintegration Commission (SDDRC), with assistance from international partners, demobilized 190 child soldiers from the SPLA in a ceremony in Karmuk locality, South Kordofan State; though the children were reintegrated, the SDDRC and UNICEF lost contact with them after fighting broke out in the state. In September, the SDDRC, in collaboration with the West Darfur DDR Commission, the African Union – United Nations Mission in Darfur (UNAMID), UNICEF, the Ministry of Social Affairs, and a local NGO, commenced the registration and release of children associated with JEM/Peace Wing, SLA/Mustapha Terab, and the LRM in El Geneina, Masteri, Beida, Krenek, and Silea. The exercise included community orientations, registration (socio-economic profiling and an eligibility check), medical screening, and an HIV/AIDS briefing. It concluded with a caseload of 294 children, 164 of whom were demobilized and reintegrated. The SDDRC, with the support of UNICEF and UNAMID, established a committee for child reintegration within its child protection working group to coordinate the reintegration of children into their communities and prevent re-recruitment. In July 2011, the committee – which also included the population council, the state council for child welfare, and NGOs – began oversight of six-month technical skills development course in carpentry and welding in South Darfur for 18 boys released from SLA/Peace Wing. The SDDRC and its partners also demobilized and reintegrated 84 children in North Darfur during year.

The Ministry of Labor's Secretariat of Sudanese Working Abroad, the body responsible for collecting fees and taxes from migrant workers before their departure and protecting their rights and interests while abroad, reportedly has an anti-trafficking section to repatriate abused workers from the Middle East; the government failed to facilitate meetings with this body for the purpose of providing information on its anti-trafficking efforts during the reporting period. The immigration authority, however, waived the overstay fines for 48 Filipina domestic workers, allowing them to return to the Philippines. It is unknown what efforts, if any, the Ministry of Foreign Affairs or any of Sudan's diplomatic missions made during the reporting period to directly address the significant problem of labor exploitation of Sudanese nationals working abroad. In early 2011, however, a joint governmental mechanism – comprised of the ministries of Foreign Affairs and Interior and the Secretariat of Sudanese Working Abroad – began meeting to address the needs of thousands of Sudanese migrant workers stranded in Libya as the result of civil conflict. In April 2011, the secretary general of the Secretariat for Sudanese Working Abroad visited the Shosha camp on the border between Tunisia and Libya to assess the wellbeing of Sudanese migrant workers who had fled the instability. By May 2011, the government spent the equivalent of $11.77 million to evacuate at least 45,000 Sudanese migrant workers, some of whom may have been trafficking victims, to Khartoum; it is unclear to what extent the workers were screened for trafficking victimization.

The government did not employ a system for proactively identifying trafficking victims among vulnerable populations or a referral process to transfer victims to organizations providing care. It did not encourage victims' assistance in the investigation and prosecution of trafficking crimes or provide legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution. No reliable data exists regarding the detention or punishment of trafficking victims for unlawful acts committed as a result of being trafficked. In August 2011, Sudanese police arrested approximately 40 Indian migrant workers as they protested in front of a power plant in Kosti demanding payment of their salaries; beyond the nonpayment of wages, the workers also alleged being forced to work after the expiry of their visas and to live in substandard conditions. Although the workers were released, paid their overdue wages, and returned to India shortly thereafter, it is unclear to what extent the government addressed the allegations of labor exploitation. The government made no efforts in 2011 to assist victims of abduction and enslavement that occurred during the 1983-2005 civil war or facilitate their safe return to their families.

Prevention

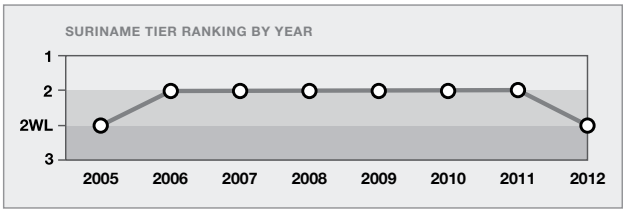
The government made limited efforts during the reporting period to prevent trafficking, and certain entities for the first time acknowledged the existence of trafficking in Sudan. In January 2012, the justice and legislation committee of the Sudanese Parliament publicly discussed with the press the existence of human trafficking in Sudan. In February 2012, the director general for passports and immigration of the Ministry of Interior, also while speaking with the press, acknowledged the existence of human trafficking, especially in Khartoum. The government, however, did not conduct any formal anti-trafficking education campaigns. In June 2011, the SDDRC and UNICEF conducted a sensitization workshop on children's rights and the prevention of recruitment and use of children for 66 leaders and members of three armed groups in West Darfur who had provided new lists of children to be released and registered; verification of these lists was ongoing at the close of the reporting period. The Ministry of Defense, however, did not approve the joint action plan with the UN to end the recruitment and use of child soldiers, including in proxy groups, that was drafted in 2010. The government did not take any known measures during the reporting period to reduce the demand for forced labor or commercial sex acts. Sudan is not a party to the 2000 UN TIP Protocol.

SURINAME (Tier 2 Watch List)

Suriname is a destination, source, and transit country for women, men, and children who are subjected to sex trafficking and forced labor. Women and girls from Suriname, Guyana, Brazil, and the Dominican Republic are subjected to sex trafficking in the country, many of them lured with false promises of employment. In past years, Asian men, particularly from China, have arrived in Suriname in search of employment but subsequently have been subjected to forced labor, including in the service sector and construction. Although media reports indicate that debt bondage and sex trafficking occur within the Chinese migrant community, no victims from this community were identified during the year. NGOs and government sources suggest that some women and girls could be exploited in sex trafficking in Suriname's interior around mining camps, although the

remote and illegal nature of these camps makes the scope of the problem unknown, and there is little government presence in these areas. Children working in informal urban sectors and gold mines were also vulnerable to forced labor.

The Government of Suriname does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate evidence of increasing efforts to address human trafficking over the last year. Therefore, Suriname is placed on Tier 2 Watch List. Although authorities identified and assisted two trafficking victims, the government did not prosecute or convict any trafficking offenders during the year, did not offer legal alternatives to deportation to foreign victims, and conducted few trainings or awareness-raising efforts.



Recommendations for Suriname: Vigorously investigate and prosecute trafficking cases and convict trafficking offenders; ensure that a victim's initial refusal to testify against a trafficker does not prevent authorities from pursuing a prosecution; establish provisions for legal alternatives to victims' removal to countries where they would face retribution or hardship; provide training to law enforcement, immigration, labor, and judicial officials and social workers regarding the identification of trafficking cases and the treatment of victims; ensure that victims receive specialized services through partnering with and funding NGOs that provide these services; consider implementing a national anti-trafficking plan; and continue to raise awareness about all forms of trafficking.

Prosecution

The Government of Suriname made limited law enforcement efforts against trafficking offenders over the last year. Suriname prohibits all forms of human trafficking through a 2006 amendment to its criminal code, which prescribes sufficiently stringent penalties of five to 20 years' imprisonment – penalties that are commensurate with those prescribed for other serious crimes, such as rape. The police continued to operate a four-person specialized anti-trafficking unit that investigated cases and conducted administrative checks of nightclubs in the capital where prostitution occurred; no victims were identified during these inspections during the year. Authorities investigated two cases of sex trafficking in 2011, compared to three cases of sex trafficking and one case of labor trafficking in 2010. No new prosecutions were initiated during the year, and the authorities convicted no traffickers during the reporting period. In comparison, authorities prosecuted and convicted two sex trafficking offenders during the previous year. Prosecutions are almost exclusively dependent on the victim's willingness to testify. Authorities had insufficient resources to conduct investigations in the country's interior. While there were no reported government efforts to provide anti-trafficking training to officials, officials participated in several workshops funded by a foreign government. The government reported no data on public officials investigated, prosecuted, convicted, or sentenced for trafficking-related complicity, although in past years some NGOs have voiced concern regarding police complicity and stopped working with police on potential trafficking cases.

Protection

The Government of Suriname provided limited protections to trafficking victims, working with NGOs to provide victims with access to basic services. Authorities did not employ formal procedures to proactively identify trafficking victims among vulnerable populations, such as women in prostitution or migrant workers. Although the government did not have a formalized process to refer trafficking victims to NGOs that provide services, authorities reported doing so on an *ad hoc* basis. The government worked with two NGOs, one of which offers shelter, to fund basic services to the two child victims of sex trafficking, one from Guyana and one from Suriname, identified by authorities during the reporting period. Some officials noted that there were insufficient resources to pay for victim care. NGOs working with people in prostitution did not actively seek to identify additional victims during the year, in part out of wariness of working with authorities on this issue. The government maintained a shelter for victims of domestic violence that could house trafficking victims, although the government did not report that any victims received care at this shelter during the reporting period. The government reported encouraging victims to assist with the prosecution of trafficking offenders; however, there is no mechanism in place to provide deportation relief to foreign victims of trafficking.

Prevention

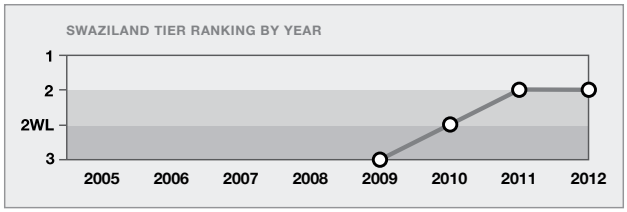
The Government of Suriname maintained limited trafficking prevention efforts during the reporting period. The government's inter-agency anti-trafficking working group, which met on a monthly basis, continued to coordinate the government's anti-trafficking efforts. The anti-trafficking plan for 2011, drafted by the working group in 2010, remained unapproved during the reporting period. Despite publicity campaigns during the year, the anti-trafficking hotline administered by the police reportedly received no phone calls. There were no reported measures against child sex tourism during the year. The government made no discernible efforts to reduce the demand for commercial sex or forced labor.

SWAZILAND (Tier 2)

Swaziland is a source, destination, and transit country for women and children who are subjected to sex trafficking, domestic servitude, and forced labor in agriculture. Swazi girls, particularly orphans, are subjected to sex trafficking and domestic servitude in the cities of Mbabane and Manzini, as well as in South Africa and Mozambique. Reports suggest labor brokers, the majority of whom recruit Swazi nationals for work in South African mines, fraudulently recruit workers and charge excessive fees – means often used to facilitate trafficking crimes. Swazi chiefs may coerce children and adults – through threats and intimidation – to work for the king. Swazi boys are forced to labor in commercial agriculture and market vending within the country. Some Swazi women are forced into prostitution in South Africa and Mozambique after voluntarily migrating in search of work. Traffickers

reportedly force Mozambican women into prostitution in Swaziland, or transit Swaziland with their victims *en route* to South Africa. Mozambican boys migrate to Swaziland for work washing cars, herding livestock, and portering; some of these boys subsequently become victims of forced labor. Indian nationals transit Swaziland *en route* to South Africa, where they may subsequently be subjected to forced labor.

The Government of Swaziland does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the last year, the government investigated several suspected trafficking cases. However, in attempting to resolve one case involving six individuals identified as trafficking victims by authorities, the government closed the investigation and convicted and deported the victims on immigration violations. The resolution of this case prompts grave concerns, revealing that Swazi authorities are without the capacity to adequately investigate trafficking cases and appropriately protect victims. Although the anti-trafficking task force and its secretariat continued to coordinate interagency efforts, prevention efforts dominated their work and lack of funds hindered their efforts to protect victims. This lack of resources and capacity and increasing resource constraints hindered progress on all fronts.



Recommendations for Swaziland: Complete the review and drafting of amendments to the 2010 anti-trafficking act to allow for permanent residency of foreign trafficking victims; complete and disseminate implementing regulations to fully implement the 2010 anti-trafficking act's victim protection and prevention provisions; differentiate the process of victim identification from the prosecution of offenders, as victim identification should not be tied to the successful prosecution of a trafficker; investigate and prosecute trafficking offenses, including internal trafficking cases, and convict and punish trafficking offenders; begin regulating labor brokers and investigate allegations of fraudulent recruitment; train officials on the 2010 anti-trafficking act and case investigation techniques; develop and implement formal procedures to identify trafficking victims proactively and train officials on such procedures; continue partnering with non-governmental, international, and religious organizations to provide services to victims; develop a formal system to refer victims to such care; institute a unified system for collecting trafficking case data for use by all stakeholders; and continue to conduct anti-trafficking awareness campaigns.

Prosecution

The Government of Swaziland's anti-trafficking law enforcement efforts decreased during the reporting period. The government did not convict any trafficking offenders. The government investigated several trafficking cases; however, it was unable to provide detailed information on all but one of these cases. The People Trafficking and People Smuggling (Prohibition) Act, 2009, which became effective in March 2010, prescribes penalties of up to 20 years' imprisonment, plus a fine to compensate the victim for losses, under section 12 for the trafficking of adults and up to 25 years' imprisonment under section 13 for the trafficking of children; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government has yet to draft or enact the necessary implementing regulations for the law or to successfully convict a trafficking offender under the 2010 anti-trafficking act.

In May 2011, the government charged a civil servant with rape of a prostituted child, as well as a suspected female trafficker who procured the 13-year-old victim for the civil servant; charges were dropped in this case due to insufficient evidence. In July 2011, the Royal Swaziland Police stopped a minibus transporting eight Indians *en route* from Mozambique to South Africa, including six male passengers, one female passenger, and one driver. Police released the driver on account of his proper immigration documentation and took the seven passengers into police custody, notifying the secretariat that they were potential trafficking victims. Authorities believed that six of the passengers were to be subjected to forced labor in South Africa, while the seventh was believed to be smuggled. Unable to locate the suspected trafficker, Swazi officials concluded it was too difficult and costly to investigate the case under the anti-trafficking law and, instead, prosecuted and convicted all seven Indian nationals with immigration violations, sentencing them to 20 days' imprisonment or payment equivalent to approximately $27 before deporting them to India. After this case revealed inconsistencies between the anti-trafficking act and the Immigration Act of 1992, the government initiated a process to harmonize these laws. In late 2011, in partnership with UNODC, the secretariat held two workshops to identify all laws in conflict with the 2010 anti-trafficking act; by February 2012, stakeholders drafted a number of recommended amendments, which were sent to the attorney general. During the reporting period, the Royal Swaziland Police Service cooperated with South African and U.S. counterparts in the investigation of trafficking cases. The government did not provide anti-trafficking training to its officials during the year.

Protection

The government demonstrated minimal capacity to protect trafficking victims during the reporting period. The secretariat lacked sufficient funds to shelter and feed the seven Indian nationals – six of whom authorities identified as trafficking victims – during the investigation of their case; through the assistance of local NGOs and with members of the secretariat contributing from their personal finances, the secretariat was ultimately able to house, feed, clothe, and provide counseling and medical care to all seven for several weeks. Before being placed in the protective custody of the secretariat, the six identified trafficking victims had been kept in police detention for one to two days and were ultimately charged with immigration violations and deported. The government assisted NGOs by providing professional services, including health care and counseling, at the government's expense. The government continued to lack systematic procedures for the proactive identification of trafficking victims and their referral to shelters. Some cases of trafficking were not adequately investigated, leading to victims being charged with immigration violations and placed in detention facilities. The government did not offer foreign victims alternatives to their removal to countries where they may face retribution or hardship.

Prevention

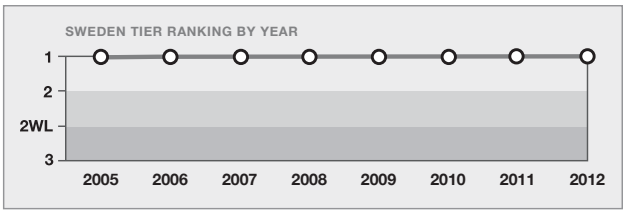
The government maintained its modest efforts to prevent trafficking during the reporting period. The Task Force for the Prevention of People Trafficking and People Smuggling and its secretariat, which coordinates the work of the task force, held regular meetings and encouraged information sharing. In May 2011, in partnership with UNODC, the task force held a stakeholder workshop, producing a framework document, which will guide the drafting of the national strategic plan in 2012. The secretariat conducted public awareness activities at the Swaziland international trade fair in Manzini in August 2011, targeting traditional leaders, students, young women, and parents with information on preventing child trafficking and how to report suspected cases. The task force, secretariat, police, and immigration officials made presentations at three NGO-funded workshops on the role of government authorities in anti-trafficking efforts, reaching over 350 people. The anti-trafficking hotline – funded and managed by the government – continued to receive tips on potential cases; the government was unable to provide statistics on the number of trafficking-related tips received during the year. The Ministry of Labor conducted more than 1,800 labor inspections in 2011, none of which were focused on child labor or revealed child labor violations. The government has not identified or prosecuted labor brokers, who were alleged to fraudulently recruit workers and charge excessive fees; all labor brokers remained unregulated. Although the government attempted to reduce demand for commercial sex acts by arresting clients of children in prostitution, it did not report the current status of these cases. Swaziland is not a party to the 2000 UN TIP Protocol.

SWEDEN (Tier 1)

Sweden is a destination, source, and, to a lesser extent, a transit country for women and children subjected to sex trafficking and a destination country for men, women, and children subjected to forced labor. Women, men, and children are subjected to forced labor and forced criminal behavior, including begging and stealing. Swedish police have estimated that 400 to 600 persons are subjected to human trafficking in Sweden annually. Although in previous years forced prostitution has been the dominant type of trafficking in Sweden, in 2011 the number of reported labor trafficking victims was larger than the number of reported sex trafficking victims. Foreign victims of sex trafficking originate from Central and Eastern Europe (Romania, Russia, Bulgaria, Hungary, the Czech Republic, the Slovak Republic, Albania, Estonia, Lithuania, and Armenia), Africa (Nigeria, Tanzania, Kenya, Ghana, Uganda, Sierra Leone, Gambia, Kenya), and Asia (Thailand, China, Uzbekistan, Kazakhstan, and Mongolia). Swedish girls were also vulnerable to sex trafficking within the country, which mostly occurs in apartments, houses, and hotels. Other sex trafficking victims are exploited in massage parlors. Both victims and perpetrators of forced begging and stealing originate primarily in Romania, Belarus, and Bulgaria.

Other labor trafficking victims have originated in Thailand, Bangladesh, Vietnam, Latvia, and Estonia. The proportion of EU citizens who are labor trafficking victims has increased following the Swedish government's reduction of work permits issued to non-EU citizens and a subsequent rise in the number of migrants from other EU states working in Sweden. Labor trafficking occurs in the domestic service and hospitality sectors, as well as in seasonal labor, when workers travel to Sweden to pick berries or perform construction or gardening work. Approximately one-third of identified victims were children. Authorities report that organized crime groups are increasingly involved in leading trafficking schemes in Sweden. Mentally or physically disabled men, women, and children, members of minority groups, and the indigent were particularly vulnerable to trafficking. The approximately 2,657 unaccompanied foreign children who arrived in Sweden in 2011, primarily from Afghanistan, were also vulnerable to human trafficking; some have gone missing since their arrival in Sweden. Child sex tourism offenses committed by Swedish nationals traveling abroad remain a problem.

The Government of Sweden fully complies with the minimum standards for the elimination of trafficking. Although the government's anti-trafficking program was still formally limited by the scope of the Action Plan against Prostitution and Human Trafficking for Sexual Purposes, the Government of Sweden identified a greater number of labor trafficking victims by voluntarily addressing labor trafficking outside of the mandate of the action plan. The Swedish government employed creative methods to encourage all relevant actors in the government to address trafficking in persons, involving non-traditional actors, such as the tax authorities to investigate trafficking crimes. New regulations established to prevent forced labor in berry picking yielded some results. Nevertheless, Swedish courts repeatedly rejected trafficking cases under an interpretation of Swedish trafficking laws that requires proof of intent to subject the victim to servitude at the outset of the criminal scheme.



Recommendations for Sweden: Vigorously prosecute, convict, and punish labor and sex trafficking offenders using Sweden's anti-trafficking statute; ensure that trafficking offenders receive sentences commensurate with the gravity of this serious crime; continue training judges, particularly appellate judges, on the application of the anti-trafficking law; ensure that migrant and seasonal laborers receive education about their rights in Sweden; ensure that trafficking victims are offered a reflection period in accordance with Swedish law; continue efforts to identify and provide trafficking-specific assistance to child trafficking victims in Sweden, including Swedish victims of trafficking; consider proactive measures to prevent unaccompanied foreign minors from being subjected to sex trafficking and forced labor; formalize victim identification mechanisms; ensure that labor trafficking is explicitly included in the mandate of the National Coordinator and any national action plan; ensure that victims of labor trafficking are provided with full information about their rights and that they are empowered to testify against their exploiters; provide longer term residency options for victims who may face retribution or hardship in their country of origin; ensure that municipal authorities, charged with implementing trafficking victim protection, are educated on anti-trafficking norms; consider a national anti-trafficking awareness campaign to address forced labor in addition to forced prostitution; continue to provide human trafficking

awareness training to all Swedish peacekeepers; vigorously prosecute Swedish child sex tourism offenders; continue regular, self-critical assessments of Sweden's anti-trafficking efforts.

Prosecution

The Government of Sweden improved its anti-trafficking law enforcement efforts during the reporting period, increasing sex trafficking investigations and expanding efforts to investigate labor trafficking. Sweden's 2002 anti-trafficking law prohibits trafficking for both sexual exploitation and forced labor and prescribes penalties of two to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2011, Swedish law enforcement investigated 35 sex trafficking cases, in contrast to 32 sex trafficking investigations in 2010. Law enforcement investigated 62 cases of labor trafficking and of forced begging or criminal behavior, an increase from 52 cases in 2010. Thirty percent of all trafficking cases involved the exploitation of children. Prosecutors initiated prosecutions of 43 suspected trafficking offenders under Sweden's trafficking statute and related laws, in contrast to 37 prosecutions initiated in 2010. The courts dismissed eight cases, down from 10 dismissals in 2010. The authorities convicted the remaining 27 offenders, delivering sentences up to four and 2 half years in prison. In 2010, the courts also convicted 27 offenders, with sentences of up to six years in prison. Many of these cases were reversed on appeal, or sentences were reduced. In 2010, the government revised its anti-trafficking law to clarify that evidence of a victim's initial consent does not override evidence of subsequent coercion in the context of trafficking prosecutions. Implementation of this amendment has been inconsistent. Prosecutors report that it can be difficult to obtain convictions in otherwise strong trafficking cases when there is insufficient proof of intent to force the victim into servitude at the outset of the case. Instead, they sometimes manage to obtain convictions on parallel charges, such as assault or fraud. For example, in a high profile case involving the alleged labor trafficking of a mentally disabled Bulgarian man, the defendants had forced the victim to return to a labor camp by tying a rope around his neck and forcing him to run behind their car. Despite these facts, the court acquitted the defendants of trafficking charges. Both the government and NGOs opined that judicial understanding of trafficking is often low. In 2011, the police and prosecution service convened a series of working meetings to increase effectiveness of trafficking investigations. At the meetings, the group disseminated trafficking indicator cards. The Swedish police, border officials, immigration authorities, and tax authorities all received specialized trafficking training. The tax authority has been an active partner in anti-trafficking investigations. Fifteen thousand individuals have received anti-trafficking training under the auspices of Sweden's anti-trafficking plan since 2008. Sweden collaborated with foreign governments, including the United Kingdom, Estonia, and Finland to investigate trafficking. The government did not report the investigation, prosecution, or conviction of any government officials complicit in trafficking.

Protection

The government improved its protection efforts during the reporting period, identifying more trafficking victims. The government identified approximately 141 victims of trafficking during the reporting period, an increase from 84 victims identified in the previous reporting period. Approximately 66 victims were sex trafficking victims; 75 were victims of forced labor. The government funded the provision of victim services through municipal authorities, regional operative teams, and NGOs to provide female and male victims with shelter, psychological care, rehabilitation, health care, vocational training, and legal assistance. NGOs reported that municipal authorities had an uneven understanding of victim protection protocols, but that the authorities worked well with the Stockholm County Administration victim coordinator to ensure appropriate care. During the year, the government provided temporary residence permits to trafficking victims who cooperate in the criminal investigation of trafficking offenders; there were no reports of immigration relief given to victims who chose not to cooperate. The prosecutor also had the discretion to file for permanent residency after the conclusion of the criminal case. Furthermore, a provision of Aliens Act allowed a number of trafficking victims to apply for and receive permanent residency as a person in need of protection. The Swedish government issued 39 temporary residence permits this year to trafficking victims who assisted in the criminal investigation of the trafficking cases; it issued 40 residence permits in 2010. Victims also had the right to a reflection period of at least thirty days in which they could decide whether to participate in the criminal process. Police and NGOs both have noted that victims were rarely informed of their right to a reflection period. The reflection period was invoked in a few cases; two victims of trafficking declined to participate in the criminal proceedings at the conclusion of the reflection period. NGOs observed that the thirty-day period was too short. In at least one case, the prosecutor succeeded in obtaining a permanent residency permit in a case in which there was no conviction. The government offered incentives to trafficking victims to participate in prosecutions. It appointed legal counsel to victims of trafficking during the course of criminal proceedings and, although there was no formal victim restitution program, the government's Crime Victim Compensation and Support Authority sometimes awarded compensation to trafficking victims. There were no reports that the government penalized identified victims for unlawful acts committed as a direct result of being trafficked.

Prevention

The Swedish government improved its prevention efforts during the reporting period, appointing an anti-trafficking ambassador, continuing to strengthen efforts to prevent labor trafficking, and engaging in international outreach to prevent trafficking in persons. The Swedish government's anti-trafficking program was still formally guided and funded by an extension of its 2008-2010 Action Plan against Prostitution and Human Trafficking for Sexual Purposes. Under this plan, the Government of Sweden designated the Stockholm County Administration as the coordinating body of the government's anti-trafficking activities. Recognizing that forced labor has expanded in the country, Swedish authorities have voluntarily acted, in the absence of a formal mandate, to combat this additional form of trafficking in persons. Nevertheless, the government recognized that the lack of a formal mandate to address labor trafficking sometimes hindered its efforts to address the crime. The Swedish police National Rapporteur enhanced transparency by publishing reports describing trafficking in the country. The government convened an Interagency Working Group to ensure communication on trafficking issues across agencies. The Swedish Migration Board imposed stricter regulations and better background checks

on companies applying for foreign work permits, leading to a reduction in the exploitation of non-EU citizens in traditionally exploitative sectors. The Government of Sweden provided extensive foreign assistance to support anti-trafficking efforts abroad through its embassies and through foreign funding. Swedish authorities gave bilateral training to a variety of foreign government delegations on anti-trafficking.

The Government of Sweden continued to fund study visits on anti-trafficking activities to representatives of other European countries. The government continued to conduct robust activities to reduce the demand for commercial sex, including by establishing a social services group that addresses individuals arrested for purchasing commercial sex under the 1998 Act Prohibiting the Purchase of Sexual Services; some regions of the country have seen double the number of commercial sex purchasers voluntarily turn to the social services group for help. Sweden's law prohibiting child sexual offenses has extraterritorial effect, allowing the prosecution of suspected child sex tourists for offenses committed abroad. Swedish police identified 50 Swedish citizens suspected to be involved in child sex tourism. The National Criminal Police staffed a unit focused on combating child sex tourism with two intelligence officers and two full-time investigators, who assisted foreign and Swedish authorities with criminal cases of child sex tourism. In December 2011, a Swedish court convicted a 45-year-old Swedish citizen for sexually abusing four children in the Philippines in 2010, sentencing the offender to five years in prison. The government provided anti-trafficking training to Swedish troops prior to their deployment abroad on international peacekeeping missions.

SWITZERLAND (Tier 2)

Switzerland is primarily a destination and, to a lesser extent, a transit country for women and children subjected to sex trafficking and children forced into begging and theft. Sex trafficking victims originate primarily from Central and Eastern Europe (Hungary, Romania, Bulgaria and Ukraine), though victims also come from Latin America (Brazil and the Dominican Republic), Asia (Thailand), and Africa (Nigeria, Guinea, and Cameroon). During the last year, Swiss government officials and NGOs reported an increase in the number of women in prostitution and children forced into begging and shoplifting from other parts of Europe, especially Hungary, Romania, and Bulgaria, many of whom were ethnic Roma. The majority of identified victims in sex trafficking were women between the ages of 17 and 25, although some victims were as young as 14-years-old. Most victims reported a significant history of exposure to violence and exploitation prior to their arrival in Switzerland. While the majority of trafficking victims were found in urban areas, police and NGOs have encountered victims in bars in rural areas in recent years. Swiss police encountered an increasing number of sex trafficking victims forced into prostitution in private apartments. There reportedly was forced labor in the domestic service sector, particularly in foreign diplomatic households in Geneva, and increasingly in agriculture, construction, hotels, and restaurants. Federal police assessed that the total number of potential trafficking victims residing in Switzerland was between 2,000 and 3,000. Most of the victims who were trafficked to Switzerland were recruited through family members or friends.

The Government of Switzerland does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Swiss government took strong and diverse efforts to prevent trafficking during the reporting period, including funding a campaign against child sex tourism, conducting a study on child begging, and forming bilateral working groups on trafficking with key source countries. Nevertheless, many Swiss cantons identified few children in begging as trafficking victims. Swiss efforts to protect trafficking victims improved with the introduction of measures to better protect witnesses; these measures were taken, in part, to lay the groundwork for Switzerland to ratify the Council of Europe Convention on Action against Trafficking in Human Beings. Switzerland also took critical federal-level actions to enable the legislature eventually to pass a law prohibiting prostitution of all persons under 18. Nevertheless, until the third-party harboring, transport, or recruitment of a teenager in prostitution is illegal, Switzerland does not prohibit all forms of trafficking. In addition, improvements are needed in accountability for convicted traffickers; suspended sentences continue to be the norm.

Recommendations for Switzerland: Ensure the prohibition of the prostitution of all persons under 18-years-old nationwide; explore ways to increase the number of convicted traffickers who receive sentences commensurate with the gravity of this serious crime; increase the number of convicted traffickers serving time in prison; provide adequate funding for trafficking victim service providers and ensure there are trafficking-specific services for children and male victims; drawing from recommendations in the Union of Swiss Cities and City of Bern report on begging, strengthen trafficking victim services to children in begging in all cantons; identify more children in begging as trafficking victims; conduct a nationwide awareness campaign that addresses labor and sex trafficking and targets potential victims, the general public, as well as potential clients of the sex trade and consumers of products made and services provided through forced labor.

Prosecution

The Government of Switzerland continued to improve its anti-trafficking law enforcement efforts this reporting period, largely by moving forward toward the prohibition of child prostitution. Switzerland prohibits trafficking for most forms of sexual and labor exploitation through articles 182 and 195 of the Swiss penal code, which prescribe penalties of up to 20 years' imprisonment; these penalties are commensurate with penalties prescribed for other serious crimes, such as rape. Swiss law does not, however, expressly prohibit the prostitution of children aged 16 and 17 under all circumstances throughout the country, leaving these children vulnerable to sex trafficking when a third party profits from a child in prostitution. In December 2011, the Federal Council approved an amendment to the Swiss penal code that would prohibit the prostitution of children aged 16 and 17, including the transportation or harboring of children in prostitution. This

modification of the penal code is ongoing and is expected to be completed by late 2012 or early 2013. In the reporting period, several cantons also prohibited child prostitution.

The Swiss government continued to operate specialized anti-trafficking law enforcement units at the federal level. The Coordination Unit against the Trafficking of Persons and Smuggling of Migrants (KSMM) is the specialized unit of the federal office of police tasked with anti-trafficking policy, information exchange, cooperation, and training; it is not directly involved in criminal proceedings or investigations. Swiss authorities conducted 233 investigations into human trafficking and forced prostitution in 2011, in contrast to 159 investigations in 2010. At least 11 of those cases involved labor trafficking. During 2011, the government prosecuted approximately 50 suspected offenders for sex and labor trafficking offenses, and 69 for forced prostitution, compared to 62 prosecutions for sex and labor trafficking and 99 for forced prostitution in 2010. Swiss authorities convicted 14 sex trafficking offenders in 2011, compared with the 31 offenders convicted in 2009. Swiss courts continued to award suspended sentences to many convicted trafficking offenders; although some offenders received up to 4.5 years' imprisonment, at least three other convicted offenders received suspended sentences.

On April 1, the KSMM and the Swiss police institute held an advanced course for police and security forces on combating human trafficking. On October 27, the KSMM collaborated with a cantonal entity to organize an interdisciplinary seminar for judicial authorities in the French-speaking part of Switzerland. In June, Swiss authorities incorporated many of the principles of an anti-trafficking guide produced by the Organization for Security and Cooperation in Europe (OSCE) into Swiss anti-trafficking training manuals. The guide included instruction on how to identify potential and presumed trafficking victims. During the reporting period, Swiss authorities cooperated with several countries and with Europol to investigate trafficking crimes. The government did not report the investigation, prosecution, conviction, or sentencing of any public officials for human trafficking complicity.

The Swiss federal government improved efforts to bring foreign diplomats who had committed domestic servitude in Switzerland to accountability. In September 2011, the federal court of the Canton of Geneva ruled that the consul general of Saudi Arabia resident in Geneva had violated the rights of two Indonesian domestic workers the consul general had employed for domestic work and childcare in 2005 and 2006. The consul general had forced the two women to work 14-hour days, paying them as little as $300 per month. The court ordered the Saudi diplomat and the government of the Kingdom of Saudi Arabia to reimburse the two domestic workers for unpaid wages totaling $82,000.

Protection

The Government of Switzerland improved its victim protection efforts during the reporting period, significantly enhancing protections for victims who chose to be witnesses in court proceedings. Under the Swiss Victims Assistance Law, all trafficking victims were entitled to shelter, free medical aid, living stipends, and psychological, social, and legal assistance from government-funded victim assistance centers. Although some facilities specialized in assistance to trafficking victims, most were shelters for victims of domestic violence. Trafficking victims were allowed to leave the shelters at will and without chaperones. In 2011, the leading anti-trafficking NGO offered specialized shelter in apartments exclusively for female trafficking victims. Availability of services to men was often limited in rural areas, but in urban areas, there were assistance centers with more specialized expertise available for trafficked men and boys. Male victims were occasionally accommodated at hotels or NGO-run shelters. The Swiss government also provided financial support to NGOs active in supporting trafficking victims.

Several of Switzerland's cantons have formal procedures for the identification of victims and their referral to protective services. Swiss government authorities referred approximately 53 percent of the trafficking victims to NGO assistance centers. Cantonal assistance centers identified at least 61 victims in 2011, compared with 90 victims in 2010. The country's principal anti-trafficking NGO received approximately half of its operational funding from the government. The lead NGO reported assisting 164 trafficking victims, 61 of whom were newly identified victims, compared with 179 sex trafficking victims and seven labor trafficking victims in 2010. Over 80 percent of these victims were sex trafficking victims. Federal and cantonal authorities compensated NGOs on a per capita basis for services provided to trafficking victims. Although the majority of victims served were women, one major anti-trafficking NGO offered assistance to a male sex trafficking victim.

The government encouraged victims of trafficking to participate in prosecutions; at least 100 victims of trafficking cooperated in the investigation or prosecution of trafficking offenders in 2011. The government implemented new witness protection measures for high-risk trials, including trafficking trials; the new measures provide the opportunity to obscure trafficking victims' physical appearances and relocate witnesses. The Swiss Federal Council also allocated over $2 million for witness protection facilities in 2012. Cantonal immigration offices granted 30-day stays of deportation to more than 19 trafficking victims in 2011 and issued 66 short-term residency permits to victims for the duration of legal proceedings against their traffickers, compared with 34 stays of deportation and 51 short-term residency permits in 2010. The government also granted thirteen trafficking victims long-term residency permits on personal hardship grounds, an increase from 10 victims in 2010. Although there were no reports of victims being penalized for unlawful acts committed as a direct result of being trafficked, some victims not identified may have been treated as immigration violators. Swiss law enforcement took efforts to ensure that children in begging were treated as trafficking victims rather than criminals by making a strong policy statement on the proper treatment of children in forced begging.

Prevention

The government significantly improved its trafficking prevention activities during the reporting period, adopting new regulations on the working conditions for domestic staff in diplomatic households and entering into bilateral anti-trafficking partnerships with governments of key source countries. The Swiss Federal council adopted the Private Household Employees Ordinance, which provided new guidelines for the working conditions for domestic staff employed by members of the diplomatic and international organization communities. The Swiss government strengthened

relationships with source countries to address trafficking in persons, including establishing a bilateral working group with Romania on trafficking in persons. During the past two years, Switzerland has allocated the equivalent of $1.5 million to support the code of conduct for the tourism industry aimed at reducing child sex tourism. In May and November 2011, Swiss authorities also conducted workshops on combating child sex tourism. Nevertheless, the Swiss did not prosecute any child sex tourism cases in 2011. The Swiss government gave significant funds to anti-trafficking programs internationally, including in Africa, Nepal, and Sri Lanka. In order to raise public awareness, the Swiss government co-funded the production of a movie about trafficking in Switzerland. The police coordinating unit collaborated with the union of Swiss cities and the Bern police to conduct a study and report on organized child begging, which concluded that children begging and stealing should be considered victims of trafficking rather than criminals and afforded protection. The government provided specific anti-trafficking training for all Swiss military personnel prior to their deployment abroad on international peacekeeping missions.

SYRIA (Tier 3)

Since March 2011, the Syrian government has deployed its security forces to violently repress anti-government demonstrators; at the end of this reporting period, an estimated 9,000 people have died since the protests began. Due to the increasing lack of security and continued inaccessibility of many parts of the country, it is not possible to conduct a thorough analysis of the impact of the ongoing conflict on the scope and magnitude of Syria's human trafficking situation. Reports indicate that an unknown number of trafficking victims have fled the country as a result of widespread violence that has plagued many cities, including the capital Damascus, as well as a devastated economy; however, according to international organizations, some trafficking victims remain trapped in Syria.

Prior to the political uprising and violent unrest, Syria was principally a destination country for women and children subjected to forced labor or sex trafficking. Thousands of women – the majority from Indonesia, the Philippines, Somalia, and Ethiopia – were recruited by employment agencies to work in Syria as domestic servants, but were subsequently subjected to conditions of forced labor by their employers. Some of these women were confined to the private residences in which they worked, and contrary to Syrian law, most had their passports confiscated by their employer or the labor recruitment agency. Contracts signed in the worker's country of origin were often changed upon arrival in Syria, contributing to the worker's vulnerability to forced labor. At the end of the reporting period, media reports suggested that undocumented Filipina domestic workers continue to be sent to Syria after transiting Dubai; these workers continue to be particularly susceptible to conditions of forced labor. The Government of Ethiopia's ban on its citizens accepting employment in Syria did not stop the flow of workers into the country. Some Iraqi refugees reportedly contract their daughters to work as maids in Syrian households, where they may be raped, forced into prostitution, or subjected to forced labor. At the end of the reporting period, the UN reported uncorroborated allegations that the Syrian opposition was using Syrian children as soldiers.

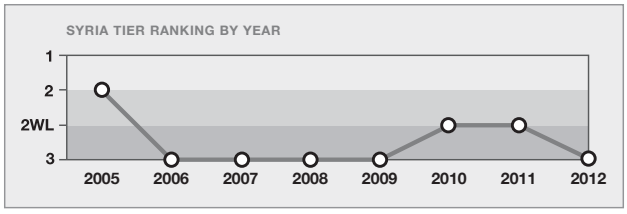
Traffickers prey on Syria's large Iraqi refugee population, with some Iraqi women and girls exploited by their families or by criminal gangs; victims were sent to work in nightclubs, placed into temporary "marriages" to men for the sole purpose of prostitution, or sold to pimps who rent them out for longer periods of time. Some Iraqi parents reportedly abandoned their daughters at the Iraqi side of the border with Syria with the expectation that traffickers would provide forged documents for them to enter Syria and work in a nightclub. In other instances, refugees' children remained in Syria while their parents left the country in search of improved economic circumstances, leaving the children vulnerable to trafficking. Iraqi women deported from Syria on prostitution charges are vulnerable to being trafficked or re-trafficked by criminal gangs operating along the border. After political unrest escalated, the Iraqi refugees that remained in Syria reported being unable to find work in the informal sector, coerced into taking part in anti-government protests, and harassed by Syrian authorities, all of which increase this vulnerable population's susceptibility to trafficking.

Syria has been a transit country for Iraqi women and girls, as well as Southeast Asians and East Africans who have been subjected to conditions of forced prostitution in Europe, Saudi Arabia, Kuwait, United Arab Emirates, and Lebanon. Prior to recent unrest, women from Eastern Europe – particularly Ukraine – Somalia, and Morocco were recruited legally as cabaret dancers in Syria; some "entertainers" were subsequently forced into prostitution after their employers confiscated their passports and confined them to their hotels.

Anecdotal evidence suggests that some economically desperate Syrian children are subjected to conditions of forced labor within the country, particularly by organized street begging rings. Some Syrian women in Lebanon may be forced to engage in street prostitution and small numbers of Syrian girls are reportedly brought to Lebanon for the purpose of prostitution, including through the guise of early marriage. Small numbers of Syrian adults are reportedly subjected to forced labor as low-skilled workers in Qatar and Kuwait. Syrians, as well as foreign migrant workers in Syria, that fled the country during the widespread violence may be further vulnerable to conditions of forced labor or forced prostitution in countries to which they have fled.

The Government of Syria does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. On June 1, 2011, the Syrian government issued an executive order requiring the implementation of Decree No. 3, which prohibits human trafficking. In conjunction with IOM, it also initiated a short-term public awareness campaign and distributed an anti-trafficking memorandum to all police units. Despite these efforts, the government did not demonstrate evidence of increasing efforts to investigate and punish trafficking offenses, provide protective services to victims, widely inform the public about human trafficking, or provide much needed anti-trafficking training to law enforcement and social welfare officials; it was unclear whether the anti-trafficking directorate was fully operational during this reporting period. The government also did not respond to requests to provide information on its anti-trafficking efforts for inclusion in this report. Furthermore, as civil unrest and violence intensified, the government allocated the majority of its time and resources towards violently suppressing popular protest,

further endangering trafficking victims and other vulnerable populations that remained in the country.



Recommendations for Syria: Implement the comprehensive anti-trafficking law through increased investigations and prosecutions of trafficking offenders; provide training on human trafficking to police, immigration officials, labor, and social welfare officials, including those assigned to the anti-trafficking directorate; ensure that the anti-trafficking directorate is fully operational, continue to assign a significant number of female police officers to the directorate, and provide specific training on how to receive cases and interview potential trafficking victims with appropriate sensitivity; launch a nationwide anti-trafficking public awareness campaign, particularly highlighting the appropriate treatment of domestic workers under Syrian law; establish policies and procedures for law enforcement officials to proactively identify and interview potential trafficking victims, and transfer them to the care of relevant organizations; and designate an official coordinating body or mechanism to facilitate anti-trafficking communication and coordination among the relevant ministries, law enforcement entities, international organizations, and NGOs.

Prosecution

The government made limited progress in addressing human trafficking through law enforcement measures during the reporting period. Inadequate law enforcement training remained a significant impediment to identifying and prosecuting trafficking crimes in Syria. Moreover, the significant unrest during the reporting period substantially hindered any anti-trafficking law enforcement efforts. In June 2011, the Syrian government issued an executive order outlining the implementation of its comprehensive anti-trafficking law, Decree No. 3, which provides a legal foundation for prosecuting trafficking offenses and protecting victims, but does not provide a clear definition of human trafficking. This law prescribes a minimum punishment of seven years' imprisonment, a penalty that is sufficiently stringent though not commensurate with those prescribed for other serious crimes, such as rape. Some activities continued as part of the Ministry of Interior's 200-person specialized anti-trafficking directorate, which was tasked in 2010 with investigating cases, raising public awareness, cooperating with foreign entities, training law enforcement, and tracking and annually reporting on the government's anti-trafficking efforts. While this anti-trafficking directorate carried out some of these tasks and reportedly hired some female officers during the reporting period, the directorate did not have a coordination role and it is unknown whether it was fully operational in 2011. Moreover, the directorate provided no information on its investigations or prosecutions of suspected trafficking offenses. In June 2011, the Ministry of the Interior issued a memorandum that was disseminated to all police stations, which mandated the referral of potential cases to the government's anti-trafficking directorate. In the previous reporting period, there were reports of collusion between low-level police officers and traffickers, particularly regarding the trafficking of women in prostitution; during the last year, there was no evidence that the government addressed complicity through investigations.

Protection

The government made no discernible efforts to identify and protect victims of trafficking during the reporting period. By the end of the reporting period, IOM had identified at least 95 Filipina domestic workers believed to be trafficking victims trapped in Hama and Homs, cities experiencing extreme violence at the hands of the government. While the Philippine embassy attempted to negotiate with the employers of the domestic workers for their release, there were no reports that the Government of Syria assisted the embassy in these efforts to identify and protect the workers, including possible victims of domestic servitude. In contrast with the previous reporting period, the government did not refer any trafficking victims to NGO-operated shelters. The government also failed to institute any systematic procedures for the identification, interview, and referral of trafficking victims. As a result, victims of trafficking may have been arrested and charged with prostitution or violating immigration laws before being deported or punished. The government neither encouraged victims to assist in investigations or prosecutions of their traffickers nor provided foreign victims with legal alternatives to their removal to countries in which they may face hardship or retribution.

Prevention

During the past year, the government made minimal efforts to prevent trafficking or to substantially raise awareness among the general public or government officials. In collaboration with IOM, the government launched a one-week media campaign in mid-2011 that included posters, radio spots, and television public service announcements on trafficking issues; however, most of the population continues to have little or no awareness of human trafficking, and the issue remained a taboo topic. In mid-2011, the anti-trafficking unit established and operated a hotline for reporting suspected cases of human trafficking and attempted to circulate it through brochures and posters throughout major cities. The government provided no information on the number of calls the hotline received or investigations that may have resulted from hotline assistance. The status of the government's national plan of action against trafficking, which was drafted in early 2010, is unknown. The government did not make efforts to reduce the demand for commercial sex acts. Syria is not a party to the 2000 UN TIP Protocol.

TAIWAN (Tier 1)

Taiwan is a destination, and to a much lesser extent, source and transit territory for men, women, and children subjected to sex trafficking and forced labor. Most trafficking victims in Taiwan are migrant workers from Vietnam, Thailand, Indonesia, mainland China, Cambodia, the Philippines, Bangladesh, and India, employed through recruitment agencies and brokers to perform low-skilled work in Taiwan's manufacturing and fishing industries, and as home caregivers and domestic workers. Many of these workers fall victim to labor trafficking by unscrupulous brokers and employers, who force workers to perform work outside the scope of their contract and often